



JOINT INDUSTRY POSITION ON REGULATION OF THE EUROPEAN PARLIAMENT AND COUNCIL ESTABLISHING A EUROPEAN MARITIME SINGLE WINDOW ENVIRONMENT

Brussels – 10/09/2018

The above-signed organisations welcome the decision of the European Commission to repeal Directive 2010/65 and replace the existing Directive with a Regulation establishing a European Single Window Environment. The decision of the European Commission to base its proposal on existing systems (National Single Windows) is correct and will allow industry and Member States to continue to develop and innovate existing systems. However, the signatories of this paper see a need to further clarify some key aspects before the legal text can achieve its goal of reducing the administrative burden on maritime transport whilst ensuring the negative effects of the previous initiative are not repeated.

Harmonised Data Set

The above signed organisations believe that the harmonisation of data-sets for ship reporting is a crucial pre-requisite to reducing the administrative burden on ships calling within the European Union and subsequently increasing the efficiency of the maritime logistic chains. Under Directive 2010/65, national and local reporting requirements are currently omitted from the scope while some EU formalities are only partially included. The Commission proposal establishes a European Maritime Single Window data set for reporting obligations set out in Union and international legal acts. The objective should be to ensure that this European Maritime Single Window data set includes as much data relevant for ship reporting as possible. Regarding the inclusion of customs data, the signatories believe that customs formalities should stay as much as possible in the customs environment. This is reflected in the proposal to a certain extent, however the proposal and its recitals seem to have several contradictory elements. We therefore consider that the relationship between recital 15, article 5.5, article 7 (c) & (d) and the ANNEX of the regulation should be clarified more before acceptance.

The Regulation foresees in article 4 the possibility for Member States to introduce or amend a reporting obligation which would involve the provision of information other than those included in the European Maritime Single Window Environment (EMSWe) data set. The signatories understand the necessity for such a facility. However, the objective of Member States should be to include as much information as possible within the EMSWe data set and only introduce new data elements where there is a clear justification. We therefore believe that more clarity is needed in the regulation about when and how a Member State can introduce provisions of information other than those included in the EMSWe.

This proposal provides an opportunity to undertake a review of the reporting elements ships are currently required to provide, and to remove any that are obsolete or redundant.

Harmonised Interfaces

The above signed organisations welcome that the focus of the Regulation being on the harmonisation of existing national single windows (in line with the [EU Interoperability Framework](#)) and not the creation of new systems and/or the replacement of existing and already properly functioning ones.

This will improve interoperability and interconnections between the relevant systems, without a need to fully reinvest in existing interfaces for both Member States and Trade. We therefore welcome the Commission's choice for a policy option which respects the existing set-up of National Single Windows and makes use of the investments already made. However, the Regulation should ensure not only the harmonisation of interfaces between trade and the different national single windows, but also between the national single windows themselves and other national systems and that all provisions are technology neutral.

The Commission's intentions to achieve this is clear, however it is not reflected enough in the legal text itself. Furthermore, despite the obvious good intentions, the regulation is somewhat conflicting, for example in recital point (3) it is mentioned that the application of this Regulation should not affect subsequent storage of information at Union level or at national level, while in article 10 it is mentioned that the Commission shall establish an EMSWe ship database. These contradictory messages do not provide sufficient trust that the Regulation in its current form will achieve the goals it intends to.

Reporting Once/Re-use of Information

Where possible, single submission should be facilitated across authorities and in coherence with proposals like the Electronic Freight Transport Information proposal. In this respect we have seen the integrated approach to EU SW by DG TAXUD and DG MOVE, and suggests that single submission is further worked out in this integrated approach and with trade.

The above signed organisations urge the European Parliament and Council to not make ideas and principles such as reporting-only-once, single access point, digitalisation or sharing data as goals in themselves, but rather to always see them as possible means to achieve the eventual goal of reducing the administrative burden for all actors in the maritime logistics chain. This should be primarily achieved through data harmonisation and process harmonisation. The Regulation should ensure that information once submitted does not need to be re-submitted to various other national systems to fulfil various legal obligations.

To the signatories of this paper, sharing and re-using data is part of their core business, either because of legal requirements or because of customers' or other supply chain partners' demands and wishes. We therefore welcome any initiative which encourages and supports the sharing and re-use of data. As mentioned in recital 13, ports are not the final destination of goods and the efficiency of the ship port calls have an impact on the entire logistics chain.

Under the current proposal, it is unclear and sometimes contradictory how maritime single windows will cooperate with other national systems. The regulation for example, limits the reporting only once principle per port call, which would still require double or even multiple provision of the same data in different ports. The liabilities and responsibilities of various trade parties when their (commercial) information is re-used is also not defined sufficiently. This leads to significant uncertainty on how trade should report to the various national systems. Clarification on this to bring the Regulation in line with the above-mentioned point is crucial.

Conclusion and final remarks

The signatories of this paper very much appreciate the efforts of the Commission in reducing burdens in maritime transport by repealing Directive 2010/65 and replacing it with a Regulation establishing a European Maritime Single Window environment. We fully endorse the decision to replace the Directive with a Regulation as this truly ensures the harmonisation and interoperability

which is intended. We also welcome the fact that the chosen policy option respects the existing set-up of National Single Windows and makes use of the investments already made and other important good intentions expressed. However, even though we have an urgent need for improvement of the Maritime Single Window environment, the proposal in its current form requires more clarity and specification on various points before adoption, in order to guarantee that the proposals objective are met and the negative effects of the previous initiative are not repeated.

Each of the signatories of this paper will also be submitting supplementary information outlining specific concerns, challenges and opportunities provided by the EMSWe proposal and we encourage the European Parliament and Council to take these more detailed information into consideration in addition to the information stated above.



CLECAT - European Association for Forwarding, Transport, Logistics and Customs Services



ECASBA - European Community Association of Ship Brokers and Agents



EMPA – European Maritime Pilots’ Association



ESC – European Shippers’ Council



ESPO – European Sea Ports Organisation



FEPORT – Federation of European Private Port Companies and Terminals



IPCSA – International Port Community Systems Association