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### WORKING PAPER

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#### **CONTRIBUTION**

From:	General Secretariat of the Council
To:	Working Party on Shipping
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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 Denmark

Delegations will find attached comments by Denmark on the above proposal. They are marked in **bold** (new text) and ~~strikethrough~~ (deleted text).

# **Danish comments to the chair of the Council Shipping Working party dealing with the ongoing considerations of**

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) 278 final

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## **Chapter I General provisions**

### *Article 1*

#### *Subject matter and scope*

This Regulation establishes a framework for a harmonised and interoperable European Maritime Single Window environment ('EMSWe'), based on National Single Windows, in order to facilitate electronic transmission of information in relation to reporting obligations for ships arriving and staying in and departing from a Union port.

### *Article 2*

#### *Definitions*

For the purposes of this Regulation, the following definitions apply:

- (1) 'European Maritime Single Window environment' ('EMSWe') means the legal and technical framework for electronic transmission of information in relation to reporting obligations and procedures for the port calls in the Union, which consists of a network of National Single Windows and includes the harmonised interface as well as common services for user and access management, ship identification, locations codes and information on dangerous and polluting goods.
- (2) 'reporting obligation' means the information required by the Union and international legal acts listed, as well as national legislation referred to, in the Annex, which has to be provided for administrative and operational purposes in connection with the arrival, stay of a ship in and departure from a port in a Member State ('port call').
- (3) 'data element' means the smallest unit of information which has a unique definition and precise technical characteristics such as format, length and character type;
- (4) 'port community system' means an electronic system facilitating the exchange of operational or administrative information between different actors in a port;

- (5) ‘declarant’ means the operator of the ship or any other natural or legal person subject to the reporting obligations;
- (6) ‘data service provider’ means a natural or legal person which provides information and communication technology services or data entry services to a declarant in relation to the reporting obligations.
- (7) **‘a harmonised reporting interface module’ means a harmonized electronic reporting platform through which information can be exchanged between the information system used by the declarant and the affected National Single Window.**
- (8) **‘National Single Window’ means an electronic platform where all information necessary for the fulfilment of national reporting obligations shall be provided once, for the purpose of this information being made available to the relevant authorities of the affected Member State.**
- (9) **‘EMSWe data set’ means the complete list of reporting obligations for port calls as set out in the Union and international legal acts as well as the national legislation referred to, in the Annex.**
- (10) **‘national legislation’ means any information required by a public act (national, regional or local/municipality) or information which is required for fulfilling a such a legal requirement.**

#### **Danish Comments:**

*It seems appropriate to further define “a harmonised reporting interface module” (Article 5) as this would establish and progress the foundation for the future work on this platform.*

*Likewise the “National Single Window(s)” (Article 5) and the “EMSW dataset” (Article 3) should be defined in this Article.*

*Considering the wide interpretation (including commercial interactions), which the Commission have voiced lately, on the scope of “National legislation” it seems appropriate that this expression is further clarified from a legal point of view.*

## **Chapter II**

### **EMSWe data set**

#### *Article 3*

#### *Establishment of the EMSWe data set*

1. The Commission shall lay down a complete list of data elements (the ‘EMSWe data set’) on the basis of the reporting obligations set out in the Union and international legal acts listed, and the national legislation referred to, in the Annex. The Commission shall ensure that the common data requirements, format and codes established in the Union legal acts listed in the Annex are respected.

#### **Danish comments**

*Being an instrument to also progress the overall corporation of the EU-Member States, the Commission should be empowered to assess national requirements and only accept those that have a direct impact on safety, protection of the environment, the strengthening of the internal market or generally compelling considerations.*

2. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to supplement this Regulation for the purposes of establishing and amending the EMSWe data set. The delegated act which inserts or modifies a data element in the EMSWe data set, on the basis of a reporting obligation contained in the national legislation, shall include explicit reference to that national legislation.
3. A Member State may request the Commission to introduce data elements in the EMSWe data set, on the basis of the reporting obligations contained in the national legislation. By six months from the entry into force of this Regulation at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding reporting obligations, containing the data elements to be included in the EMSWe data set. They shall precisely identify those data elements. The Commission shall assess the necessity of inserting or modifying a data element in the EMSWe data set on the basis of those notifications.
4. The Commission shall also be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to amend the Annex for the purposes of making or adapting a reference to a reporting obligation contained in Union or international legal act or a reference to the national legislation.

#### *Article 4* *Requests for other information*

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. bis A MS shall not introduce new reporting requirements unless this has been acceded to by the Commission through the formal procedure in Article 3 and the corresponding information have been incorporated in the common reporting module.**

**1. ter New reporting requirements should only be introduced [once a year].**

#### **Danish comments**

*It is paramount that a complete dataset is established and even more that it does not change unless the changes has gone through the procedures established in section 4. I.e. MS should not be able to introduce new reporting requirements unless this has been acceded to by the Commission through the formal procedure and the corresponding information have been incorporated in the common reporting module.*

*In order that MS as well as industry has the ability to adapt to the new reporting requirements, such should only be introduced at fixed intervals e.g. once a year.*

2. The Commission shall assess the necessity of amending the EMSWe data set in accordance with Article 3(2).

## **Chapter III**

### **Provision of information**

#### *Article 5*

#### *National Single Windows*

1. 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.

[Member States shall be responsible for the ~~development, availability, maintenance, security and~~ operation of their National Single Windows.]

#### **Danish Comments**

*Seems that the last sentence could be shortened to “...be responsible for the operation of their ...” In essence it may be redundant compared to the first part of the paragraph.*

2. The Commission shall develop and update a harmonised reporting interface module for the National Single Windows. This module shall include **a graphical user interface as well as a machine to machine interface making it possible** ~~the possibility to exchange information between the information system used by the declarant and the National Single Window.~~

#### **Danish comments**

*As noted under Article 2, the so called harmonised reporting interface module should be defined in order to clarify the scope. To further underline this, many ships/declarants may not implement a Machine to Machine (M2M) interface due to the investments required. Rather they would prefer a Graphical User Interface (GUI). If we do not provide a common GUI, the bottom-line therefore may end up being the current situation where the industry needs to adapt to different reporting systems in each MS.*

3. The Member States shall ensure:
  - (a) the compatibility of the National Single Window with the **harmonised** reporting interface module;
  - (b) the timely integration of the **harmonised** reporting interface module and any subsequent updates in accordance with the implementation dates set in the implementing act referred to in paragraph (11);

- (c) a connection with the relevant systems of competent authorities, to enable the transfer of data to be reported to those authorities, through the National Single Window and to these systems, in accordance with the Union and national legislation, and in compliance with the technical specifications of these systems;
- (d) the provision of an ~~online~~ support website **dealing with their National Single Window**.

#### **Danish comments**

*It is quite unclear what “an online support website” involves for the MS. Is it an e-mail address that is being dealt during normal working hours or does it involve a 24/7 support. The latter being an excessive burden on small countries.*

*From a practical point of view it should be taken into account that the MS are unable to provide support on the harmonised reporting interface module, but only on their NSWs. Accordingly a two tier approach should be established (the harmonised reporting interface module versus the NSW's) where responsibilities between the MS and the Commission/EMSA are clarified. Perhaps the latter could be achieved through a corresponding text in the introductory considerations.*

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

#### **Danish Comments**

*Use of digital spreadsheets is a tool to progress manual reporting through a Graphical User Interface – GUI. Rather than adapting to 27 different NSW and the graphical user interfaces they may offer, it is paramount and a spoken demand from industry, that a common GUI is developed within the harmonised reporting interface module.*

- 5. Member States shall ensure that the required information reaches the authorities in charge of the application of the legislation in question, and is limited to the needs of each of those authorities. In doing so, Member States shall ensure compliance with the legal requirements related to the transmission of information, including personal data, provided for in the Union legal acts listed in the Annex and, where applicable, use the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013. They shall also ensure interoperability with the information systems used by those authorities.
- 6. **The harmonised reporting interface module** ~~National Single Windows~~ shall provide a ~~for~~ technical possibility for declarants to make available relevant information, separately, to destination port services providers.

#### **Danish comments**

*It is unclear how the MS can provide technicalities to make relevant information available to port service providers. I.e. how is this possible through a (common) harmonized reporting interface module and a - not yet legally established - GUI? This commitment and its scope (user community) should be further clarified.*

7. Where a Member State does not require all of the elements of the EMSWe data set for the fulfilment of reporting formalities, the National Single Window shall accept submissions that are limited to the data elements required by that Member State. It shall also accept submissions by the declarant including additional data elements of the EMSWe data set, **however does not need to handle and store this information.**

#### **Danish comments**

*It is unclear how MS are supposed to deal with the information it does not need. I.e. must it be stored for later distribution to other MS? This should be clarified in the proposal.*

8. A Member State shall store the information submitted to its National Single Window for the period of time necessary to ensure fulfilment of the requirements set out in this Regulation and, where compliance with the Union legal acts listed in the Annex can only be ensured through storage in the National Single Window, for the period of time necessary for compliance with those acts. They shall immediately delete it afterwards.
9. National Single Windows shall make publicly available arrival and departure times of ships, estimated and actual, in the electronic format harmonised at the Union level.
10. National Single Windows shall have uniform internet address and support webpages, harmonised at the Union level.
11. The Commission shall adopt, by means of implementing acts:
- (a) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the reporting interface module referred to in paragraph 2;
  - (b) the harmonised digital spreadsheet referred to in paragraph 4;
  - (c) harmonised technical specifications for making available arrival and departure times referred to in paragraph 9;
  - (d) uniform format for internet addresses and harmonised structure of the support website, referred to in paragraph 10.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

The Commission shall amend, by means of implementing acts, the technical specifications, standards and procedures, in order to take into account the availability of new technologies.

#### *Article 6* *Other reporting means*

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.
2. ~~Member States shall set up alternative means for the provision of information in the event of a temporary failure of any of the electronic systems referred to in Article 5, and in Articles 9 to 12.~~

## Danish Comments

*As to day, we plan on two parallel systems mirrored with the same data. An e-mail service which would call for a huge manual involvement at very short notice would in our perspective not be a suitable tool to maintain and distribute the requested information. Considering the current situation where downtimes are rare, this paragraph could be deleted.*

3. This Regulation shall not prevent exchange of information between customs authorities of the Member States or between customs authorities and economic operators using the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013.

### Article 7 Once-only principle

1. Without prejudice to Article 6(3), the Member States shall ensure that the declarant is requested to provide the information pursuant to this Regulation only once per port call and that the relevant information is made available or reused in accordance with paragraph 2.
2. The **Commission** ~~Member States~~ shall ensure that:
  - (a) the ship identification information and particulars provided to **the harmonised reporting interface module** ~~a National Single Window~~ are recorded in the EMSWe ship database referred to in Article 10 and are not requested again for any subsequent port calls within the Union;

## Danish comment

*It seems unsuitable to update a common database through 27 individual NSWs, which in essence would (only) serve as a national platform for distribution of information to and from national authorities/destination port services providers. Accordingly the updating should be done through the harmonised reporting interface module.*

- (b) 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;
- (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;

## Danish comment

*It seems difficult for a MS to ensure that departure information provided in one of its ports are not requested again in another MS, which may have a complete other setup of the information it requires? Further there will be elements that change during the voyage e.g. of bunker, sewage and garbage!*

*Another issue is that reporting to VTS's during the voyage now must be abolished for ships on inter UE-voyages however not ships in transit. Besides complication the aim how does this correlate with the IMO approval of the current systems?*

*Again this seems like an issue that needs to be addressed through the “harmonised reporting interface module” i.e. to be addressed 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.
- 3. The **master or his/her representative declarant** shall be responsible for ensuring the timely submission, accuracy and completeness of the information provided in accordance of this Regulation, and its compliance with any technical requirements of the National Single Windows. The declarant shall remain responsible for updating any information, if it has changed after the submission.

#### **Danish comments**

*Through the definition of article 2, the declarant will be a number of entities; in cases of missing or incorrect reporting it will therefore be quite complicated to identify where to follow up. Who would for instance be responsible for changing the destination port and hence ensure that the report is pushed to another port?*

*We would propose that the master or his/hers representative are made responsible.*

- 4. The Commission shall adopt, by means of implementing acts, the list of relevant information referred to in points (b), (c) and (d) of paragraph 2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

#### *Article 8 Confidentiality*

Member States shall, in accordance with the applicable Union or national legislation, take the necessary measures to ensure the confidentiality of commercial and other sensitive information exchanged in accordance with this Regulation.

## **Chapter IV Common services**

#### *Article 9 EMSW user and access management system*

- 1. The Commission shall establish a common user and access management system for declarants and data service providers using the **common harmonised reporting interface module** ~~National Single Windows~~ as well as for authorities accessing the National Single Windows. The system shall provide for a single user registration with EU level recognition, federated user management and EU level user monitoring.

#### **Danish comment**

*We are unclear on the proposal to only establish a common user access to the NSWs. How is industry able to assess the “fully harmonized reporting interface”, in order to provide a machine to machine reporting or reporting through the GUI (which Denmark recommend being a part of the fully harmonized reporting interface)? We therefore suggest that the user access be expanded to also include the fully harmonized reporting interface.*

2. For the purpose of access to the National Single Windows in different Member States, a declarant or data service provider registered in the EMSWe user and access management system shall be considered registered to National Single Windows in all Member States.
3. Each Member State shall designate the national authority responsible for the user management of declarants and data service providers including for registering new users, modifying and terminating existing accounts of the user authentication instrument.
4. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the instrument referred to in paragraph 1 for collecting, storing and provision of user credentials. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

#### *Article 10*

##### *EMSWe Ship Database*

1. In accordance with point (a) of Article 7(2), the Commission shall establish a EMSWe ship database containing a list of ship identification information and particulars as well as records on ship reporting exemptions.
2. Member States shall ensure the provision of new ship particulars to the EMSWe ship database and availability of this information for facilitation of ship reporting.
3. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 for collecting, storing and provision of the ship particulars and exemptions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

#### *Article 11*

##### *Common Location Database*

1. The Commission shall establish a common location database containing a reference list of location codes<sup>1</sup> and port facility codes as registered in the IMO database GISIS.
2. Member States shall make information from location database available at national level through the National Single Windows.
3. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the common location database referred to in paragraph 1 for collecting, storing and provision of the

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<sup>1</sup> "United Nations Code for Trade and Transport Locations"

location and port facility codes. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

*Article 12*  
*Common Hazmat Database*

1. The Commission shall establish a common hazmat database containing a list of dangerous and polluting goods which have to be notified in accordance with Directive 2002/59/EC<sup>2</sup> and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes.
2. The database shall be linked to the relevant entries in the MAR-CIS database as developed by European Maritime Safety Agency for information on associated hazards and risks of dangerous and polluting goods.
3. The database shall be used both as a reference and a verification tool, at national and Union level, during the reporting process through the National Single Windows.
4. Member States shall make information from the common hazmat database available at national level through National Single Windows.
5. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the common hazmat database referred to in paragraph 1 for collecting, storing and provision of the hazmat reference information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

**Chapter V**  
**Coordination of the EMSWe activities**

*Article 13*  
*National coordinators*

Each Member State shall designate a competent authority to act as a national coordinator for the EMSWe. The national coordinator shall:

- (a) act as a national contact point for all matters relating to the implementation of this Regulation;
- (b) coordinate the application of this Regulation by the competent national authorities within a Member State;
- (c) coordinate the activities aiming at ensuring the connection with the relevant systems of competent authorities as referred in Article 5(3)(c);
- ~~(d) act as a single contact point with the Commission for all matters relating to the EMSWe.~~

**Danish Comment**

*Being almost similar in substance we would suggest to delete (d) which seems included in (a).*

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<sup>2</sup> OJ L 208 of 5.8.2002, pp. 10-27

*Article 14*  
*Multi-annual Implementation Plan*

In order to facilitate the timely implementation of this Regulation, the Commission shall adopt, following appropriate expert consultations, a multi-annual implementation plan (MIP) revised on a yearly basis which shall provide:

- (a) development plan for development and updating of the reporting interface module foreseen within the following 18 months;
- (b) indicative deadlines for the Member States for subsequent integration of the reporting interface module to the National Single Windows;
- (c) testing periods for the Member States and declarants to test their connection with any new versions of the interface module;
- (d) indicative phasing out deadlines for the older versions of the interface module for the Member States and declarants.

-----End on 24<sup>th</sup> July 2018

## **Chapter VI** **Final provisions**

~~*Article 15*~~  
~~*Costs*~~

~~The general budget of the European Union shall cover the costs for:~~

- ~~(a) the development and maintenance of the ICT tools supporting the implementation of this Regulation at Union level;~~
- ~~(b) the promotion of the EMSWe at Union level and in relevant international organisations.~~

### **Danish Comments**

*In our opinion it seems inappropriate to establish the economic framework of the Union within this regulation. This should be part of the overall budget of the Commission and its subsidiaries. Also it is unclear what is involved?*

*Further it is questionable if promotion of the EMSWe should be part of this regulation.*

*Article 16*  
*Cooperation with other trade and transport facilitation systems or services*

Where trade and transport facilitation systems or services have been created by other Union legal acts, the Commission shall coordinate the activities related to those systems or services with the view to achieving synergies and avoiding duplication.

*Article 17*  
*Review and report*

1. Member States shall ~~ensure that procedures are in place to collect data, including statistics, using, inter alia, surveys, on the functioning of the EMSWe, and shall report their findings to the Commission on. The report shall include the following indicators:~~
  - (a) ~~implementation of the harmonised dataset;~~
  - (b) ~~installation of the harmonised reporting gateway software;~~
  - (c) use of other reporting systems as referred to in paragraphs 1 and 2 of Article 6;
  - (d) ~~requests for other information as referred to in Article 4.~~
2. ~~Member States shall organise the gathering and production of the data necessary to measure the change in the indicators described in paragraph 1, and shall supply that information to the Commission on a bi-annual basis.~~

**Danish Comments**

*It seems inappropriate to put new administrative burdens on the MS and the industry in order to perform surveys on the functioning of the new reporting regime.*

*The reporting on subparagraphs (a) and (b) should not be needed as they are (already) an integrated part of the MS obligation to implement this regulation.*

*Also part (d) seems superfluous as such must be reported to the Commission already as part of Article 4.*

By six years after the entry into force of this Regulation the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the EMSWe on the basis of the data and statistics collected. The assessment report shall include, where necessary, an evaluation of emerging technologies, which could lead to changes to or replacement of the reporting interface module.

*Article 18*  
*Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European

Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult national experts nominated by the Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. When adopting a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

#### *Article 19*

##### *Committee procedure*

1. The Commission shall be assisted by the Digital Transport and Trade Facilitation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011<sup>3</sup>.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

#### **Danish Comments**

*While it is clear that the Commission considers this proposal a tool for trade facilitation, it is unclear why the Commission has chosen a (complete) new Committee to assist it during future amendments. Why not use the existing High Level Steering Group for Governance of the Digital Maritime System and Services and its subsidiary working groups for this job. In this respect it is envisaged that those latter entities should be tasked to prepare the technical and operational framework of this proposal.*

#### *Article 20*

##### *Repeal of Directive 2010/65/EU*

Directive 2010/65/EU shall be repealed from the date of application of this Regulation.

References to Directive 2010/65/EU shall be construed as references to this Regulation.

#### *Article 21*

##### *Entry into force*

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

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<sup>3</sup> OJ L 55, 28.2.2011, p. 13.

2. It shall apply from [OP- insert four years after entry into force of this Regulation].
3. The functionalities referred to in point (d) of Article 7(2) and those related to the customs formalities specified in point 7 of Part A of the Annex shall become effective when the electronic systems referred to in Article 6(1) of Regulation (EU) No 952/2013 which are necessary for the application of those formalities are operational, in accordance with the work programme established by the Commission pursuant to Articles 280 and 281 of Regulation (EU) No 952/2013.

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

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

**ANNEX**  
**EMSWe Data set**

**A. Reporting obligations resulting from legal acts of the Union**

This category of reporting obligations includes the information which is to be provided in accordance with the following provisions:

1. Notification for ships arriving in and departing from ports of the Member States

Article 4 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).

2. Border checks on persons

Article 7 of 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) (OJ L 105, 13.4.2006, p.1).

3. Notification of dangerous or polluting goods carried on board

Article 13 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).

4. Notification of waste and residues

Article 6 of Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p.81).

[New proposal repealing 2000/59/EC:

4. Notification of waste from ships, including residues

Articles 6 and 7 of Directive 201X/XX/EU of the European Parliament and the Council]

5. Notification of security information

Article 6 of Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p.6).

Until the adoption of a harmonised form at international level, the form set out in the Appendix to this Annex shall be used for identifying the information required under Article 6 of Regulation (EC) No 725/2004. The form can be transmitted electronically.

6. Information on persons on board

Articles 4(2) and 5(2) of Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).

7. Customs formalities

- (a) Arrival formalities:
  - Notification of arrival (Article 133 of Regulation (EU) No 952/2013<sup>4</sup>);
  - Presentation of goods to customs (Article 139 of Regulation (EU) No 952/2013);
  - Temporary storage declaration of goods (Article 145 of Regulation (EU) No 952/2013);
  - Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);
  - Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013).
- (b) Departure formalities:
  - Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);
  - Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013);
  - Exit notification (Article 269(2) of Regulation (EU) 952/2013);
  - Exit summary declaration (Articles 271 and 272 of Regulation (EU) No 952/2013);
  - Re-export notification (Articles 274 and 275 of Regulation (EU) No 952/2013);

~~8. Safe loading and unloading of bulk carriers~~

~~Articles 7 and 8 of Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers;~~

**Danish comments**

*In our understanding, this directive does not contain reporting obligations to the authorities (only between terminal and ship). Accordingly this reference could be deleted.*

9. Port State Control

Article 9 of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control.

10. Maritime Transport statistics

Article 5 of the Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea.

**B. FAL forms and obligations resulting from international legal instruments**

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<sup>4</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October laying down the Union Customs Code (OJ L 269, 10.10.2013, p.1).

This category of reporting obligations includes the information which is to be provided in accordance with the FAL Convention and other relevant international legal instruments.

1. FAL form 1: General Declaration
2. FAL form 2: Cargo Declaration
3. FAL form 3: Ship's Stores Declaration
4. FAL form 4: Crew's Effects Declaration
5. FAL form 5: Crew List
6. FAL form 6: Passenger List
7. FAL form 7: Dangerous Goods
8. Maritime Declaration of Health

### **C. National legal provisions**

This category of reporting obligations includes data elements in the following categories:

1. Maritime transport
2. Maritime transport safety
3. Environment
4. Border control
5. Security
6. Customs
7. Health
8. ~~Military~~

#### **Danish comments**

*It is unclear which reporting requirements are meant just as the scope seems wide? This paragraph could be deleted.*

#### ~~9. Port services~~

#### **Danish Comments**

*As in the proposed regulation we are dealing with (only) legal provision i.e. obligations implemented in a MS through law, order or an equivalent instrument. In e.g. Denmark where these data elements are based on commercial agreements between the port/service providers and the ship (only) there would not be any such (legal) data-elements to report. This paragraph could be deleted.*

#### 10. Statistics

#### **Danish comments**

*Perhaps this is in reality a section A-issue (only). Further it is the perception that such information is addressed towards the ship operator/owner and the ports, entities not directly covered by this regulation. Also such information is not voyage related towards a specific ship.*

## ~~11. Fiscal information~~

### **Danish comments**

*It is unclear which reporting requirements are meant just as the scope seems quite wide? This paragraph could be deleted.*

APPEND.



### 3.2.3.2. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026
<b>• Establishment plan posts (officials and temporary staff)</b>							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	2	2	2	2	2	2	2
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>5</sup></b>							
XX 01 02 01 (AC, END, INT from the 'global envelope')	2	2	2	2	2	2	2
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy <sup>6</sup>	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Policy monitoring, governance mechanism (stakeholder management) and project coordination (Programme Management Activities)
External staff	Supporting the work on policy monitoring, governance mechanism and project coordination (Programme Support Activities)

<sup>5</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

<sup>6</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. *Compatibility with the current multiannual financial framework*

- X The proposal/initiative is compatible the current multiannual financial framework.
- ☐ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

N/a: policy support budget line – no reprogramming required

- ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

N/a

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.

### 3.3. Estimated impact on revenue

- X The proposal/initiative has no financial impact on revenue.
- ☐ The proposal/initiative has the following financial impact:
  - ☐ on own resources
  - ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>7</sup>						
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article .....								

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

<sup>7</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.