

**Brussels, 16 April 2025
(OR. en)**

8145/25

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DELECT 43**

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	7 April 2025
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2025) 2021 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 7.4.2025 amending Delegated Regulation (EU) 2023/205 as regards the European Maritime Single Window environment data set

Delegations will find attached document C(2025) 2021 final.

Encl.: C(2025) 2021 final



EUROPEAN
COMMISSION

Brussels, 7.4.2025
C(2025) 2021 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 7.4.2025

**amending Delegated Regulation (EU) 2023/205 as regards the European Maritime
Single Window environment data set**

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The purpose of this delegated act is to amend the European Maritime Single Window environment Data Set established by Delegated Regulation 2023/205 supplementing Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment (EMSWe) and provided for in Article 3 of Regulation (EU) 2019/1239, which includes the complete list of data elements stemming from reporting obligations, addressing the current non-harmonised data reporting requirements for ships when calling in an EU port.

The EMSWe Data Set takes into account existing provisions for mandatory reporting related to EU legislation, international legal instruments as well as national legislations and requirements. In particular, the amendment considered the compatibility of the EMSWe Data Set with the existing data requirements applicable in the customs domain stemming from Regulation (EU) 2015/2446 and Regulation (EU) 2015/2447. The Annex to the Delegated Regulation 2023/205 also provides the mapping with the IMO FAL Compendium and the indication whether a data element is requested by national legislation in force in each Member State.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission, appropriate and transparent consultations, including at expert level, have been carried out on this delegated act as broader expertise was needed in the early preparation of this delegated act.

The preparation of this delegated act required the collection of information provided by Member States. Industry associations were also consulted during the preparatory work.

The contents of the delegated act have been subject to consultation with the High Level Steering Group (HLSG) for Governance of the Digital Maritime System and Services (E03450¹), the European Maritime Single Window environment Coordination group and its subgroups (E03923²), and with the Customs Business Group (E03110³). The amendments to the EMSWe Data Set were thoroughly presented and discussed in a series of expert meetings, the first of which took place on 30 May 2023. The European Parliament was informed of the ongoing consultations and invited to the meetings.

The revised EMSWe Data Set was shared also with the business community such as industry associations active in the maritime sector, ship-owners, shipping lines, port operators, port community system operators, terminals, ship agents and freight forwarders. These stakeholders are regular observers in the expert groups and have thus been properly consulted.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This Delegated Regulation is to be adopted pursuant to Regulation (EU) 2019/1239, and in particular Article 3(3) thereof.

¹ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3450>

² <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3923>

³ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3110>

COMMISSION DELEGATED REGULATION (EU) .../...

of 7.4.2025

**amending Delegated Regulation (EU) 2023/205 as regards the European Maritime
Single Window environment data set**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU⁴, and in particular Article 3(3) thereof,

Whereas:

- (1) The experience gained during the first stage of implementation of Regulation (EU) 2019/1239 in conjunction with Commission Delegated Regulation (EU) 2023/205⁵ has shown that amendments to the European Maritime Single Window environment data set ('EMSWe data set'), established by Annex II to Delegated Regulation (EU) 2023/205, are needed in order to complete and further harmonise the list of data elements stemming from reporting obligations.
- (2) The Commission, assisted by the European Maritime Safety Agency and in close collaboration with the Member States, has carried out appropriate consultations, including at expert level and with stakeholders, to revise the EMSWe data set by way of better aligning it to the underlying Union and international legal acts and to the business and technical needs.
- (3) The EMSWe data set also includes the data elements required by national legislation which have to be provided in connection with a port call. Since the adoption of Delegated Regulation (EU) 2023/205, given the complexity of the national legislation and requirements establishing a reporting obligation during a port call, the work carried out in the expert groups has shown that further harmonisation of those data elements is necessary in the EMSWe data set.
- (4) Taking into account that Annex B to Commission Delegated Regulation (EU) 2015/2446⁶, which sets out the common data requirements for declarations, notifications and proof of the customs status of Union goods, was amended by

⁴ OJ L 198, 25.7.2019, p. 64, ELI: <http://data.europa.eu/eli/reg/2019/1239/oj>.

⁵ Commission Delegated Regulation (EU) 2023/205 of 7 November 2022 supplementing Regulation (EU) 2019/1239 of the European Parliament and of the Council as regards the establishment of the European Maritime Single Window environment data set and amending its Annex (OJ L 33, 3.2.2023, p. 24, ELI: http://data.europa.eu/eli/reg_del/2023/205/oj).

⁶ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1, ELI: http://data.europa.eu/eli/reg_del/2015/2446/oj).

Commission Delegated Regulation (EU) 2024/249⁷, it is necessary to amend the EMSWe data set in order to align the mapping between its data elements and the corresponding data elements in Annex B to Delegated Regulation (EU) 2015/2446.

- (5) The Facilitation Committee of the International Maritime Organisation (IMO), at its 47th session (from 13 to 17 March 2023) and at its 48th session (from 8 to 11 April 2024), approved new versions of the IMO Compendium on facilitation and electronic business ('IMO Compendium'). It is therefore necessary to amend the EMSWe data set also to update the mapping between its data elements and the corresponding data elements from the IMO Compendium.
- (6) The EMSWe data set needs to be amended also to update the list of names, formats and definitions of data elements, their mapping with the corresponding reporting obligations, the lists of codes that are to be applied in data elements, as well as the business rules.
- (7) Delegated Regulation (EU) 2023/205 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Delegated Regulation (EU) 2023/205 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 7.4.2025

For the Commission
The President
Ursula VON DER LEYEN

⁷ Commission Delegated Regulation (EU) 2024/249 of 30 November 2023 amending Delegated Regulation (EU) 2015/2446 as regards common data requirements for the purposes of exchange and storage of certain information under the customs legislation (OJ L, 2024/249, 12.2.2024, ELI: http://data.europa.eu/eli/reg_del/2024/249/oj).