




Basic information	
<p>2009/0005(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Reporting formalities for ships arriving in and/or departing from ports of the Member States</p> <p>Repealing Directive 2002/6/EC 2001/0026(COD) Repealed by 2018/0139(COD) Amended by 2016/0171(COD) Amended by 2018/0012(COD)</p> <p>Subject</p> <p>3.20.03 Maritime transport: passengers and freight 3.20.09 Ports policy 3.20.15.06 Maritime or inland transport agreements and cooperation</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	TRAN Transport and Tourism	STERCKX Dirk (ALDE)	01/09/2009
	Former committee responsible	Former rapporteur	Appointed
	TRAN Transport and Tourism		
Council of the European Union	Council configuration	Meetings	Date
	Competitiveness (Internal Market, Industry, Research and Space)	3035	2010-10-11
	Transport, Telecommunications and Energy	2987	2009-12-17
	Transport, Telecommunications and Energy	2964	2009-10-09
	Transport, Telecommunications and Energy	2935	2009-03-30
European Commission	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
Date	Event	Reference	Summary
21/01/2009	Legislative proposal published	COM(2009)0011 	Summary

09/03/2009	Committee referral announced in Parliament, 1st reading		
30/03/2009	Resolution/conclusions adopted by Council		Summary
09/10/2009	Debate in Council		Summary
19/10/2009	Resumption of business from the previous parliamentary term		
17/12/2009	Debate in Council		Summary
23/03/2010	Vote in committee, 1st reading		Summary
25/03/2010	Committee report tabled for plenary, 1st reading	A7-0064/2010	
05/07/2010	Debate in Parliament		
06/07/2010	Decision by Parliament, 1st reading	T7-0259/2010	Summary
06/07/2010	Results of vote in Parliament		
11/10/2010	Act adopted by Council after Parliament's 1st reading		
20/10/2010	Final act signed		
20/10/2010	End of procedure in Parliament		
29/10/2010	Final act published in Official Journal		





Technical information	
Procedure reference	2009/0005(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2002/6/EC 2001/0026(COD) Repealed by 2018/0139(COD) Amended by 2016/0171(COD) Amended by 2018/0012(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/00227

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE430.405	17/12/2009	
Amendments tabled in committee		PE438.195	01/03/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0064/2010	25/03/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0259/2010	06/07/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00034/2010/LEX	20/10/2010	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2009)0011 	21/01/2009	Summary
Document attached to the procedure	SEC(2009)0046 	21/01/2009	
Document attached to the procedure	SEC(2009)0047 	21/01/2009	
Commission response to text adopted in plenary	SP(2010)6509	15/09/2010	
Follow-up document	COM(2014)0320 	25/06/2014	Summary
Follow-up document	SWD(2018)0234	16/05/2018	
Follow-up document	SWD(2018)0235	16/05/2018	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0416/2008	17/06/2009	
EESC	Economic and Social Committee: opinion, report	CES1695/2009	04/11/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Directive 2010/0065 OJ L 283 29.10.2010, p. 0001	Summary
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Reporting formalities for ships arriving in and/or departing from ports of the Member States

In accordance with the requirements of Directive 2010/65/EU, the Commission presents a report on reporting formalities for ships arriving in and/or departing from ports of the Member States (the Reporting Formalities Directive.) To recall, the purpose of the Directive is to simplify some of the procedures by establishing standard electronic transmission of information and by rationalising reporting formalities for ships arriving in and ships departing from EU ports, thus reducing the administrative burden for shipping companies. The main points of the report are as follows:

Implementation of the national single windows: the single window concept is the main requirement for the implementation of the Reporting Formalities Directive. All Member States have transposed the Directive and have taken initiatives regarding implementation of a national maritime single window. Whilst the final establishment of the National Single Windows is only due by June 2015, some observations can already be made based on the conclusions from the external consultant's report and following discussions with Member States and stakeholders in the framework of the Expert group on maritime simplification and electronic information services, established by the Commission (eMS group).

- Different public authorities and private stakeholders in various policy fields (amongst others maritime, customs, health and border control) are involved. **Cooperation amongst them**, both on EU and national level, is key and should be enhanced.
- **Avoiding duplication of efforts:** there is a tendency to build on existing platforms, technical solutions and standardization. However, when building on existing systems, the report stresses the need not to lose track of the requirements of the Directive and the need to ensure that they are met in a correct manner. Therefore, Member States should carefully assess their current systems, actively participate in the work of the eMS group and implement the functional and technical specifications in a correct manner and as discussed within the eMS group. They could also benefit from the work done in the Integrated Maritime Policy (IMP) demonstrator project and the Advanced National Networks for Administrations (AnNa) project. Both projects offer hands-on solutions for implementing national single windows.
- **Lack of technical specifications developed at EU level:** functional and technical specifications need to be further developed as soon as possible. In that respect, the development of the eManifest, being the bulk of the volume to be lodged into the single window, is an important factor. Member States are waiting to finalise the ICT implementation of the national single window until there is a clear view on the eManifest data set.

Supporting projects:

IMP demonstrator project: the purpose of the demonstrator project is the development of software and service components that would be used to support the participating Member States (Bulgaria, Greece, Italy, Malta and Romania) and Norway in implementing their national single window solution in compliance with the Reporting Formalities Directive. A first version of the prototype, offering the possibility of fulfilling the reporting formalities through a harmonised interface, was tested in the course of 2013. A second version allowing information exchange with SafeSeaNet was made available beginning 2014. The final phase of the project will run until November 2014.

AnNa project: this project, selected under the TEN-T Motorways of the Sea 2012 multiannual call with a budget of EUR 37 076 000 and running from 2012 to 2015, aims at supporting the effective development of national single windows in line with the Directive (e.g. by supporting ICT based system integration in the maritime single window developments). Functional and technical requirements are developed as well as an interim master plan for the minimum requirements of the Directive

With regards to the other reporting requirements the following conclusions could be drawn:

- there is no detailed information available on the extent of the traffic/movement of ships from one EU port to another, or of ships calling intermediately at third country ports or entering free zones. There are, however, possibilities of gathering more information in the future. The Commission will see if these could help to improve the quality and availability of statistics;
- the optimal use of shipping should be stimulated by further simplifying formalities for ships that have called at a port in a third country or free zone. As a next step, the Commission should look into further simplification measures by e.g. adding other (customs) functionalities to the eManifest;
- the Commission will consider extending the simplification envisaged by the Reporting Formalities Directive to inland waterway transport and to match River Information Services (RIS) with the SafeSeaNet system, under certain conditions.

Future outlook: the paper goes on to look at measures that would lead to further simplification including: (i) extending the scope of the Directive to cover additional formalities, e.g. port State control notifications; (ii) a monitoring methodology for the implementation of the national single windows; (iii) reviewing Article 9 exempting vessels involved in intra-EU shipping of some reporting obligations, as Member States claimed that some reporting may still be needed; (iv) further harmonising the time-limits for reporting obligations in the various legal acts of the Union covered by the Reporting Formalities Directive.

Lastly, the Commission discusses the possibility of **adopting binding legal specifications**, perhaps building on the Interface and Functionalities Control Document (IFCD) in Directive 2002/59/EC, to regulate some functionality.

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

The Council reached a **general approach**, pending the European Parliament's position at first reading, on a draft directive on the reporting formalities to be fulfilled by ships arriving in or departing from EU ports in maritime transport. The proposed legislation is to replace directive 2002/6/EC on the same subject.

The adoption of the draft directive is subject to the ordinary legislative procedure under the Lisbon treaty (that is, co-decision procedure with the European Parliament). The Parliament started its examination of the text this autumn.

The focus on electronic data transmission was agreed during discussions in the Council working party, since the broader approach originally proposed by the Commission was found lacking in clarity. However, the draft directive as it stands also contains a more general provision in favour of further harmonisation of reporting formalities on national and EU level.

As the directive does not create new reporting formalities, ships currently exempted from such obligations will remain outside its scope. Moreover, countries without any sea port will not be required to transpose the directive in respect of ports.

The proposal is among a number of measures announced by the Commission in a communication in January 2009 (see [COM\(2009\)0010](#)) with a view to creating a European maritime transport area without barriers.

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

2009/0005(COD) - 20/10/2010 - Final act

PURPOSE: reduce the amount of reporting formalities for ships arriving in and/or departing from EU ports in order to facilitate maritime transport.

LEGISLATIVE ACT: Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC.

CONTENT: the Council adopted a directive aimed at reducing the administrative procedures to be fulfilled when ships arrive at depart from EU ports, thereby facilitating maritime transport following an agreement reached at first reading with the European Parliament and the Council.

Subject matter and scope: the purpose of this Directive is to simplify and harmonise the administrative procedures applied to maritime transport by making the **electronic transmission of information standard** and by rationalising reporting formalities. Each Member State shall take measures to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that Member State.

Notification prior to arrival into ports: Member States shall ensure that the master or any other person duly authorised by the operator of the ship provides notification, prior to arriving in a port situated in a Member State, of the information required under the reporting formalities to the competent authority designated by that Member State.

Electronic transmission of data: Member States shall accept the fulfilment of reporting formalities in electronic format and their transmission via a **single window** as soon as possible and in any case **no later than 1 June 2015**. This single window, linking SafeSeaNet, e-Customs and other electronic systems, shall be the place where, in accordance with this Directive, all information is reported once and made available to various competent authorities and the Member States.

Information in FAL forms: the Directive provides that Member States shall accept FAL forms for the fulfilment of reporting formalities. Member States may accept that information required in accordance with a legal act of the Union is provided in a paper format until 1 June 2015 only.

Exchange of data: Member States shall ensure that information received in accordance with the reporting formalities provided in a legal act of the Union is made available in their national SafeSeaNet systems and shall make relevant parts of such information available to other Member States via the SafeSeaNet system; however, they may exclude data for customs and border control purposes from this exchange.

Report: the Commission shall report to the European Parliament and the Council, by 19 November 2013, on the functioning of this Directive.

TRANSPOSITION: 19/05/2012.

APPLICATION DATE : 19/05/2012.

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

2009/0005(COD) - 30/03/2009

The Council adopted **conclusions** which support the objective of extending the internal market to sea transport between ports located in the EU, by simplifying, and speeding up through, inter alia, the use of IT, administrative procedures in intra-EU maritime transport, aiming to make it more attractive, more efficient and more competitive.

In this context, the Council **welcomes the Commission's proposal for a Directive** aiming at rationalising vessel-related and goods-related reporting and forms required by maritime transport directives and replacing Directive 2002/6/EC on reporting formalities for vessels arriving in and/or departing from ports. It undertakes to give it proper priority within the legislative work programme to further rationalise administrative procedures for vessels arriving at and departing from EU ports by making compatible IMO/FAL requirements and Community regulations.

The conclusions stress the need to facilitate transport by sea **by reaching a level of fully IT- based communications**, including to enhance electronic data transmission, on the basis of existing or established systems, through the development of e-Maritime systems and single electronic window solutions, providing, where appropriate, Community funding support within the ceilings of the present and upcoming Multiannual Financial Framework.

The Council supports the Commission in improving the management and development of the central SafeSeaNet system at policy level, considering the possibility of processing port information through SafeSeaNet. The Commission and Member States should organise a rational distribution of information regarding ships and goods through interoperable SafeSeaNet and e-Customs systems.

Moreover, Member States should – as far as possible – coordinate inspections in ports and study the possibility of establishing separation areas for intra-EU goods, improve use of electronic manifests, and, where appropriate, the use of Pilot Exemption Certificates, and to further facilitate administrative communication by reducing language barriers.

The Council further underlines the need to take initiatives, together with third countries, at the appropriate international bodies to reduce administrative barriers for international maritime transport, with the aim of levelling the playing field for maritime transport.

The Commission is called upon to:

- study the possibility of simplified administrative procedures for vessels sailing mainly between EU ports and having a call in a third country or a free zone, while maintaining high anti-fraud and anti-counterfeit standards;
- present, as soon as possible, the future vision for the implementation and correlation between modern information based initiatives, such as eFreight, emaritime, SafeSeaNet and eCustoms;
- monitor the progress made in the establishment of the European maritime transport space without barriers, and to present remedial action if needed, at the latest in the regular report on Short Sea Shipping scheduled for 2012.

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;
- 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.**

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

2009/0005(COD) - 09/10/2009

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.

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

2009/0005(COD) - 06/07/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 640 votes to 30, with 19 abstentions, a legislative resolution 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 adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise negotiated between the European Parliament and the Council. They amend the Commission proposal as follows:

Subject matter and scope: the purpose of this Directive is to simplify and **harmonise** the administrative procedures applied to maritime transport by making the electronic transmission of information standard and by rationalising reporting formalities. This Directive shall apply to the reporting formalities applicable to maritime transport for ships arriving in and ships departing from ports situated in Member States. It shall not apply to ships exempted from reporting formalities.

Definition of "electronic transmission of data": an amendment defines more clearly this term to mean 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.

Harmonisation and coordination of reporting formalities: each Member State shall take measures to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that Member State. The Commission shall, in cooperation with the Member States, develop mechanisms for the harmonisation and coordination of reporting formalities within the Union.

Notification prior to entry into ports: subject to specific provisions on notification applicable under legally binding Union acts or under international legal instruments applicable to maritime transport and binding on the Member States, including provisions on control of persons and goods, Member States shall ensure that the master or any other person duly authorised by the operator of the ship provides notification, prior to entering a port situated in a Member State, of the information required under the reporting formalities to the relevant competent authority appointed by that Member State.

Electronic transmission of data: in order to streamline and accelerate the transmission of potentially very large amounts of information, electronic formats for reporting formalities should be used, whenever practicable. The compromise text stipulates that Member States shall accept the fulfilment of reporting formalities in electronic format and their transmission via a single window as soon as possible and in any case no later than 1 June 2015. This **single window**, linking SafeSeaNet, e-Customs and other electronic systems, shall be the place through which, in accordance with this Directive, all information is reported once and made available to various competent authorities and the Member States.

Exchange of data: Member States shall ensure that information received in accordance with the reporting formalities provided in accordance with a legally binding Union act is made available in their national SafeSeaNet systems and shall make relevant parts of such information available to other Member States via the SafeSeaNet system. Unless otherwise provided by a Member State, this shall not apply to information received pursuant to the provisions of Regulation (EEC) No 2913/92 (Community Customs Code), Regulation (EEC) No 2454/93, Regulation (EC) No 450/2008 (Modernised Customs Code), and Regulation (EC) No 562/2006 (Schengen Borders Code). Member States shall ensure that the information is accessible, upon request, to the relevant national authorities. The underlying digital format of the messages to be used within national SafeSeaNet systems shall be established following the provisions of Article 22a of Directive 2002/59/EC.

Member States may provide relevant access to the information either through a national single window via an electronic data exchange system or through the national SafeSeaNet systems.

Electronic transmission of data: Member States shall accept the fulfilment of reporting formalities in electronic format and their transmission via a single window as soon as possible and in any case no later than 1 June 2015. A recital states that within the EU, the provision of information in FAL forms in paper format should be the exception and should be accepted only for ships not flying the flag of a Member State and for a limited period of time, taking into account the Member States' obligations as contracting parties to the FAL Convention.

Confidentiality: Member States shall, in accordance with legally binding Union acts or national legislation, take the necessary measures to ensure the confidentiality of commercial and other confidential information exchanged in accordance with this Directive. They shall take particular care to protect commercial data collected under this Directive. In respect of personal data, the Member States shall ensure they comply with Directive 95/46/EC.

Exemptions: Member States shall ensure that ships falling within the scope of Directive 2002/59/EC and moving between ports situated in the European Union's customs territory, but which do not come from, call in or are headed towards a port situated outside that territory or a free zone subject to type I controls under customs legislation are exempt from the obligation to send the information referred to in the FAL forms, without prejudice to the applicable Union legislation and the possibility that Member States may request information in the FAL forms referred to in points B.1, B.2, B.3, B.4, B.5 and B.6 of the Annex necessary to protect internal order and security and to enforce customs, fiscal, immigration, environmental or sanitary laws.

Amendment procedure: the Commission may adopt **delegated acts**, in accordance with Article 290 of the Treaty on the Functioning of the European Union, as regards the Annex to this Directive, so as to ensure that account is taken of any relevant changes to the FAL forms introduced by the IMO. These amendments shall not have the effect of widening the scope of the Directive.

Report: at the latest 18 months after the date of transposition, the Commission shall present a report on the functioning of this Directive, including on the:

- possibility of extending the simplification introduced by this Directive to cover inland waterway transport;
- compatibility of the River Information Services (RIS) with the electronic data transmission process referred to in this Directive;
- progress towards harmonisation and coordination of reporting formalities that has been achieved under this Directive;
- feasibility of avoiding or simplifying formalities for ships that have called at a port in a third country or free zone;
- available data concerning ship traffic/movement within the Union, and/or calling at third country ports or in free zones.