



**2018/0139(COD)**

15.10.2018

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## **DRAFT REPORT**

on the proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU  
(COM(2018)0278 – C8-0193/2018 – 2018/0139(COD))

Committee on Transport and Tourism

Rapporteur: Deirdre Clune

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

## CONTENTS

	<b>Page</b>
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION.....	5
EXPLANATORY STATEMENT.....	20
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT .....	22



## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU**

**(COM(2018)0278 – C8-0193/2018 – 2018/0139(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0278),
  - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0193/2018),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of ...<sup>1</sup>
  - having regard to the opinion of the European Committee of the Regions of ...<sup>2</sup>
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the report of the Committee on Transport and Tourism (A8-0000/2018),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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1 OJ C...(not yet published in the Official Journal).

2. OJ C...(not yet published in the Official Journal).

## Amendment 1

### Proposal for a Regulation Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

***(3 a) This Regulation seeks to harmonise different data elements by ensuring that the same data sets can be reported to each relevant authority in the same way, and thereby to further improve the efficiency of maritime transport, support digitalisation and to facilitate trade.***

Or. en

## Amendment 2

### Proposal for a Regulation Recital 4

*Text proposed by the Commission*

*Amendment*

(4) The existing National Single Windows in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The National Single Windows should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities.

(4) The existing National Single Windows in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The National Single Windows should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities. ***In order to function smoothly, particularly if data needs to be stored in the National Single Windows, a governance dimension, with a clear legal basis, should be developed for each National Single Window so that they have the competences and responsibilities to collect, store and distribute the data to the relevant competent authorities, and so that any relevant information received in accordance with this Regulation is made***

*available to other National Single Windows via the SafeSeaNet system in accordance with the technical requirements set out in Directive 2002/59/EC;*

Or. en

### **Amendment 3**

#### **Proposal for a Regulation**

##### **Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*(5 a) Existing reporting channels and service providers should be maintained as optional entry points for reporting, taking into account that these systems are functioning well and offer a customised means for maritime operators to fulfil their reporting formalities that might be better suited to some environments, in addition to representing substantial investment by many stakeholders.*

Or. en

### **Amendment 4**

#### **Proposal for a Regulation**

##### **Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime **transfer** sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of

(6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime **transport** sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of

the harmonised reporting environment.  
New technologies should also be taken into account when this Regulation is reviewed.

the harmonised reporting environment.  
New technologies should also be taken into account when this Regulation is reviewed ***in order for the benefits of new technologies to accrue early, allowing market players to develop new digital technologies.***

Or. en

## Amendment 5

### Proposal for a Regulation Recital 9

#### *Text proposed by the Commission*

(9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State.

#### *Amendment*

(9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State. ***This should be reflected in the development of an established governance dimension to the National Single Windows to ensure their smooth functioning. As the aim of this Regulation is trade facilitation via the harmonisation of data requirements, the Commission should, when defining a detailed data set, have regard to, and actively participate at the IMO level in the development of, a high-quality independent data reference model.***

Or. en



## Amendment 6

### Proposal for a Regulation Recital 14

*Text proposed by the Commission*

(14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a National Single **Windows** should be also shared with certain other entities, such as port or terminal operators.

*Amendment*

(14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a National Single **Window** should be also shared with certain other entities, such as port or terminal operators, ***when authorised and taking into account confidentiality, commercial sensitivities and legal constraints.***

Or. en

## Amendment 7

### Proposal for a Regulation Recital 15 a (new)

*Text proposed by the Commission*

*Amendment*

***(15 a) In order to realise fully harmonised reporting requirements, more cooperation should be established between customs authorities and maritime authorities at both national and Union level.***

Or. en

## Amendment 8

### Proposal for a Regulation Article 2 – paragraph 1 – point 1 a (new)

*Text proposed by the Commission*

*Amendment*

***(1 a) ‘ship’ means a seagoing vessel of any type operating in the marine environment that is subject to a reporting formality relating to the legislation listed in the Annex;***

Or. en

## **Amendment 9**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***(1 b) ‘Single Window’ means an environment for collection, dissemination and exchange of electronic vessel reporting information with a structured and commonly defined data structure, rules and management of access rights, including a harmonised reporting interface module and a graphical user interface, in addition to links to the relevant authorities systems and databases in accordance with relevant international, national and local legal requirements;***

Or. en

## **Amendment 10**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) ‘relevant authority’ means a national or local authority which is involved in the clearance of ships arriving at or departing from a port or has legal rights to access the information collected***

*by the National Single Window;*

Or. en

## **Amendment 11**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3 a) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process, service or system as defined in point (4) of Article 2 of Regulation (EU) No 1025/2012;***

Or. en

## **Amendment 12**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3 b) ‘standard’ means a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the variations defined in points (1) (a), (b), (c) and (d) of Article 2 of Regulation (EU) No 1025/2012;***

Or. en

## **Amendment 13**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5 a) 'customs authorities' means the authorities defined in point (1) of Article 5 of Regulation (EU) No 952/2013;**

Or. en

## **Amendment 14**

### **Proposal for a Regulation**

#### **Article 2 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) 'electronic transmission of data' means the process of transmitting information that has been encoded digitally, using a revisable structured format which can be used directly for storage and processing by computers.**

Or. en

## **Amendment 15**

### **Proposal for a Regulation**

#### **Article 4 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Where a Member State intends to introduce or amend a reporting obligation, under its national legislation, which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in question.

1. Where a **Member State or a relevant authority via that** Member State intends to introduce or amend a reporting obligation, under its national legislation, which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in

question.

Or. en

## Amendment 16

### Proposal for a Regulation

#### Article 4 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1 a. A Member State shall not introduce new reporting requirements, except under exceptional circumstances, unless this has been approved by the Commission in accordance with Article 3(2) and the new reporting requirement has been incorporated into the reporting module. The Commission shall provide a decision on the introduction of a new reporting requirement within 60 days following the receipt of the notification by the Member State.***

Or. en

## Amendment 17

### Proposal for a Regulation

#### Article 5 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

*Amendment*

Each Member State shall establish a National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, by means of and in compliance with the EMSWe data set, for the purpose of this information being made available to the relevant authorities of the Member States.

Each Member State shall establish a National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, ***in accordance with Article 7(2)***, , by means of and in compliance with the EMSWe data set, for the purpose of this information being made available to the relevant authorities of the Member States.

## **Amendment 18**

### **Proposal for a Regulation**

#### **Article 5 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Member States may also jointly develop a shared Single Window with one or more other Member States, in accordance with this Regulation and without prejudice to Article 6.***

Or. en

## **Amendment 19**

### **Proposal for a Regulation**

#### **Article 5 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Member States shall ensure that a governance dimension with a clear legal basis is developed to provide each National Single Window with the competencies required to efficiently collect, store and distribute the data to the relevant competent authorities and so that any relevant information received in accordance with this Regulation is made available to other National Single Windows via the SafeSeaNet system in accordance with the technical requirements set out in Directive 2002/59/EC.***

Or. en

## Amendment 20

### Proposal for a Regulation

#### Article 5 – paragraph 2

*Text proposed by the Commission*

2. The Commission shall develop and update a harmonised reporting interface module for the National Single Windows. This module shall include the possibility to exchange information between the information system used by the declarant and the National Single Window.

*Amendment*

2. The Commission shall develop and update a harmonised reporting interface module for the National Single Windows. This module shall include the possibility to exchange information between the information system used by the declarant and the National Single Window ***and duly take into account how users can design or programme their reporting systems so that they can work with this new system.***

Or. en

## Amendment 21

### Proposal for a Regulation

#### Article 5 – paragraph 3 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b a) the provision of an easy-to-use graphical user interface (GUI) for the exchange of data between the declarants and the National Single Window that allows for two-way communication between the data provider and the relevant authorities.***

Or. en

## Amendment 22

### Proposal for a Regulation

#### Article 5 – paragraph 3 – point d

*Text proposed by the Commission*

*Amendment*

(d) the provision of an online support

(d) the provision of ***a helpdesk and an online support website in the official***

website.

*language(s) of that Member State and in English.*

Or. en

## Amendment 23

### Proposal for a Regulation

#### Article 5 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. The Member States shall ensure that the National Single Windows provide two-way communications between the data providers and the relevant authorities in order to avoid delays in the clearing processes and to prevent failures or inaccuracies in the submission of the required reporting information. The National Single Windows shall allow for messages or results to be communicated to the declarant. These messages shall cover the widest range of decisions taken by all of the participating relevant authorities.***

Or. en

## Amendment 24

### Proposal for a Regulation

#### Article 5 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. National Single Windows shall also allow declarants to provide information ***by way of digital spreadsheets***, harmonised at Union level, and shall include the function of extracting reporting data elements from those spreadsheets.

4. National Single Windows shall also allow declarants to provide ***the required*** information, harmonised at Union level, and shall include the function of extracting reporting data elements from those spreadsheets.

Or. en



## Amendment 25

### Proposal for a Regulation Article 6 – paragraph 1

*Text proposed by the Commission*

1. Member States *may* allow declarants to provide the information through other reporting channels, such as port community systems, provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the National Single Window.

*Amendment*

1. Member States *shall* allow declarants to provide the information through other reporting channels, such as port community systems, provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the National Single Window.

Or. en

## Amendment 26

### Proposal for a Regulation Article 7 – paragraph 2 – point c

*Text proposed by the Commission*

(c) reporting information provided at departure from a port in the Union is not requested again *during the voyage or* at arrival to the next port in the Union, provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless such possibility is provided for in that Regulation;

*Amendment*

(c) reporting information provided at departure from a port in the Union is not requested again at arrival to the next port in the Union, *provided that it can be reused for operational or administrative purposes and* provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless such possibility is provided for in that Regulation;

Or. en

## Amendment 27

### Proposal for a Regulation

#### Article 7 – paragraph 2 – point d

*Text proposed by the Commission*

(d) the relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 is made available to the National Single Windows for reference and, where appropriate, reused for other reporting obligations listed in the Annex.

*Amendment*

(d) the relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 is made available to the National Single Windows for reference and, where appropriate ***and compatible with Union customs law following clearance by customs authorities***, reused for other reporting obligations listed in the Annex.

Or. en

## Amendment 28

### Proposal for a Regulation

#### Article 14 – paragraph 1 – point c

*Text proposed by the Commission*

(c) testing periods for the Member States and declarants to test their connection with any new versions of the interface module;

*Amendment*

(c) testing periods for the Member States and ***for voluntary*** declarants to test their connection with any new versions of the interface module;

Or. en

## Amendment 29

### Proposal for a Regulation

#### Article 15 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the promotion of the EMSWe at Union level and in relevant international organisations.

*Amendment*

(b) the promotion of the EMSWe at Union level and in relevant international organisations, ***involving representatives from government and industry stakeholders in this system.***



## EXPLANATORY STATEMENT

On 17.5.2018 the Commission published a proposal for a European Maritime Single Window environment, repealing Directive 2010/65/EU on reporting formalities for ships. This initiative is part of the Third “Europe on the Move” Package, which delivers on the new industrial policy strategy of September 2017 and is designed to complete the process of enabling Europe to reap the full benefits of the modernisation of mobility. New technologies are rapidly changing the mobility landscape and against this background, the EU and its industries must meet the challenge to become a world leader in mobility.

At present, maritime transport operators must fulfil a wide range of legal reporting requirements each and every time a ship makes a port call. There are over two million annual port calls made in the EU. Reporting formalities for ships making a port call in the Member States are currently set out in Directive 2010/65/EU – the Reporting Formalities Directive (RFD). The directive aims to simplify and harmonise administrative procedures in maritime transport by introducing a single window for reporting formalities for ships.

The problem for operators is that the reporting requirements are not yet harmonised, either between the different areas that need to be reported within a Member State or between different Member States. This results in a large administrative burden on the operators with the Commission estimating that staff in the shipping sector currently spend an annual total of about 4.6 million hours on reporting.

The European Commission's ex-post evaluation of the functioning of the current directive outlined that there are several serious problems preventing its harmonised application throughout the EU. The main problems found were an unsatisfactory level of national and EU harmonisation, the limited overall scope of the directive and, an inefficient use of the received data by national authorities of Member States.

The European Council have previously highlighted the problem in its 2017 Valletta declaration on maritime policy and in the Council Conclusions of 8 June 2017<sup>2</sup> on the priorities for the EU's maritime transport policy up to 2020, recognising that we need to reduce the administrative burden for maritime transport.

The purpose of the Commission's new proposal is to address the current non-harmonised reporting environment for ships in the EU. The proposed new European Maritime Single Window environment is an attempt to combine all of the reporting formalities associated with a port call. The intention is that this will improve interoperability and interconnection between different systems and encourage the most efficient use of data.

The Commission's proposal is designed to avoid any disproportionate burden on shipping operators and is based upon the existing structure of National Single Windows and on international and EU standards and data formats. The proposal of the Commission offers a decentralised, yet harmonised solution.

The rapporteur welcomes the proposal from the Commission to repeal and replace the current Directive and agrees with the identified shortcomings from ex post evaluation of the

functioning of the current Directive. It is clear that there are significant added costs for the industry from a lack of harmonisation for the reporting requirements for each port call and the rapporteur strongly supports any move to reduce the administrative burden facing maritime transport operators. The rapporteur strongly believes that this is in the best interests of wider trade facilitation and digitalisation.

The rapporteur believes that, firstly, a harmonised dataset is essential and perhaps the most important means of reducing the administrative burden for ships calling at EU ports and for improving the maritime logistic chain. The rapporteur would like to see the Commission come forward with a detailed harmonised data set that takes full account of the efforts at IMO level on data harmonization.

The rapporteur would also like to ensure that the EMSWe dataset is implemented without prejudice to the customs reporting environment and that there should be cooperation between the relevant authorities here in that regard. The Rapporteur recognises the need for Member States to have the flexibility to sometimes add new elements to their reporting requirements, for various reasons, but believe that it is important to find the right balance in order to not add new administrative burdens.

Regarding the operation of the National Single Windows, the rapporteur can see the logic of building upon the existing structures and welcomes the Commission's proposal in this regard. In order to ensure the good functioning of the NSW, the rapporteur would like to see the two way communication between the declarant and the relevant authorities ensured. In addition, the rapporteur believes that each NSW should have a clear governance dimension with a legal base in order for the smooth processing, flow and handling of data between authorities and, indeed, between Member States. The rapporteur would also welcome the possibility for Member States to jointly develop a single window.

**ANNEX: LIST OF ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the draft report:

<b>Entity and/or person</b>
European Sea Ports Organisation (ESPO)
European Community Ship-owners' Associations (ECSA)
World Shipping Council
Feport
Danish Shipping
Port of Rotterdam
European Commission
Presidency of the Council of the European Union