ECASBA EUROPEAN SEMINAR

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"SHIP REPORTING 2.0 GETTING IT RIGHT THIS TIME?"

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REPORTING FORMALITIES DIRECTIVE

- Directive 2010/65/EC, originally launched in 2009

- Designed to introduce harmonised, streamlined and consistent vessel reporting to national authorities, allow re-use of data and effect a reduction in the reporting burden with effect from 1st June 2015

- Unfortunately a number of factors, from an unwillingness to share to a failure to agree common standards for data exchange, have prevented the project from achieving its stated aims

- So Commission undertook two REFIT reviews in order to address those issues, surveyed stakeholders and went away and thought about the problem. The result…

REPORTING FORMALITIES DIRECTIVE

The:

REPORTING FORMALITIES REGULATION (2018/0139)

REPORTING FORMALITIES REGULATION

- A Regulation not a Directive:

    "A Regulation is a binding legislative act. It must be applied in its entirety across the EU. A Directive is a legislative act that sets out a goal that all EU countries must achieve. It is up to the individual countries to devise their own laws on how to reach those goals"

    www. europa.eu/european-union/eu-law/legal-acts_en

    "A regulation is a more appropriate instrument for ensuring that interfaces, data formats and reporting procedures are harmonised efficiently and that these measures are implemented in a consistent and transparent fashion"

    "Choice of instrument", Regulation 2018/0139, Explanatory Memorandum

REPORTING FORMALITIES REGULATION

REPORTING FORMALITIES REGULATION

Main Points/1:

Establishes a "European Maritime Single Window Environment (EMSWe), a legal and technical environment for electronic transmission of information in relation to reporting formalities and obligations for the port calls in the Union, which consists of a network of National Single Windows (NSW's) 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".

REPORTING FORMALITIES REGULATION

Main Points/2:

- NSWs established by Member States

- Common, harmonised front-end user interfaces to aid data reporting

- Common data set based on EU and international reporting obligations

- Common EMSWe ship database covering ship particulars, specific reporting exemptions etc.

- Common Hazmat database for dangerous and polluting goods

- Includes "report once" facility for operational data, can be shared with port or terminal operators

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In more detail/1:

EMSWe Dataset: 10 fields covering:

- Arrival and departure information
- Border checks on persons
- Dangerous goods notification
- Waste and residues (revised PRF directive)
- Security information
- Passenger information
- Safe loading and unloading of bulk carriers
- Port State Control
- Maritime Statistics

- Customs formalities*:
- Entry summary declaration*
- Customs manifest*
- Temporary storage declaration
- Customs status of goods
- Electronic transit documentation
- Exit Summary Declaration
- Exit Notification
- Re-export Notification

* Certain data only, not formal lodgement

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In more detail/2:

Additional data elements:

- FAL Forms 1 (General Declaration), 2 (Cargo Dec.), 3 (Ship Stores Dec.), 4 (Crew Effects Dec.), 5, (Crew List), 6 (Passenger List), 7 (Dangerous Goods), Maritime Declaration of Health

- National legal provisions as requested by Member States (subject to prior agreement by the Commission)

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In more detail/3:

- Declarants will provide information by means of digital spreadsheets, the detail and format of which will be harmonised at EU level. The spreadsheets will be provided by the Member State to ensure they meet the common requirements

- Spreadsheets will include functionality to assist in the extraction of reporting data elements

- Declarants will be able to input data to the NSW through existing reporting channels, including Port Community Systems

REPORTING FORMALITIES REGULATION

In more detail/4:

- Member States will be responsible for integrating and managing the application of the common interface software for use by declarants and ensuring it remains updated as necessary

- Member States will be responsible for getting all relevant authorities engaged with, and connected to, the NSW

- A NSW must accept the EMSWe dataset in its entirety but can automatically disregard any information not relevant to the Member State concerned

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Issues for agents:

- Ensuring that the reporting spreadsheets are correctly formatted and all procedures are appropriate to the actual ship reporting functions. Action: Ensure ECASBA is represented on DG-MOVE Expert Group/Committee

- Ensuring that the convention of "As Agents Only" is preserved in the new EMSWe. Action: Continue to promote the convention with DG-MOVE and other DG's

- Ensuring the implementation of NSWs is as seamless as possible. Action: ECASBA members to engage with national authorities on all aspects of the implementation process

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And finally, what is not in the Regulation/1:

- No firm commitment to a pan-European single window: "The implementation of this Regulation should take into account the SafeSeaNet systems established at national and Union level, which should continue to facilitate the exchange and distribution of information received through the NSW between the Member States in accordance with Directive 2002/59 (the VTMIS Directive)".

- No attempt to regulate the reporting obligations in individual Member States: "Since the scope of reporting obligations varies from one Member State to another, a NSW in a given Member State should be designed to accept the EMSWe dataset without modification, and disregard and information relevant for that Member State".

REPORTING FORMALITIES REGULATION

And finally, what is not in the Regulation/2:

- No attempt to include full lodgement of customs information: "Given the importance of the entry summary declaration for the management of security and financial risks, a specific electronic system is currently being developed for the submission and management of the entry summary declaration (ESD) in the Union customs territory. It will not, therefore, be possible to lodge an ESD through the NSW. However, considering that some of the data elements submitted with the ESD are also required for the fulfilment of other customs and maritime reporting formalities when a ship calls at a port in the Union, the EMSWe (…) should be able to process the data elements of the ESD. The possibility that the NSWs could retrieve relevant information already submitted through the ESD should also be envisaged."

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Questions for DG-MOVE/1:

- What is the proposed timescale for implementation of the EU-wide ship reporting environment??

- How will current proposal reduce administrative burden if the ship still has to report at every port?

- What is the timescale for harmonising data and formats?

- When is the EMSWe going live?

- Will the common dataset exclude irrelevant and obsolete data?

- How secure are the spreadsheets, will they include macros?

REPORTING FORMALITIES REGULATION

Questions for DG-MOVE/2:

- Who is going to produce/populate ship database? Commercial application?

- While excluding customs and phyto-sanitary reporting obligations (amongst others) will aid implementation, they will not provide the fully integrated reporting system we all want. What is the timescale for bringing these additional reporting functions into the EMSWe?

REPORTING FORMALITIES REGULATION

Conclusions:

- Using a Regulation instead of a Directive will aid harmonisation

- Delaying the introduction of a European Single Window until effective and efficient NSWs are in place - the ECASBA preferred model - will reduce the implementation workflow and impact on administrations, shipowners/operators, agents and other parties, but not the operational burden of reporting

- In summary, we are part-way there, but the lack of any Europe-wide data exchange, and the exclusion of customs and other reporting obligations, means there is still a long way to go!