

REFIT EVALUATION ROADMAP			
TITLE OF THE EVALUATION/FC	REFIT evaluation of Directives 2002/59/EC on Vessel Traffic Monitoring and Information System (VTMIS) and Directive 2010/65/EU on Reporting Formalities for ships arriving in and/or departing from ports of the Member States (RFD)		
LEAD DG – RESPONSIBLE UNIT	DG MOVE/ D.1 & D.2	DATE OF THIS ROADMAP	10/05/2016
TYPE OF EVALUATION	Evaluation	PLANNED START DATE	04/2016
	Ex-post	PLANNED COMPLETION DATE	1 st quarter 2017
	Mixed	PLANNING CALENDAR	http://ec.europa.eu/smart-regulation/evaluation/index_en.htm
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A. Purpose
(A.1) Purpose
<p>The REFIT evaluation of the Vessel Traffic Monitoring and Information Services (VTMIS) Directive and Reporting Formalities Directive (RFD) is meant to assess the contribution of two crucial pieces of legislation towards the achievement of the overall Maritime transport policy objectives¹.</p> <p>By setting up a system for maritime information exchange and sharing – the Union maritime Information and Exchange System "SafeSeaNet" (SSN) – and by requiring Member States (MS) to accept the reporting of administrative formalities from ships in electronic format and through single windows, the two Directives play a fundamental role in meeting the goals of maritime safety, pollution prevention and administrative simplification.</p> <p>The REFIT evaluation, based on evidence-based judgment, will define to what extent the interventions have been effective and efficient, relevant to the objectives, coherent both internally and with other EU policy interventions, and have contributed EU added value. Also, this evaluation will identify possible excessive administrative and regulatory burdens, inconsistencies and gaps which could be addressed in the light of simplification and burden reduction, which are already stated objectives in the Directives.</p> <p>The evaluation of the VTMIS Directive and Reporting Formalities Directive will contribute to the Maritime Fitness Check under the CWP 2016 (Annex 2).</p>
(A.2) Justification
<p>Based on results of the implementation report² of the RFD published in 2014 and preliminary feedback from stakeholders, the RFD has failed to introduce the desired level of simplification and harmonization which are the primary objectives of the directive. In particular, the lack of binding technical specifications and of EU harmonisation as well as the incomplete coverage of reporting obligations have been severely criticized. It might be added that the aspect of administrative simplification is often quoted as a primary concern of maritime transport operators.</p> <p>The VTMIS Directive is included in this evaluation since the RFD requires the use of SSN for exchange of information between Member States. It is important to evaluate if the instruments established within the VTMIS have been used to their full potential in support of the objectives set in the RFD.</p>
B. Content and subject of the evaluation

¹ Cf. Commission's 2009 Communication "Strategic goals and recommendations for the EU's maritime transport policy until 2018" (COM (2009)8 Final) and the Transport White Paper "Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system" (COM(2011) 144 final)

² Cf. Point D.2 below

(B.1) Subject area
<p>Action in the area of maritime transport aims at ensuring the long-term performance of the European maritime transport system as a whole to the benefit of all other economic sectors and to the final consumer. The Commission actively supports the efforts of EU Member States and of the European shipping sector offering quality shipping services in Europe and all over the world. The European Commission's objective is to protect Europe with very strict safety rules, reducing the risk of serious maritime accidents and minimizing the environmental impact of maritime transport.</p> <p>Both Directives contribute to the overall EU maritime policy and the facilitation and establishment of a maritime internal market – the European Maritime Transport Space without barriers³ – which is safe, secure and sustainable.</p> <p>The VTMISS originally (since 1994) related to the need for monitoring dangerous goods (HAZMAT) carried onboard vessels sailing in EU waters, in order to support MS in their role as Coastal States and in taking appropriate action should a vessel be involved in an incident or accident and in need of assistance or the situation require pollution response. Hence the EU policy on maritime safety, security and pollution prevention. This monitoring is based on the obligation put on shipowners to report into a system.</p> <p>The Reporting Formalities Directive is a horizontal facilitation instrument which introduces no new reporting obligations but aims to reduce burden deriving from other existing international and EU legal obligations for reporting in the areas of customs, border controls, security, environment and health⁴ by a) simplifying information requirements and b) replacing paper submissions with harmonised digital submissions through National Single Windows (NSW) with a submit-once principle. Member States were obliged to establish by June 2015 the NSW. The RFD and the NSWs were among the key actions listed in European Maritime Transport Space without barriers action plan, aiming to make the maritime transport mode a viable alternative to other transport modes and thereby also support aims in pollution reduction (de-carbonisation).</p> <p>The Directives are linked together as there are legal requirements ensuring that the NSW be interoperable with SSN. The RFD establishes a specific technical requirement that the relevant information introduced to the NSWs will be exchanged between MSs using SSN, with the aim to enable re-use of information. The system does not cover data that are collected due to national requirements only.</p> <p>Non-binding implementation Guidelines for the establishment of NSWs were put into place in 2015. These guidelines give a basic outline of the main issues that need to be considered, some of the available tools and standards, the steps to be taken for developing the NSW and specifications for elements to be harmonised in order to obtain maximum benefits from the installations.</p> <p>In relation to ships in need of assistance seeking a place of refuge; EU Operational Guidelines were put in place in 2015 to complement national plans and apply to situations where it is likely that more than one State may become involved, or where the incident falls outside the jurisdiction of any Member State.</p>
(B.2) Original objectives of the interventions
<p>The main objectives are:</p> <ul style="list-style-type: none"> - (VTMISS): Enhancing the safety and efficiency of maritime transport (goods and passengers) and maritime traffic (the vessels) based on reporting, exchanging and sharing of information. - (RFD): Simplifying and harmonising the administrative procedures applied to maritime operations by making the electronic harmonisation of information standard and by rationalising reporting formalities. - (Both): Using the Union Maritime Information and Exchange System (SSN). -
(B.3) How the objectives were to be achieved
<p>The main requirement of the RFD is the obligation for Member States to establish National Single Windows from 1st June 2015, to which obligatory reporting notification can be sent electronically, while paper reporting is no longer accepted. NSW connects all authorities involved in ship calls (maritime, port, customs, border controls, security, environment and health) and therefore data has to be reported only once. The RFD obliges Member States to harmonise the way how the reporting is done and to connect their NSWs to the SSN to in order to</p>

³ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Communication and action plan with a view to establishing a European maritime transport space without barriers {COM(2009) 11 final} /* COM/2009/0010 final */

⁴ 14 reporting obligation are included in the Annex to the RFD

share the relevant information between Member States.

VTMIS established an electronic EU level exchange and information platform (SSN), developed by the Commission in cooperation with Member States to ensure the implementation of Union legislation⁵. This includes aspects related to maritime, safety, security, environment protection and pollution prevention/control, fisheries monitoring/control, border control, health and general law enforcement, as well as trade facilitation and customs.

Important is the cooperation with Member States (the whole set up is de-centralised and centralised) as it is support for Member States obligations as Flag States, Port States and Coastal States in line with International obligations, as well as with industry, as it is on them the reporting burden is placed. Even though it was not put in as a specific obligation in the legislation, Member States were expected to re-use the information put into the system (the "submit or reporting once principle"), in order to reduce the administrative burden not only for national authorities involved but also for industry stakeholders. In this case vessels calling in successive Member States would not need to reintroduce the same data in different NSWs.

A diagram describing the intervention logic is provided in annex.

C. Scope of the evaluation/FC

(C.1) Topics covered

The Identification of further improvements and untapped potential of the existing system and services, for making more efficient use of electronic data transmission and exchange supporting the Digital Single (Transport) Market and the established Maritime Safety Policy. As the RFD entered into force on 19 May 2012, the evaluation will cover the period from 2012 until end 2015 and will also consider the experience gained with the eMS and the SSN groups during this period.

The evaluation will cover all EU and EEA maritime countries.

(C.2) Issues to be examined

The main subject area of this evaluation is the RFD and VTMIS directive, including the use of SSN, established within the VTMIS Directive, supporting the objectives of both Directives; safe and efficient maritime transport (goods and passengers) and maritime traffic (the vessels).

In particular the evaluation shall assess the level of efficiency, harmonisation and standardisation in order to achieve the common objective of simplification and reduction of administrative burden; the 'reporting once' principle, set in the both directives⁶.

While the evaluation of these two directives will cover all elements introduced in the RFD, in case of the VTMIS it will focus on the use of the exchange platform to support the objectives of the RFD and on the reporting or submit-once principle, which is also included in the VTMIS Directive.

The evaluation will look into the links between the VTMIS and the RFD Directives and at progress made in the harmonisation of reporting requirements and system use (NSW/National SSN, Central SSN).

The Evaluation will also look into the issue of cooperation between MS in relation to dealing with ships in need of assistance and places of refuge as provided for under the VTMIS Directive, especially in the context of the level of harmonisation of reporting formalities within the Union and how cross-fertilization of all information reported supports the operations under the responsibility of MS (Maritime Surveillance) as well as MS deepened cooperation between competent authorities involved (within and between MS).

The evaluation will address the following evaluation questions: effectiveness, efficiency, relevance coherence and European Added Value. The below questions give a preliminary indication of the subjects to be covered.

⁵ The Union Maritime Information and Exchange System (SSN) is defined in both Directives as the system 'developed by the Commission in cooperation with Member States to ensure the implementation of Union legislation'

⁶ *It is to be carefully noted that the issue and the system involved is highly technical and has required efforts and investments both at national and central (European) level for a long time (VTMIS since 2002 and RFD since 2010). The interventions already have and share the objective of simplification and reduction of administrative burden - the 'reporting once' principle - and are inextricably linked. Hence in terms of REFIT objectives these are already inherent in the interventions as adopted by the co-legislators. So while a REFIT evaluation, it will not question those objectives (already set by the co-legislators) but more address how far they have been achieved, and if there are any gaps or unintended or unexpected effects.*

Effectiveness:

To what extent have the objectives of the directives been achieved?

To what extent have the measures adopted in the RFD ensured harmonisation of reporting obligations at national level?

To what extent have the measures adopted in the RFD contributed to the harmonisation of reporting obligations at EU level?

Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving these objectives?

Have the directives lead to any positive or negative unexpected effects?

Efficiency:

Do the costs of the measures adopted in the Directives to achieve the aforementioned objectives remain reasonable and proportionate in relation to the benefits?

What, if any, specific provisions in these instruments can be identified that make a cost-effective implementation more difficult and hamper the maximisation of the benefits? In particular, what is the (unnecessary/cumulative) regulatory burden identified?

Could the harmonisation and simplification of the reporting be achieved better through a European Single Window?

Are the reporting requirements efficient? (To what extent) are there overlaps or double reporting?

Relevance:

To what extent are the objectives of these acts still relevant today?

To what extent is the current scope of application of the RFD (i.e. EU legal acts and international agreements) adequate for the attainment of the objectives and catering to the needs of the sector?

Coherence:

To what extent do the Directives fit in well within the framework of the EU maritime transport policy and, more specifically, within the Union's approach to reduce administrative burden? Are there any overlaps, gaps or inconsistencies?

Are the objectives of the Directives (still) coherent with the EU Transport policy, notably the White Paper on Transport and Maritime Transport Strategy and ten policy areas that are set as priorities by the current European Commission (as announced in July 2014)?

To what extent is the existing 'linking' between the two Directives, in using the system, coherent with the overall policy objectives? Are the instruments coherent with each other?

European Added Value:

What added value compared to the international and national regimes on reporting formalities has the RFD introduced?

What added value compared to the international and national regimes on maritime safety has the VTMISS introduced?

What has been the EU added value of these instruments in the context of national horizontal and sector-specific regulations?

(C.3) Other tasks

D. Evidence base

(D.1) Evidence from monitoring

VTMISS

The Commission, assisted by EMSA, monitors regularly the compliance of Member States with the requirements. This is done in a dedicated group; the SSN group (on technical issues and matters) and the High Level Steering Group (on policy and implementation matters). A key part of the work involves the monitoring, and performance of the system as well as its effectiveness. Reports are available on <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1078>.

Further, all the work carried out by EMSA in accordance with the founding Regulation for the Agency on the various relevant Union legislative acts in this field will be used. In particular:

- Visits to MS (objective country specific monitoring on the ground)
- Horizontal analysis (EMSA has been tasked to analyse the reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness and cost-efficiency of the measures in place.)
- Studies and demonstration projects
- Workshops with MS and Industry
- The systems themselves

RFD

The Commission expert group (eMS group), established for the implementation of the Directive 2010/65/EU and comprising national and industry experts, has already been consulted in meetings and through a questionnaire to Member States.

Reports are available on

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2593>

(D.2) Previous evaluations and other reports

VTMIS – Implementation Report of Directive 2002/59/EC on 28 April 2011 (COM(2011) 232 final), IA Support Study, Study on the future evolution of the SafeSeaNet system.

RFD - Report on the functioning of Directive 2010/65/EU on 25 June 2014 (COM (2014) 320 final).

(D.3) Evidence from assessing the implementation and application of legislation (complaints, infringement procedures)

(D.4) Consultation

There will be an open public consultation covering the 5 evaluation criteria. This will ensure that non-organised interests (like passengers) are also consulted. The public consultation on all initiatives will be launched in July 2016 and will close in October 2016 (16 weeks). All citizens and organisations can contribute to the consultation. This open public consultation will be available via YourVoiceInEurope. All relevant information will be accessible via the consultation web page and a "Synopsis Report" will be published there after the consultations are completed.

In addition to the public consultation, targeted consultations are foreseen of relevant stakeholders for the more specific technical issues that will be carried out either by the external contractor or by EMSA, in both cases according to a methodology fixed with the European Commission. These more targeted consultations can take the form of interviews and case studies with various stakeholders. Tools will include surveys/questionnaires, interviews, stakeholder meetings/conferences and expert groups. In particular the *high-level steering group (HLSG) for governance of the digital maritime system and services*⁷, the Commission Expert group competent on implementation of both Directives and involving all MSs and relevant Industry stakeholders, meeting on a regular basis (2-3 times per year), will be used for consultation.

The stakeholders that have been identified include national maritime authorities/administrations, shipowners/operators, port and terminal operators, seafarers and their organisations/trade unions, maritime

⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016D0566>

related European associations, 3rd Country Flag States, classification societies, etc.

Furthermore several events and conferences with stakeholders, including within the formal governance and expert groups already operational, will be organised to consult and collect ideas. Major shipping events are valuable platforms to consult and discuss the fitness check and REFIT evaluations. Such events will include the Malta Maritime Summit due to take place on 3-6 October 2016, which will inter alia focus on the EU's role versus international regulation and the 2017 European Shipping Week (ESW), organised by the European ship-owners (ECSA). The ESW major event is the Conference scheduled on 1 March 2017 which will be centred around digitalisation (administrative simplification) of the maritime transport sector. The informal ministerial meeting under the Maltese Presidency which will follow, probably late April or early May 2017, can be used to exchange views with the Member States on the results of the fitness check and REFIT evaluations and necessary follow-up initiatives.

(D.5) Further evidence to be gathered

Support visits to the Member States relating to the implementation of Directive 2010/65/EU by will be done by the European Maritime Safety Agency in 2016.

E. Other relevant information/ remarks

N/A

ANNEX: Intervention logic

Objectives	Inputs	Effects/Impacts
Simplify ship reporting formalities (RFD Directive)	Member States establish national single windows where each reported data element is introduced only once (NSW)	Multiple data transmissions and paper formalities are banned
Provide information to coastal / port authorities to ensure a safe, secure, environmentally and efficient operation of vessels (VTMIS Directive)	All national competent authorities connect to the NSW and collect the required information	Administrative costs and delays for ship and cargo operations are reduced
Support ship masters for a safe secure, environmentally friendly and efficient operation of vessels (VTMIS Directive)	All national competent authorities connect to the NSW and collect the required information	Member States and ship operators develop interoperable IT systems that comply with the directive and the implementation guidelines
Use electronic means for data transmission from ships (RFD and VTMIS Directive)	Implementation guidelines, including a minimum list of data which shall be introduced in the NSW and exchanged by SSN are developed to ensure an harmonised and coordinated implementation	Relevant data are exchanged by the Member States through SafeSeaNet or other systems for customs or border controls
Use electronic means for data transmission from ships (RFD and VTMIS Directive)	Implementation guidelines, including a minimum list of data which shall be introduced in the NSW and exchanged by SSN are developed to ensure an harmonised and coordinated implementation	Member States provide places of refuge for ships in need of assistance