

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

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In public deliberation, the Council took note of a **progress report** on a proposal for a directive aimed at simplifying the procedures and formalities to be fulfilled when ships arrive in or depart from EU ports.

The Council instructed its preparatory bodies to continue the examination of this file, with a view to arriving at a rapid adoption of the proposal.

The examination of the proposal by the Shipping Working Party started in May 2009, under the Czech Presidency but with a Swedish chair. The work has been pursued under the Swedish Presidency.

The European Parliament has not yet started its examination. A rapporteur was nominated in September 2009 (Mr Sterckx, ALDE-BE). A first exchange of views in the Transport and Tourism Committee might take place in November 2009.

Delegations are in general very positive to the aim of simplifying the administrative procedures. However, some doubts have been expressed on the relationship with other existing EU legal texts, such as the [Customs Code](#), the [Schengen Borders Code](#) and the [Vessel Traffic Monitoring Directive](#), as well as with certain international requirements. Furthermore, many Member States question the different time-frames in the Commission proposal for the implementation of the Directive.

Regarding the scope, the Commission's intention to cover all seagoing ships is considered as being too broad. In addition, some landlocked EU Member States raised the question of the need for them to transpose the Directive.

Concerning the **language in which FAL forms** may be submitted, the Commission has proposed that all IMO official languages could be used. However, a number of delegations has proposed English as it is the language most widely used in shipping, but there is strong reluctance on this point from several other delegations.

Lastly, the examination of the Commission proposal has shown that some of the **simplification measures might be difficult to implement**, more for reasons of legislative technique than for political reasons.

As regards the **scope** and with a view to facilitating an agreement, the Presidency has proposed the exclusion of some categories of ships as suggested by some delegations. Furthermore, a specific solution for landlocked Member States has to be found, taking into account the fact that some of these Member States have ships registered under their flag.

As for other outstanding issues, the Presidency is seeking to **simplify and clarify the proposal** along the lines suggested by delegations. A core issue here is to ensure consistency with other EU legislation and international requirements, in order to avoid any contradictions and/or legal vacua.

As soon as the European Parliament has started its examination, it is the intention of the Presidency to commence informal contacts with the rapporteur. The aim would be to reach a first reading agreement with the Parliament, depending on the time-table of the Parliament.

At this stage, **all delegations have general scrutiny reservations** on the current text of the Commission proposal. In addition, DK, MT and UK have parliamentary scrutiny reservations.

Following the above, Coreper is invited to take note of this progress report and to invite the TTE Council to examine it on 9 October 2009.