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WORKING PAPER

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Shipping
N° prev. doc.:	ST 14509/18
Subject:	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 - Comments by Sweden

Delegations will find attached comments by **Sweden** on the above proposal.

Swedish drafting proposal on the new EU regulation establishing a EMSWe (date 22 nov 2018).

Based on document 14509/18 and marked in **bold/underlined** (new text) and ~~striketrough/underlined~~ (deleted text) and marked in yellow.

Many changes are of editorial character.

Recital

(4) The existing maritime National Single Window in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The maritime National Single Window 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 **and port services providers**.

(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 maritime National Single Windows should be also shared with certain other entities, such as port, **port service providers** or terminal operators.

This Regulation aims to improve the handling of data following the once-only principle when fulfilling the reporting obligations.

Justification: Since not all information is shared to port service providers (see Art 5.6) compared with competent authorities, it's more appropriate to include the port service providers in recital 14 that is talking about sharing.

(5b) A graphical user interface should be part of the maritime National Single Windows for manual reporting by declarants. Member States ~~could~~ **should offer the graphical user interface for manual entry of data by declarants also by way of uploading the harmonised digital spreadsheets ~~by declarants~~.**

Justification: Since Art 5a.2 regarding GUI says "shall" we think that "should" is more appropriate here. Last reference to declarant is superfluous.

Article 2

(1a) 'Maritime National Single Window' means a nationally established and operated technical platform for receiving, exchanging and forwarding electronically information to fulfill reporting

obligations and which includes a harmonised reporting interface module and **a** graphical user interface for the communication with the declarants as well as links with the relevant authorities' systems and databases at national and at Union level; **the maritime National Single Window may also allow, where applicable, for the connection with other reporting means;**

Justification: "a" is missing.

(3a) 'EMSWe data set' means the complete list of data elements stemming from reporting obligations **as set out in the Union and international legal acts as well as the national legislation, including regional and local, requirements referred to in the Annex;**

Justification: Since reporting obligation is defined in (2) there is no need to repeat it and it is therefore superfluous.

(5) 'declarant' means any natural or legal person subject to the reporting obligations **according to the relevant Union, or international legal acts or national legislation requirements,** or any duly authorised natural or legal person acting on its behalf within the limits of **the relevant reporting obligation** ~~that same legislation~~ **those legal acts or requirements;**

Justification: Since reporting obligation is defined in (2) there is no need to repeat it and it is therefore superfluous.

(6c) 'ship' means any vessel or craft subject to a particular reporting obligation **deriving from legislation** listed in the Annex;

Justification: Superfluous, since the title in the Annex is Reporting obligations.

Article 4

2a. In exceptional circumstances, a Member State may ask **for** additional data elements **from declarants, through other reporting means,** for a period of less than ~~two~~ **three** months without the approval of the Commission. The Member State shall **without delay immediately** notify those data elements to the Commission **when a decision to ask for additional data elements has been made. If, within two months of this notification, a Member State requests the Commission that the additional data elements should become part of the EMSWe data set, according to Article 3(3), the Member States may continue to ask the additional data elements until a decision by the Commission has been taken, and in case of a positive decision, until the EMSWe data set has been implemented. A Member State may request**

the Commission to extend this period for another three months if the exceptional circumstances still exist.”

Justification: Since the Commission confirmed that the NSW may be the reporting means of this temporarily reporting obligation we think that “other reporting means” shall be deleted.

We also prefer “without delay” instead of immediately and also clarify that it is after a decision has been made.

Regarding the last new sentence, we understand the purpose of it. But we think it’s important to distinguish between the EMSWe data set and amendments to that in ordinary circumstances which is well defined (para 1-2) and this occasion with is under exceptional circumstances. It shall however be possible to extend the time if the exceptional circumstances still exist after request to the Commission.

Article 5

3(a), (c) and (d): include **maritime** National Single Window

Article 9-12

Art 9-12 could have a similar paragraph as Art 10.2a that the Commission shall ensure the availability of data from the databases and the user management system to the maritime National Single Window.

Ref. Art 10. **2a. The Commission shall ensure the** availability of ~~that the ship database~~ data **to the maritime National Single Windows** for facilitation of ship reporting.