

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

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The Committee on Transport and Tourism adopted the report drawn up by Dirk STERCKX (ALDE, BE) on the proposal for a regulation of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC. It recommended that the European Parliament's position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) should be to amend the Commission proposal as follows:

Subject matter: Members state that the purpose of the Directive is not only to simplify but also to **harmonise** the administrative procedures applied to maritime transport.

Electronic systems: the committee specified that widespread use should be made of electronic means of data transmission for all reporting formalities as soon as possible and by 15 February 2013 at the latest. As the transmission of this data forms a chain stretching from the user to SafeSeaNet, all the information systems should be technically interoperable by the same deadline to ensure the smooth running of the European maritime transport space without barriers.

The full benefits of electronic data transmission can only be achieved if there is smooth and effective communication between SafeSeaNet, e-Customs and the electronic systems for entering or calling up data. To that end, in order to limit administrative burdens, recourse should be had in the first instance to the existing standards.

Access to SafeSeaNet and to these electronic systems should be regulated in order to protect commercial and confidential information and should be without prejudice to the applicable law on the protection of commercial data and, in respect of personal data, to Directive 95/46/EC and to Regulation (EC) No 45/2001. The introduction of these systems should not result in uncontrolled processing of economically sensitive information belonging to market operators. A reliable access control system is necessary, including an obligation to provide thorough justifications.

Members insert a **definition of 'electronic transmission of data'** which means the process of transmitting information that has been encoded digitally, using a revisable structured format which can be used directly for storage and processing by computers.

FAL forms: the FAL forms must be submitted in accordance with Regulation 14(4) of Chapter V of the SOLAS Convention (as referred to in Directive 2001/25/EC on the minimum level of training of seafarers). That regulation provides for the use of English as the common working language.

Electronic transmission of documents: the committee specifies one electronic platform for data collecting and exchanging, but does not specify which platform. It states that this electronic platform, where SafeSeaNet, e-Customs and other electronic systems converge, shall be the place where all information, received by various competent authorities in accordance with the Directive, is collected and exchanged between these competent authorities and the Member States.

Confidentiality of data: a new article stipulates that Member States shall, take the necessary measures to ensure that data they receive under the Directive remain confidential and are only used in accordance with this Directive. They shall take particular care to protect commercial data collected under the Directive. In

respect of personal data, Member States shall ensure they comply with Directive 95/46/EC and with Regulation (EC) No 45/2001. Member States shall ensure that the users of these data have access only to the database relevant to their specific responsibilities and thus do not misuse these data or transfer personal or commercial data without thorough justifications.

Exemptions: Members state that Community goods which are electronically identified must not be subject to additional formalities on the grounds that the ship has called at a port in a third country or free zone.

Extension of coverage: a new article stipulates that the Commission shall report by 31 December 2011 at the latest on extending the scope of the simplification introduced by the Directive to cover inland waterway transport. The Commission shall also consider to what extent the River Information System is compatible with the electronic systems referred to in the Directive.

European Maritime Safety Agency: another new article states that when Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency is next revised, the Commission shall, on the basis of this Directive, propose amendments intended to make this Agency operational and competent in respect of the monitoring and the technical and administrative harmonisation of the formalities provided for in this Directive.

Delegation of power: Members inserted certain clauses to conform with Article 290 of the Treaty.