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DRAFT REPORT

Directive 2010/65/EU

On reporting formalities for ships arriving in and/or departing from ports

9th eMS expert group meeting

Brussels, Tuesday, 18 June 2013

Participants: see Annex

The meeting was chaired by Magda Kopczynska, Head of Unit "Maritime Transport and logistics" in DG MOVE.

1. Opening of meeting and approval of the agenda

The agenda was approved with a change of the order of afternoon items.

BE raised the problem posed by slipping deadlines in the roadmap which allows less than 2 months testing. Industry has raised questions which cannot be answered yet and new issues are arising such as liability. It is hard to get funding and budget if there is no clear view of the technical specifications. BE makes all efforts to make sure that everything will be completed by 1st June 2015 but the deadline may be unrealistic.

DG MOVE answered that due to Blue Belt developments additional things are coming up in the context of implementation. When we discuss the road map we know that the objective of the directive is hard across all countries and DG MOVE will look into this matter.

As a point of information when asked about the reply to the letter sent by WSC and ECSA, DG MOVE explained that an answer is in preparation and will be shared with the group as soon as it will be sent.

2. Approval of the 8th meeting report

The report was approved with one comment from WSC on the NSW Guideline document which shall reflect their statement that they favour a fully harmonised interface for the industry and the single windows. WSC would not have to deal with multiple different systems.

Action Point 1: The eMS Group agreed to approve the 8th meeting report with the additional amendment requested by the WSC to include “NSW full harmonisation”. MOVE will publish the amended version on CIRCA BC.

3. Customs Related Information business rules

DG MOVE presented the works carried by the customs subgroup, which met four times and proposed to note the work carried out by the customs subgroup, agree to discuss horizontal issues during the harmonisation process and validate the customs related info business rules.

PL queried if authorities other than customs really need ENS information and if it is justified that ENS is transmitted to the NSW as the users and security requirements are different. In addition, requiring the transmission of the eManifest on which little is known creates a burden for the Member States which are developing NSWs.

ES is questioning business rules 8d allowing an update of the ship store/crew effect declaration less than 24 hours prior arrival in port.

NL made a number of comments, notably on the sentence in the background indicating that the lodgement of ENS should not impose extra cost, which is not possible. Other comments were on the use of eManifest as an alternative to FAL form 2, the ship identification, the use of local time for ETA, the re-use of information which should be limited to subsequent ports.

DG MOVE replies that the rules on ENS and FAL form 2 are in line with the legal requirements. Business rules are provisional and will need to be adapted by the eMS group notably when more information will be available on the harmonised e-Manifest.

IT notably commented on the requirements in respect of the availability of the systems and the need to interrupt for short periods for updates.

IE underlines that the proposed business rules will require much work and the deadlines will be affected. We have to know if the eManifest will replace all FAL forms. The meaning of business rule 7 was questioned as it requires that the competent authority gives access to customs, which are already authorities.

DE considered that there are still many unsolved problems and supported NL, IE and PL comments.

WSC expressed their interest for on-going discussions on eManifest, and the definition of a uniform data set. The adoption of the eManifest will require a review of some sections of the customs business rules. WSC did not endorse continuous updated times in the voyage related information. We need a frozen time of arrival, not to be flooded with many different updates.

DG MOVE answered the different questions and, in particular, underlined the need to make progress and approve at least provisionally the business rules. Some issues will be solved when the horizontal harmonisation of business rules will be undertaken. The eManifest is part of the Blue Belt project and should be welcomed, not see it as a hurdle for the directive.

DG TAXUD recognised that the customs business rules result from a compromise with customs. Forwarding to NSW information which is relevant for customs is required by the legislation. The RFD is binding for everyone and customs have to fulfil it. Internal co-ordination within the Member States may be still needed.

After discussion the eMS group agreed to validate the business rules document as it stands and come back to it later. Some horizontal issues (ETA, availability of the system...) will be reviewed in the data mapping group. The path for transmitting eManifest will be discussed in the framework of the Blue Belt initiative.

Action Point 2: The eMS Group agreed to provisionally validate the Customs business rules, with the remark that the document will be updated with the eManifest proposal by December 2013. MOVE will publish the validated version on CIRCA BC.

4. Information on the Blue Belt and eManifest initiatives

Following the commitments taken in the Single Market Act II, the Commission envisages two legal measures to facilitate the maritime transport of Union goods and to establish a level playing field with other modes of transport:

1. Enhancements of the Regular Shipping Service. The measure should be adopted mid-2013.
2. Facilitation of the transport of EU goods between EU ports, even if calls in 3rd country ports have been made, by means of a harmonised electronic cargo manifest, the so-called eManifest. A measure should be tabled at the end of 2013, to be adopted by mid-2014 and entry into force on 1st June 2015.

The second part of the Blue Belt package, the establishment of an eManifest, is the most challenging. The aim of the eManifest is to facilitate maritime voyages by allowing customs to identify the Union goods on-board a ship, thus excluding them from customs supervision, apart from random checks, and guaranteeing a swift handling of goods in EU ports.

The Commission plans to publish later in June a communication to present its approach.

A workshop on eManifest will take place on 24/25th June together with ECG, eMS group and the trade group.

NO asked clarification on customs clearance for NO. DG MOVE explained that the main functionality within the concept is to ensure custom status of the goods. The eManifest will be used to establish the Union Status of goods even for vessels calling in third countries without putting burden.

5. Identification of ships to which the Directive applies

EMSA presented its document analysing the requirements resulting from the RFD of the ships to which the directive applies. The table will be updated taking into consideration the Member State comments and made available to everyone.

DE, NL, NO and IT underlined the need to be established in a clear manner who is exempted from reporting formalities for trade, especially as one can be exempted from reporting obligations for some requirements but be obliged to report for other rules. One should also consider to what extent that those different directives can be harmonised.

Action Point 3: The eMS Group requested to include the revised version of the table as an annex to the NSW guidelines document. The eMS group to provide any additional comments by 5 July. EMSA will update the document and to include it as an annex to the NSW guidelines.

6. Harmonisation of the business rules

EMSA presented its document on harmonisation of business rules. This document includes the business rules that the eMS group agreed to harmonise. The documents do not yet include the customs business rules.

Afterwards, the documents were reviewed item per item. Comments have been made on the use of local time zones, the identification of the berth in addition to terminals, responsibility for input of data, harmonisation of trader identification at EU level, the access to data previously provided by other data providers to ensure that data are provided only once.

EMSA will prepare a revised document with the comments and will send it out.

Action Point 4: The eMS Group agreed to finalise the revision of the document by correspondence and to provide any additional comments by 5 July. EMSA will update the document and to distribute the revised version to the eMS group.

8. Data Mapping and Functionalities subgroup

EMSA reported on the progress done since the last eMS meeting, and notably the outcomes of the Data Mapping and Functionalities subgroup of 17 April 2013. He presented the interim report on Data Mapping and the National Single Window Guidelines elaborated by the subgroup.

In addition, EMSA and DE met on 2nd May for the revisions of business names and definitions to harmonise the work of both groups.

A few clarifications were provided by EMSA at the request of the members. EMSA agreed to reflect them in the interim report. WSC and EPCSA questioned the use of ISO 28005 standard as many communications use the EDIFACT format.

A 3rd meeting is planned in September in view to finalise the NSW Guidelines on which many comments have been made

Action Point 5: DG MOVE to confirm the date of the next subgroup meeting in September ASAP.

Action Point 6: The eMS Group agreed to update the Data Mapping interim report with the comments made during the meeting and with the proposal to harmonise the business names and definitions submitted by the group of MS (BG, DE, IT, NL and SE). The clarifications provided by Commission services and by the Customs subgroup to be also reflected in the document. EMSA will issue the revised version to the eMS group.

Action Point 7: The eMS group agreed the subgroup to continue to work according to the next step foreseen - business rules and technical definitions. The subgroup will work by correspondence during the summer period and to continue the discussions at the next subgroup meeting in September.

9. IMP Demonstrator

EMSA has been delegated to implement a project regarding the evolution of SSN (Action 3.1 of IMP work program 2011 and 2012). The objectives are to test the information flows between ship data providers and the NSW, NSW and national authorities and the central SSN system and the NSW. 6 individual NSW systems will be developed for operational testing by the participating Member States.

10. Re-Use of Data

DG MOVE presented a revised version of the document on re-use of data at port level, national level and EU level.

WSC, supported by PL, reminded the group the importance of this issue for the shipping industry to avoid resubmissions of information previously submitted. At national level the last sentence would be better “shall not” to reflect the language of the directive to just submit information once, as WSC not considered that it would be in line with the directive not to fully re-use data at national level. Updates shall be supplied where those are required. Data shall be shared by SSN, but also by other platforms.

IE underlined the link with a common understanding of exemptions regarding formalities before entering the port.

DK, IE, PL and FR agreed that at the port level re-use of data should be obligatory, national level should be optional, at EU level it should be closely linked with what SSN does and it is important to take into consideration access right and functionalities in Member States. PL underlined that the legal requirements of the RFD as per Article 4 are concerned solely to notifications prior to arrival into ports and not into Member States. NE, FI and SE suggested seeing in practice what can be done at national and EU level and seeing at a later stage how far we can go. WSC proposed to see what can be done rather than what cannot be done. Exchange of information at national level is needed.

DE recalled that data needed to be re-used have been identified during subgroups. A concrete plan on what to implement is needed by the data mapping and functionalities subgroup.

DG will look at revising the document and make it better and will take out the proposal at the end and work immediately with in the data mapping and functionalities subgroup.

Action Point 8: The eMS group accepted the principle of re-use of data. However, the re-use must be considered case-by-case, analysing each data element individually. The eMS agreed to continue the discussion on the re-use of data. A preliminary review of the data which can be re-used can be done at the Data Mapping and Functionalities subgroup.

11. Development of SSN messages (Waste/Security/HAZMAT) progress in SSN Group

EMSA presented the decision of the SSN technical expert group to set up a subgroup to develop the message for exchange of data with national SSN systems on waste, security and HAZMAT.

The subgroup will work within the boundaries that the eMS already agreed using the business rules. First draft on the technical specifications has been issued in view of a subgroup meeting on 25-26 June in Lisbon.

The objective is to have a complete draft accomplished by 5th Sept so it can be presented at SSN Workshop 20 (5– 6 November).

12. Road Map update

DG MOVE presented an updated road map.

IE, NL, SE supported by the WSC and EPSCA expressed doubts about the feasibility of the timetable. DG MOVE agreed to monitor the evolution of the preparatory works and identify possible measures which will facilitate the timely implementation of the RFD

Action Point 9: MOVE to identify the critical path on the implementation planning and to analyse additional measures to ensure the Directive implementation.

13. AOB

DG MOVE gave an overview of the consultation and the impact assessment done in view of the revision of the VTMIS directive.

The meeting's conclusions and follow-up actions are noted in the relevant paragraphs of this report. The provisional dates for the next meetings are:

- Workshop on eManifest: 24-25 June, Brussels
- 3rd Data Mapping and Functionalities subgroup: 10 September, Brussels
- 20th SSN workshop: 5-6^h November, Lisbon
- 10th eMS group: December, Brussels