

Reporting formalities for ships arriving in and/or departing from ports of the Member States

2009/0005(COD) - 21/01/2009 - Legislative proposal

PURPOSE: to simplify the documentary and physical checks conducted on ships and goods moving between ports situated in the European Union.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: Directive 2002/6/EC requires Member States to accept certain standardised forms (hereinafter, 'FAL forms') in order to facilitate traffic, as defined by the International Maritime Organisation (IMO) Convention designed to facilitate international maritime traffic (hereinafter, 'FAL Convention'). Directive 2002/6/EC must be replaced in order to meet the following needs:

- review of the FAL Convention and consistency with other Community legislative acts: the changes to Community legislation and the FAL Convention are causing greater administrative complexity in the field of maritime transport, which should be reduced while avoiding any reduction in maritime safety, maritime security and environmental protection;
- a new security information form to be provided prior to entry into a port in a Member State: the Commission has provided the maritime security committee (the 'MARSEC committee'), established under Regulation No 725/2004 on enhancing ship and port facility security, with a draft form designed to ensure harmonisation of information requests. The committee approved this harmonised draft information form in March 2005. Until the adoption of a harmonised form of this type at international level, the Commission is proposing as an interim measure the form approved by the MARSEC committee;
- insufficient information and duplication of authorities in ports: this results in an increase in repetitive work and a potential cause of slowness or errors which could be eliminated if the use of electronic data transmission systems was more widespread;
- inconsistent application of Directive 2002/6/EC: a study of 40 ports carried out by the European Maritime Safety Agency showed that although the Directive was generally well implemented by the Member States, it did not always enable the intended objective of simplification to be achieved.

IMPACT ASSESSMENT: three options were considered: (a) no measure being taken at Community level; (b) given that checks conducted on goods circulating within the internal market are derived from various pieces of legislation, each of them being the subject of simplification on a case-by-case basis; (c) a series of coherent measures being adopted in order to eliminate administrative obstacles to the free movement of Community goods or similar between EU ports. The option chosen by the Commission is option (c).

CONTENT: the aim of this proposal for a Directive is to reduce the amount of information to be repeatedly provided to the various port authorities. To this end, it is felt that the transmission of information as provided for in Directives 95/21/EC, 2002/59/EC and 2000/59/EC and Regulation (EC) No 725/2004 and, if necessary, the International Maritime Dangerous Goods Code, contain all navigation information required by the authorities upon arrival at and/or departure from ports.

The Commission proposes, *inter alia*:

- to establish a 24-hour deadline by which the information required must be sent, in compliance with the deadlines stipulated in Directive 2002/59/EC and Regulation (EC) No 725/2004;
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to require Member States to appoint a single competent authority at national level for the collation of information required at entry to and/or exit from European Union ports, which shall be the authority designated for the implementation of SafeSeaNet;

- to make the use of electronic means of transmission commonplace as soon as possible and by 13 February 2013 at the latest, this being the date given in Decision 70/2008/EC on a paperless environment for customs and trade;
- to exempt those moving between ports situated within the European Community's customs territory from sending FAL forms, provided that the goods are presumed to have Community status.