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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the functioning of Directive 2010/65/EU on reporting formalities for ships arriving in  
and/or departing from ports of the Member States**

## 1. INTRODUCTION

Maritime transport must comply with complex administrative procedures, following a wide set of international, European Union (EU) and national legislation in the fields of customs, taxation, immigration, safety and security, waste, health protection, etc. Public authorities therefore require upon a ship's arrival in and/or departure from a port numerous documents and information relating to those fields. These formalities and the procedures to fulfil them are often considered duplicative and time consuming, resulting in costs and delays that could make maritime transport less attractive.

On 20 October 2010, Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States<sup>1</sup> (the Reporting Formalities Directive) was adopted. The purpose of the Directive is to simplify and harmonise some of these procedures by establishing a standard electronic transmission of information and by rationalising reporting formalities for ships arriving in and ships departing from EU ports, thus reducing administrative burden for shipping companies. In practice this means that Member States shall accept the fulfilment of these reporting formalities, which are included in the Annex to the Directive, in electronic format and their transmission via a national single window no later than 1st June 2015.

Article 15 of the Directive requires the Commission to report to the European Parliament and to the Council on the functioning of this Directive, including on:

- the progress made towards harmonisation and coordination of reporting formalities, i.e. the implementation of the National Single Window
- the availability of data concerning ship traffic/movement within the Union, and/or calling at third country ports
- the feasibility of avoiding or simplifying formalities for ships that have called at a port in a third country or free zone
- the compatibility of the River Information Services with the electronic data transmission process
- the possibility of extending the simplification introduced by the Directive to inland waterway transport

This report will address these issues. Since the establishment of the single window is the main requirement of the Directive, it will be dealt with in a separate heading (heading 3). The other issues are dealt with in heading 4. In addition, the report will inform on future plans aiming at improving the maritime exchange of information and simplification and reduction of administrative burden.

In order to prepare for this report, a consultant was tasked to carry out a study<sup>2</sup> on the above mentioned issues.

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<sup>1</sup> OJ L283 of 29.10.2010

<sup>2</sup> <http://ec.europa.eu/transport/modes/maritime/studies/doc/2013-12-reporting-obligation-2010l0065-final-report.pdf>

## 2. CONTEXT

The Reporting Formalities Directive has been proposed by the Commission in the framework of the **Communication and action plan to establish a European maritime transport space without barriers**<sup>3</sup> which introduced policies and actions aiming at harmonising and simplifying administrative procedures in short sea shipping, thus improving the efficiency and competitiveness of intra-EU maritime transport.

A link has been established between the Reporting Formalities Directive and **Directive 2002/59/EC of the European Parliament and of the Council establishing a community vessel traffic monitoring and information system and repealing Directive 93/75/EEC**<sup>4</sup>, in particular as regards SafeSeaNet<sup>5</sup>, the Union Maritime Information and Exchange system. Relevant reporting information will have to be exchanged through the SafeSeaNet system, which, apart from the safety function, allows for the exchange of additional information aiming at facilitating maritime traffic and maritime transport.

The **Blue Belt**, a recent initiative which complements the objectives of the Reporting Formalities Directive, being part of the Single Market Act II<sup>6</sup>, calls for the establishment of a true Single Market for maritime transport by no longer subjecting EU goods carried between EU seaports to administrative and customs formalities that apply to goods arriving from overseas ports. More specifically, the Blue Belt Communication<sup>7</sup> envisages the introduction of a harmonised electronic customs cargo manifest, the so-called eManifest, which aims at further facilitating maritime transport for vessels calling at EU ports and at the same time creating harmonisation and reducing administrative burden.

## 3. IMPLEMENTATION OF THE NATIONAL SINGLE WINDOWS

The single window concept is the main requirement for the implementation of the Reporting Formalities Directive.

The single window:

- shall be the place where all information is reported once and made available to the Member States' competent authorities in various fields, i.e. port, customs, security, health and border control,
- links SafeSeaNet, e-Customs and other electronic systems and
- must be interoperable and compatible with, and accessible to the SafeSeaNet system and, where applicable, with the systems provided in Decision 70/2008/EC of the European Parliament and of the Council on a paperless environment for customs and trade<sup>8</sup>.

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<sup>3</sup> COM(2009)10 final of 21.1.2009

<sup>4</sup> OJ L208 of 5.8.2002

<sup>5</sup> SafeSeaNet is an electronic reporting and information exchange system for vessel traffic, hosted and technically developed by EMSA. It provides amongst others the identification, position and status of a ship, times of departure and arrival, incidents reports and details on hazardous cargo.

<sup>6</sup> COM(2012)573 final of 3.10.2012

<sup>7</sup> COM(2013)510 final of 8.7.2013

<sup>8</sup> OJ L23 of 26.1.2008

### 3.1. State of play

#### 3.1.1. *Harmonisation and coordination of reporting formalities that has been achieved under Article 3 of the Reporting Formalities Directive at Member State level*

Article 3(1) of the Reporting Formalities Directive states that each Member State shall take measures to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that Member State.

All Member States have transposed the Directive and have taken initiatives regarding implementation of a national maritime single window. There is however a considerable variety of (1) single window concepts, systems and environments, (2) approaches to create a single window and (3) the state of play of development within the Member States.

Some Member States are waiting for technical specifications to be finalised (cf. infra); other Member States modernise, interconnect or 'rebuild' their existing national reporting formalities infrastructure in order to create their national single window in accordance with the Directive.

Different public authorities and private stakeholders in various policy fields (amongst others maritime, customs, health and border control) are involved. This leads to a complex implementation and coordination process. Substantial efforts are required at Member State level to continuously involve all of these parties and ensure a coherent and effective coordination.

In addition, Member States are, on a varying degree, faced with the following challenges:

- Impact of the implementation on the available budget and the budgeting processes of the involved Member States and stakeholders
- Concerns and/or legal difficulties regarding exchanging confidential/sensitive information and guaranteeing data quality
- No or not enough technical specifications developed at EU level yet
- The implementation timing, linked also to the development of the eManifest in the Blue Belt context (cf. infra)

The shipping industry pointed at the risk that, in the absence of more interoperability standards and the lack of harmonisation of the information required at national level, the national single window systems developed by the Member States may turn out to be rather different from each other, which might necessitate the development of specific interfaces for industry to communicate which each Member State system, thus increasing implementation costs and reducing benefits for industry.

#### 3.1.2. *Harmonisation and coordination of reporting formalities that has been achieved under Article 3 of the Reporting Formalities Directive at EU level*

According to Article 3(2) of the Reporting Formalities Directive, the Commission shall, in cooperation with the Member States, develop mechanisms for the harmonisation and coordination of reporting formalities within the Union. However, it is worth noting that the Directive does not provide for specific procedures that could result in binding acts to incentivise harmonisation.

For this purpose, the Commission has established the Expert group on maritime simplification and electronic information services, the "**eMS group**", which aims to

support Member States to implement the Reporting Formalities Directive in a coordinated manner. In addition, the group welcomes observers from the main stakeholder associations. The organisation of the eMS group is explained in annex I.

The Directive is implemented on the basis of a **phased-approach**:

- (1) Phase 1: Development of functional specifications
- (2) Phase 2: Development of technical specifications
- (3) Phase 3: Technical implementation
- (4) Phase 4: Testing
- (5) Phase 5: Initial operational phase

A detailed description of the different phases can be found in annex II.

In the original time plan it was foreseen to develop common functional specifications (phase 1) in the course of 2012 and 2013 and technical specifications (phase 2) by the end of 2013. At present, functional specifications have been established by the relevant sub-groups for almost all specific notifications identified in the Annex to the Reporting Formalities Directive. A number of common data and issues which have a horizontal dimension were identified, reviewed and harmonized at horizontal level. The sub-group on data mapping and functionalities has proposed a harmonised data set of information to be provided when fulfilling the requirements of the Directive, but the work still needs to be finalised.

Business Rules for the FAL Form 2 (Cargo Declaration) and the Cargo Manifest have not been developed so far nor was it taken along in the data mapping exercise, in order not to impede the development by the Commission services of specifications for the eManifest. This eManifest, which should be lodged through the national single window, is part of the Blue Belt initiative. As the whole process of harmonisation would lead to common definitions and formats of the data which are required in the different formalities, the Commission services will endeavor to harmonise the technical specifications of the harmonised electronic cargo manifest and of the other reporting formalities collected according to Directive 2010/65/EU. The eManifest is still under discussion.

The technical implementation phase has started at the beginning of 2014, but some Member States are waiting to start the implementation until the functional and technical specifications are completed. Indeed, following the above, technical specifications, i.e. data definitions and data formats, have only been developed for the formalities covered by agreed functional specifications. There is still some work to be done.

This might impact on the future calendar, since the systems will need to be ready for testing during the first half of 2015, so that the initial operational phase can start at the latest by 1<sup>st</sup> June 2015.

### *3.1.3. Supporting projects*

In order to further facilitate the implementation of the Reporting Formalities Directive, the Commission initiated the AnNa and IMP demonstrator projects which gather a number of Member States.

### 3.1.3.1. The IMP demonstrator project

The IMP demonstrator project, with a budget of €700.000, implements action 3.1 on the evolution of SafeSeaNet of the Integrated Maritime Policy (IMP) work programme, and has been tasked to EMSA.

The purpose of the demonstrator project is the development of software and service components that would be used to support the participating Member States (Bulgaria, Greece, Italy, Malta and Romania) and Norway in implementing their national single window solution in compliance with the Reporting Formalities Directive. This would allow the participating Member States to save costs and time required to implement the national single window by re-using and integrating components, built centrally by the project, in their own national systems.

The main deliverable of the project is the design and implementation of a prototype of a national single window solution which will test the information flows between:

- the shipping industry (e.g. ship agent/master/duly authorised person) and the national single window
- the national single window and public authorities (maritime safety, customs, border control, health, port authorities and others that might be identified), and
- the central SafeSeaNet system and the national single window

A first version of the prototype was released and tested in the course of 2013. This version offered the possibility to fulfil the reporting formalities through a harmonised interface. The data structure and formats used were based on the results of the work of the eMS Data Mapping and Functionalities sub-group. A second version of the prototype featuring interfaces with public authorities to process the information received from the ship data providers and record relevant decisions, and allowing information exchange with SafeSeaNet was made available beginning 2014. Further developments are foreseen in the course of 2014, with the final phase of the project running until November 2014.

### 3.1.3.2. The AnNa project<sup>9</sup>

AnNa, a project selected under the TEN-T Motorways of the Sea 2012 Multi Annual Call with a budget of €37.076.000 and running from 2012 to 2015, stands for Advanced National Networks for Administrations and is a Member States' project to support the effective implementation of the Reporting Formalities Directive. The project aims at supporting the effective and sustainable development of national single windows in line with the Directive (e.g. by supporting ICT based system integration in the maritime single window developments).

14 Member States (Belgium, Bulgaria, Cyprus, Greece, France, Italy, Latvia, Netherlands, Portugal, Romania, Slovenia, Spain, Sweden and United Kingdom) are active participants in the project; 6 more (Croatia, Denmark, Germany, Ireland, Finland and Malta) have observer status<sup>10</sup>. Several maritime stakeholder organisations<sup>11</sup> are associated to the project. AnNa works bottom-up, assisting

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<sup>9</sup> www.annamsw.eu.

<sup>10</sup> In addition, also Iceland, Israel, Montenegro and Norway have observer status.

<sup>11</sup> CESMA (Confederation of European Shipmasters' Associations), CLECAT (European organisation for freight forwarding, logistics and customs), FIATA (International Federation of Freight Forwarders Associations), ECASBA (European Community Association of Ship brokers and agents), ECSA

national administrations building their maritime single windows, and supports (system) integration within and between national maritime single windows (ship-to-shore and between the various services and administrations) building on the need to:

- make optimal use of the data and the (international) data models already available;
- clearly identify what data is required by public authorities (by law) and by logistic chain operators;
- identify how data can be re-used;
- incorporate “the longer term”; this means that work and the investments should relate to value for money (also in relation to investments made in port community systems), and to the implementation of the European transport policy agenda, including e-Freight and e-Customs goals.
- develop a framework providing a checklist of feasible measures (including their international perspective).

Functional and technical requirements are developed as well as an interim master plan for the minimum requirements of the Directive and a stakeholder strategy paper describing the viewpoints of the various stakeholder organisations. In the next phase pilot projects will be launched to test different concepts and ideas of implementation of the Directive.

In order to avoid overlaps or contradictory activities with the eMS group activities, deliverables of the AnNa project are presented and validated by the eMS group.

Both the IMP demonstrator and the AnNa project aim at answering the needs experienced by some Member States implementing the Reporting Formalities Directive. The work done within the framework of the IMP demonstrator and the AnNa project are considered as an added value to the work of the eMS (sub)group(s) for the overall implementation of the Reporting Formalities Directive, provided that they are properly coordinated and consistent.

#### **4. OTHER REPORTING REQUIREMENTS FOLLOWING ARTICLE 15**

##### **4.1. Availability of data concerning ship traffic/movement within the Union and/or calling at third country ports or in free zones**

Today there is no detailed information available of the extent of the traffic/movement of ships from one EU port to another, or of ships calling intermediately at third country ports or entering free zones. It is said by stakeholder organisations like ECSCA and WSC that the vast majority of vessels sailing EU waters call intermediately at third country ports, but no exact data are publicly available, neither on cargo volumes nor on traffic frequency.

All information on cargo can be found in the cargo manifest. Cargo data are submitted to the customs for financial and other purposes and to the ports/terminals for operational reasons. They are exchanged on a confidential basis for these specific

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(European Community Shipowners' Association), EHMC (European Harbour Masters' Committee), EPCSA (European Port Community Systems Association), ESPO (European Sea Port Association), WSC (World Shipping Council) and WCO (World Customs Organisation)

purposes and can only be used for other purposes with the explicit permission of the person or authority providing it.

The Member States are obliged to provide cargo data to the Commission (Eurostat) but these data can only be used for the purposes defined in Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea<sup>12</sup>. Data about maritime transport on port-to-port level are considered to be confidential by the Working Group on Maritime Transport Statistics<sup>13</sup>. Instead, statistics on cargo volumes are disseminated by Eurostat on the aggregated level of port-to-maritime coastal area. There are also other statistics publicly available, but they are too general (they do not involve specific cargo transport) and/or they are not linked to data on ship movement.

Data on movement are incorporated in reporting formalities (port security notification requirements, notification of dangerous goods aboard ships, etc.) or can be obtained through tracking systems like Automatic Identifications Systems (AIS)<sup>14</sup> and Long Range Identification and Tracking Systems (LRIT)<sup>15</sup>. Only a few studies are available containing analysed movement data for a certain region, certain ship types or certain periods, but they are not sufficient to get insight in the number of ship movements within the EU and to and from third country ports or free zones.

Studies linking ship movements with port/cargo traffic have been carried out (successfully) at port or terminal level. Although in theory it should be possible to match e.g. AIS data with cargo data, it will be an extremely difficult task to do this at EU level. The amount of data in the AIS databases is enormous and getting cargo data from ports is not easy because of confidentiality reasons.

A general dissemination of port-to-port data on cargo volumes collected within the framework of Directive 2009/42/EC would go against the principles of data confidentiality in the European Statistics Code of Practice, as well as the legal framework for Eurostat and the national statistics authorities. However, pre-qualified researchers may access the confidential micro data for scientific purposes, provided that Eurostat's guidelines for such access are fulfilled.

Detailed vessel movement data could potentially be derived using information from AIS. Information could also be gathered based on the shipping reporting formalities and in the future on the eManifest.

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<sup>12</sup> OJ L141/29 of 6.6.2009.

<sup>13</sup> The Working Group on Maritime Transport Statistics is a Commission expert group that advises the Commission on issues relating to the concerned area, establishes close cooperation between the statistical institutions of the Member States and the Commission and facilitates the exchange of information, experiences and good practices.

<sup>14</sup> AIS is introduced by the International Convention for the Safety of Life at Sea (SOLAS), as amended, requiring all ships to carry automatic identification systems capable of providing information about the ship to other ships and to coastal authorities automatically.

<sup>15</sup> LRIT is introduced by SOLAS, as amended. The main purpose of the LRIT ship position reports is to enable a Contracting Government to the Convention to obtain ship identity and location information in sufficient time to evaluate the security risk posed by a ship off its coast and to respond, if necessary, to reduce any risks.

#### 4.2. **Feasibility of avoiding or simplifying formalities for ships that have called at a port in a third country or free zone**

Although simplifications have been introduced in the past, administrative procedures for maritime transport are still often considered to be unnecessarily complex, redundant and not harmonised between Member States and ports. Consequently, shipping is not always used to its full potential.

A significant further facilitation is envisaged with the introduction of the **Blue Belt initiative**, allowing vessels to operate freely within the EU internal market with a minimum of administrative burden, including simplification and harmonisation of customs measures for maritime transport where the vessel has also called at third-country ports.

When Union goods are placed on a vessel that sails outside the territorial limit of 12 nautical miles, the status of the goods automatically changes to non-Union goods and all goods will be treated like this on arrival. This applies even if the vessel is bound for another EU port. Consequently, upon entry of a ship in an EU port, customs require the completion of certain reporting formalities, submission of declarations, proof of Union status where necessary and other cargo information for the goods that are to be unloaded; upon arrival of the ship in subsequent EU ports, the goods to be unloaded might be subject to the same/similar controls.

In the Blue Belt Communication reference is made to two legal measures to be proposed by the Commission. The first one, a further simplification of the scheme for operating a Regular Shipping Service, i.e. authorised vessels mainly carrying Union goods that call on a regular basis only in EU ports, has been adopted. Under the new rules, which apply since 1 March 2014, the Regular Shipping Service status will become more attractive. Firstly, the consultation period following an application was reduced from 45 to 15 days. Secondly, shipping companies have the possibility to include from the beginning not only the Member States actually concerned by the service but also Member States which could potentially be concerned in the future.

Since the majority of vessels call frequently third country ports and carry both Union and non-Union goods, they are either excluded from the Regular Shipping Service or it may not be an appropriate simplification for them. If maritime transport is to exploit its full potential, a real facilitation also needs to cover this type of shipping service. To that end, the Commission is developing the eManifest as a second measure. In a first phase, the eManifest, when lodged in an EU port, will allow customs to easily determine the status of the goods, resulting in a decrease of customs controls. Even if a vessel has called at a third country port but Union goods remained on board, it will be easier to demonstrate their Union status, allowing them to go on their way more quickly. The eManifest should be ready to be applied as of June 2015.

With regards to passenger transport, simplifications have been introduced to the Schengen Borders Code. Upon entry of a vessel in an EU port, border control requires the completion of certain formalities such as the transmission of passenger and crew lists. This applies when a ship arrives from or departs towards another EU port or a third-country port. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders

Code)<sup>16</sup>, as further amended by Regulation No 610/2013<sup>17</sup>, provides for a facilitation of these procedures for cruise ships, pleasure boats and ferry connections, amongst others aligning the time-limits for submission of the lists with the limits set by the Reporting Formalities Directive.

#### **4.3. Possible extension of the simplification introduced by the Reporting Formalities Directive to inland waterways and compatibility of the electronic data transmission process with River Information Services (RIS)**

The maritime and inland waterway transport sectors are two different and separate sectors. The maritime transport sector is already comprehensively regulated by EU and international rules and mandatory administrative procedures, including information sets and reporting obligations. The inland waterway sector on the other hand is regulated to a lesser extent.

Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterway in the Community<sup>18</sup> and the subsequent technical specifications for electronic ship reporting in inland navigation described in Commission Regulation No 164/2010<sup>19</sup> define the rules and standards for electronic reporting and data transmission between Member States, to be used where ship reporting is required by national or international regulations. In addition, the Central Commission for the Navigation of the Rhine introduced mandatory electronic reporting for certain vessels carrying containers on the Rhine from 1 January 2010 and international data exchange is implemented between Germany and the Netherlands.

The maritime transport sector has developed in the meantime well-established data exchange mechanism such as the SafeSeaNet system. On top of that, the Reporting Formalities Directive foresees now National Single Windows in a simplified and streamlined manner of lodging the information needed for multiple purposes. The electronic data transmission in the inland waterway transport sector is organised through the RIS system, but with no single point of entry of information nor an advanced exchange mechanism comparable to that of the SafeSeaNet system.

Simplifications regarding reporting formalities for the maritime sector could possibly be extended to the inland waterway sector, but this would require (1) to harmonise the information sets used in the maritime transport sector with the ones used in the inland waterway sector and (2) a revision of the organisation of the electronic data exchange and possibly also of the legal framework for electronic reporting in the inland waterway sector. Furthermore, a stepwise and well-structured action plan with a realistic timetable, supported by all concerned stakeholders, would have to be set up.

## **5. CONCLUSIONS**

The implementation process of the **Reporting Formalities Directive** is still ongoing and the final establishment of the **National Single Windows** is only due by June 2015. Nevertheless, some observations can already be made based on the conclusions

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<sup>16</sup> OJ L105/1 of 13.4.2006

<sup>17</sup> OJ L182/1 of 29.6.2013

<sup>18</sup> OJ L255/152 of 30.9.2005

<sup>19</sup> OJ L57/1 of 6.3.2010

from the consultant's report and following discussions with Member States and stakeholders in the framework of the eMS group.

There are a lot of different authorities and stakeholders with various functions, competences and responsibilities involved in the establishment of the national single window. Cooperation amongst them, both on EU and national level, is key and should be enhanced.

For reasons of maximising efficiency and avoiding duplication of efforts, there is a tendency to build on existing platforms, technical solutions and standardisation, also in order to use investments in systems already made. However, when building on existing systems, one should not lose track of the requirements of the Directive and make sure that they are met in a correct manner. Therefore, Member States should carefully assess their current systems, actively participate in the work of the eMS group and implement the functional and technical specifications in a correct manner and as discussed within the eMS group. In addition, benefit could be taken from the work done in the IMP demonstrator project and the AnNa project. Both projects offer hands-on solutions for implementing national single windows.

There is a need for a continued support to the implementing process for establishing the national single window within the stipulated timeframe. Functional and technical specifications need to be further developed as soon as possible. In that respect, the development of the eManifest, being the bulk of the volume to be lodged into the single window, is an important factor. Member States are waiting to finalise the ICT implementation of the national single window until there is a clear view on the eManifest data set. A vote in the competent Community Customs Code committee on the required legal framework is envisaged by mid-2014.

With regards to the **other reporting requirements** the following conclusions could be drawn:

- Today there is no sufficient and detailed information available on the extent of the traffic/movement of ships from one EU port to another, or of ships calling intermediately at third country ports or entering free zones. There are however possibilities identified to gather more information in the future. The Commission will look into these possibilities and see if and how they could help to improve the quality and availability of statistics.
- The optimal use of shipping should be stimulated by avoiding or further simplifying formalities for ships that have called at a port in a third country or free zone. The recent Blue Belt initiative and the development of the eManifest, once implemented, should be a major step in this direction. As a next step, the Commission should look into further simplification measures by e.g. adding other (customs) functionalities to the eManifest.
- It is feasible to extent the simplification envisaged by the Reporting Formalities Directive to inland waterway transport and to match RIS with the SafeSeaNet system, be it under certain conditions. The Commission will consider these and, if appropriate, address certain issues in the framework of the upcoming RIS policy review and of the e-freight initiative.

## 6. FUTURE OUTLOOK

EU policies are all highlighting the need of more efficient use of resources and the need to secure competitiveness of European transport industry and trade in general. The Commission believes that one important element to achieve these objectives is to make better use of electronic information.

National single windows will create national cross-cutting information sharing environments, enabling national authorities to access all relevant shipping information through a single point while industry needs to submit information only once. With the support of the SafeSeaNet system, relevant information can and will be shared between national single windows and consequently between Member States. Together, the national single windows and the SafeSeaNet platform form and provide for a real framework for maritime data collection and exchange, offering services to and answering to a wide range of maritime related functions and needs. Indeed, the SafeSeaNet system is developing and capable of providing integrated maritime services, integrating terrestrial and satellite AIS, LRIT and satellite images. Following this, nowadays information from the SafeSeaNet system is already used for other purposes than maritime safety, i.e. for border control/immigration by FRONTEX, for fisheries surveillance by the European Fisheries Control Agency and for maritime security operations like anti-piracy. Discussions are ongoing about the potential use of SafeSeaNet for other functionalities like law enforcement, coastguards and customs.

Such a development will also play a central role in the realisation of the Common Information and Sharing Environment (CISE) initiative/action, which aims at facilitating the cross-sectoral exchange of surveillance information in the maritime domain, including the defence sector. The National Single Window/SafeSeaNet platform already provides for an important part of data and information sharing, both centralised and de-centralised, allowing national authorities to build on the existing systems and solutions, as such further enhancing information sharing at international, EU and national level.

In the mid-term, existing legislation will require some clarification and adjustments following lessons learned from the Reporting Formalities Directive implementation and experience in the use and further technological development within the scope of the SafeSeaNet.

In relation to the **Reporting Formalities Directive** and national single windows, the following issues could be considered, leading to further simplification and reduction of administrative burden, both for administrations as for the maritime industry:

- Extending the scope of the Directive to cover additional formalities, like e.g. port State control notifications.
- A monitoring methodology for the implementation of the national single windows in view of their further optimisation.
- Harmonising the legal provisions, in the various legal acts of the Union which include reporting obligations covered by the Reporting Formalities Directive, as regards to the ships to which they apply and exemptions.
- Reviewing Article 9 exempting vessels involved in intra-EU shipping of some reporting obligations, as Member States claimed that some reporting may still

be needed. Its review may lead to better understanding on how exemptions may be provided to ships trading between EU ports.

- Further harmonising the time-limits for reporting obligations in the various legal acts of the Union covered by the Reporting Formalities Directive.
- Harmonisation of reporting formalities stemming from national requirements which shall be lodged in the National Single Windows.
- Re-using of data at EU level.

In addition, there should be looked at the possibility to introduce for the Commission possibilities to adopt binding legal specifications. There is a clear need for a binding instrument, possibly building on the Interface and Functionalities Control Document (IFCD) in Directive 2002/59/EC, to regulate some functionalities (like e.g. for cargo-related information) and issues of a technical nature as, for example, technical specifications and authentication and access rights issues which can currently not be satisfied under the legal framework provided for in the Reporting Formalities Directive.

In relation to **SafeSeaNet**, a two-step approach is being envisaged in revising Directive 2002/59/EC. The first step is focussed on the important elements of making better use of electronic information and creating interoperability with existing maritime and other relevant monitoring, information and reporting systems, allowing providing, with SafeSeaNet at the core, integrated maritime services. Actions considered include:

- Updating the Annex III of Directive 2002/59/EC, harnessing the technological advancements with SafeSeaNet through the integrated maritime services and consequently, adjusting the principles and mandate of the High Level Steering Group.
- Clarifying the further integration and use of the national single window/SafeSeaNet platform with respect to environmental monitoring and reporting, e.g. Port Reception Facilities and Ship Source Pollution monitoring and information systems.

The second step, a fully-fledged revision of the Directive, will take into account the impact and lessons learned from the Reporting Formalities Directive implementation.

In addition, the Commission will further develop the **e-Maritime initiative** which aims at the optimisation of ship and cargo related port processes and the reduction of administrative burden by looking into existing practises, processes and regulations and by proposing simplifications deriving from use of existing and emerging electronic systems, from information sharing and from removal of obsolete practices and regulations. In the context of this initiative, discussions will be launched with experts providing an opportunity for maritime transport industry and administrations to work together in order to identify barriers hindering the competitiveness and efficiency of the European maritime transport sector and to identify promising ideas for improving the current situation.

Looking from a logistics perspective, the Commission will launch the **e-Freight policy** which aims at connecting stakeholders for an efficient access and use of information in freight transport, not only in maritime but in all modes of transport. The e-Freight objective is three-fold: moving "for real" from paper to electronic

documents, simplifying procedures and avoiding repeated data entry into different systems and integrating information from various sources and layers across. New business opportunities will emerge. More specifically as regards reporting formalities, the Reporting Formalities Directive and policy initiatives such as e-Maritime and Blue Belt should be complemented by the technical tools and coordination capacities which will be developed within the e-Freight initiative. Extended data re-use will make the submission from trade to the authorities of a single set of information sufficient to serve customs, transport and other purposes in all modes of transport.

The establishment of national single windows and availability of electronic information and exchange systems in the maritime domain is already quite an achievement but we need to think ahead. The **next generation maritime information and exchange system**, combining and building on the National Single Windows, the SafeSeaNet system and the e-maritime initiative, should benefit various maritime functions and answer needs both at national and EU level, hence further enhancing both the maritime safety and transport and traffic dimension as well as trade facilitation aspects. This will foster a more holistic approach contributing to achieving the overall transport objectives of the Commission's White Paper on Transport.



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ANNEXES 1 to 2

## **ANNEXES**

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**Report from the Commission to the European Parliament and to the Council  
on the functioning of Directive 2010/65/EU on reporting formalities for ships arriving in  
and/or departing from ports of the Member States**

## ANNEX I: the functioning of the eMS group

In order to discuss specific topics and formalities with the different administrative authorities, the eMS group created eight dedicated subgroups:

- (1) General Maritime sub-group: notification prior to entry into ports, notification of dangerous and polluting goods, FAL form 1 (general declaration) and FAL form 7 (dangerous goods manifest)
- (2) Customs sub-group: entry summary declaration, FAL form 2 (cargo declaration), FAL form 3 (ships store's declaration) and FAL form 4 (crews effects declaration)
- (3) Waste sub-group: notification of waste and residues
- (4) Security sub-group: notification of security information
- (5) Health sub-group: maritime declaration of health
- (6) Border control sub-group: border checks on persons, FAL form 5 (crew list) and FAL form 6 (passenger list)
- (7) Data mapping and functionalities sub-group
- (8) Single Window and Data flow definition sub-group

The eMS group and the sub-groups gather respectively the national coordinators for the implementation of the Directive and national authorities, like transport, customs, health or border control authorities, depending on the specific data they use.

There is an important involvement of the European Maritime Safety Agency (EMSA), who supports the Commission and the Member States with the development of functional and technical specifications, and manages a demonstrator project.

Commission expert groups, like e.g. the SafeSeaNet High Level Steering Group<sup>1</sup> and the Electronic Customs Group<sup>2</sup>, are informed and consulted respectively on data exchange and customs-related information.

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<sup>1</sup> Commission Decision 2009/584/EC of 31 July 2009 (OJ L 201/63 of 1.8.2009) establishing the High Level Steering Group on SafeSaeNet comprising of all EU Member States and the Commission

<sup>2</sup> The Electronic Customs Group is a Commission expert group concerned with the policy implementation of the electronic customs strategy.

## ANNEX II: roadmap

### (1) Phase 1: Development of Functional specifications

The functional specifications describe what is needed by the stakeholders (authorities and industry) and the processes as well as requested properties of data submitted and shared. Specifications will help to avoid duplication and inconsistencies, and will allow for more accurate estimates of necessary work and resources. They will provide a precise idea of the problems to be solved so that the system architects can efficiently design the system and estimate the cost of design alternatives. Furthermore, the specifications will provide guidance to testers for verification of each technical requirement.

The functional specifications contain the following elements: single window and data flow definition, business rules for each reporting formality, harmonisation of business rules and a map of the data set.

### (2) Phase 2: Development of Technical specifications

The technical specifications define the interface between the single window and related network connections including the system architecture, interfaces and performance requirements.

They include guidelines for the interface between the shipping industry and the single window, as well as the single window and the SafeSeaNet system, mandatory functionalities of the single window including the data quality and the management of the access rights, user authentication, commissioning test plans and a ship information repository.

Together, the functional and technical specifications form the implementation guidelines. The National Single Window guidelines provide a definition of the minimum required functionalities that the national single window shall support. They also provide a definition of functionalities that may be implemented by Member States depending on their national legislative provisions. Minimum requirements are qualified as mandatory in the guidelines; others are optional.

### (3) Phase 3: Technical implementation

During this phase, the national and central systems have to be implemented by Member States and EMSA following the functional and technical specifications agreed upon in phase 1 and 2.

### (4) Phase 4: Testing

In the testing phase functional and non-functional tests will be performed. Functional testing will verify actions of functions specified in the functional specifications. Functional tests tend to answer questions like "can the user do this" and "does this particular feature work". Non-functional testing refers to aspects such as scalability or other performance, behaviour under certain constraints or security.

### (5) Phase 5: Initial operational phase

During this final phase, the national implementation will be reviewed against legal and technical requirements.