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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU

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2018/0139 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**establishing a European Maritime Single Window environment and repealing Directive
2010/65/EU**

{SEC(2018) 230 final} - {SWD(2018) 181 final} - {SWD(2018) 182 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

Technological change is touching all parts of society and the economy and transforming the lives of EU citizens. Transport is no exception to this trend. New technologies are radically changing the mobility landscape. Against this background, the EU and its industries must meet the challenge to become a world leader in innovation, digitisation, and decarbonisation. The Commission has therefore adopted a comprehensive approach to ensure that the EU's mobility policies reflect these political priorities in the form of three 'Europe on the Move' mobility packages.

Following the Low-Emission Mobility Strategy, the Commission adopted two mobility packages in May and November 2017. These packages set out a positive agenda delivering on the low-emission mobility strategy and ensuring a smooth transition towards clean, competitive and connected mobility for all. The European Parliament and Council should ensure the rapid adoption of these proposals.

This initiative is part of the Third "Europe on the Move" Package, which delivers on the new industrial policy strategy of September 2017 and is designed to complete the process of enabling Europe to reap the full benefits of the modernisation of mobility. It is essential that tomorrow's mobility system is safe, clean and efficient for all EU citizens. The aim is to make European mobility safer and more accessible, European industry more competitive, European jobs more secure, and to be cleaner and better adapted to the imperative of tackling climate change. This will require the full commitment of the EU, Member States and stakeholders, not least in strengthening investments in transport infrastructure.

Maritime transport operators face a wide range of legal reporting requirements each time a ship arrives in or leaves a port (a port call). The fact that reporting requirements are not harmonised, either between different policy areas within Member States or between Member States, results in a heavy administrative burden on such operators. Over two million port calls are made annually in the EU. Shipping sector staff currently spend an annual total of about 4.6 million hours on reporting.

The European Council highlighted the problem in its 2017 Valletta declaration on maritime policy¹ and in the Council Conclusions of 8 June 2017² on the priorities for the EU's maritime transport policy up to 2020. It underlined the need to reduce the administrative burden on maritime transport by providing for simplified, digitalised and harmonised reporting procedures for ships. It reiterated this message in its Conclusions of

¹ Valletta Declaration: *Priorities for the EU's Maritime Transport Policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, and efficient internal market and a world-class maritime cluster*, Valletta, 29 March 2017, https://www.eu2017.mt/en/Documents/Valletta_Declaration_on_the_EU_maritime_transport_policy.pdf

² Council conclusions on *Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster*, adopted by the Council at its 3545th meeting held on 8 June 2017, <http://data.consilium.europa.eu/doc/document/ST-9976-2017-INIT/en/pdf>

5 December 2017 on digitalising transport³. Maritime transport operators also voice strong concerns about the situation.

The problem was analysed in an evaluation of the 2010/65/EU Reporting Formalities Directive, conducted as part of the fitness check on EU maritime transport policy carried out in 2016-2017. This evaluation confirmed the analysis of the problem.

The purpose of this proposal is to address the current non-harmonised reporting environment for ships. The proposed new European Maritime Single Window environment brings together, in a coordinated and harmonised way, all reporting associated with a port call. This, in turn, will also improve interoperability and interconnection between the relevant systems, thus enabling data to be shared and reused more efficiently, as appropriate.

- **Consistency with existing policy provisions in the policy area**

The proposal complements and supports the overall objectives of EU transport policy. It provides significant input into the initiative for a European maritime transport area without barriers, and supports both EU policy on reducing transport sector emissions and the EU transport social agenda.

It is closely linked and consistent with the Vessel Traffic Monitoring and Information Systems Directive⁴. The proposal is also consistent with the Electronic Freight Transport Information initiative as regards acceptance of freight transport-related information and certificates in digital format by authorities performing transport-related inspections in the EU hinterland.

- **Consistency with other Union policies**

The proposal supports the European Commission's REFIT programme objectives of administrative burden reduction and simplification. It is consistent with the Commission's overall objectives of increased competitiveness, the smooth operation of the internal market, and greater efficiency through digitalisation.

Specifically, the proposal complements to the digitalisation efforts brought in by the Union Customs Code by providing a step towards a more interconnected reporting environment for transport and customs formalities.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis for action is Article 100 (2) of the Treaty: 'The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may lay down appropriate provisions for sea and air transport.'

- **Subsidiarity (for non-exclusive competence)**

The single market is extremely important to maritime transport; only 9% of seaborne trade within the EU is national, while 25% falls into the category of intra-EU trade and 66% into

³ Council conclusions *on the digitalisation of transport*, adopted by the Council at its 3581st meeting held on 5 December 2017 <http://data.consilium.europa.eu/doc/document/ST-15431-2017-INIT/en/pdf>

⁴ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p. 10)

that of extra-EU trade. Moreover, ports are not the final destination of seaborne goods. Via hinterland connections, a large proportion of the goods passing through ports come from or continue to another Member State. It is therefore in the EU's interest to ensure that port calls run smoothly, both for the sake of the wider internal transport market and to improve the profitability of the considerable economic investments and cross-border business interests linked to the sector.

The EU reporting environment for shipping operators in connection to a port call is unlikely to be harmonised through action taken solely at either national or international level. There is no international forum to enable the adoption of such broad and binding provisions.

Past experience also shows the inadequacy of voluntary harmonisation measures. Existing non-binding guidelines and regular interaction between Member States have not improved the situation, nor have they resulted in harmonised interfaces, data formats or reporting procedures.

The EU is therefore the appropriate level at which to address this problem. The problem is of a cross-border nature, and substantial results can be efficiently achieved only through a coherent shared framework that addresses pan-European needs.

- **Proportionality**

The proposal is designed to avoid any disproportionate burden on shipping operators. It builds on the existing structure of National Single Windows and on international and EU standards and data formats. Costs to Member States and industry stakeholders will therefore be limited; such costs will clearly be exceeded by the direct and indirect benefits of reduced administrative burden and more efficient information exchanges. The impact assessment of the cost efficiency, effectiveness and proportionality of the proposal concluded that the proposal brings significant added value.

The proposal does not go beyond what is necessary to achieve the objectives; it addresses the main sources of the problem and provides a decentralised, yet harmonised solution. The EU and the Member States will share responsibility for the reporting environment.

- **Choice of instrument**

The impact assessment has established that Directive 2010/65/EU needs to be revised to achieve its objectives. A regulation is a more appropriate instrument for ensuring that interfaces, data formats and reporting procedures are harmonised efficiently and that these measures are implemented in a consistent and transparent fashion.

Implementing measures are also proposed, given the technical nature of the initiative and the likelihood that it will need to be adjusted regularly in the light of technical and legal changes.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations of/fitness checks on existing legislation**

The evaluation conducted in 2016-2017 as part of the fitness check on the Maritime Transport Policy found that Directive 2010/65/EU was not sufficiently effective or efficient, although its objectives remained very relevant. The conclusion was that there was considerable scope for further simplification and for reducing the administrative burden on shipping operators.

Three problems were identified. First, there is a lack of harmonisation between the maritime National Single Windows for ship reporting. Interfaces, data formats and reporting procedures differ between Member States, and sometimes even between ports. Directive 2010/65/EU did not provide for any binding specifications for National Single Windows. The resultant reporting environment is therefore diverse and fragmented.

Second, the current system for coordinating reporting via National Single Windows only brings together some of the legal reporting obligations faced by ships. National and local reporting requirements are often requested to be submitted via other channels than the National Single Windows. Other EU reporting formalities, such as most customs formalities, go via a dedicated national and trans-European customs IT systems.

Third, there is an inefficient data-sharing environment in most Member States and within the EU as a whole. Shipping operators are therefore often requested to submit the same information more than once for the same port call. If information exchanges between authorities were more efficient, such duplicated reporting could be avoided, in line with the EU goal of abiding by the ‘Reporting only once’ principle.

- **Stakeholder consultations**

These consultations were held in line with the Better Regulation Guidelines. There was a public online consultation from 25 October 2017 to 18 January 2018. The questionnaire was available in all official EU languages. A total of 91 respondents replied. This public consultation was complemented by more specific, targeted consultations held through workshops, interviews and other events, and through a more detailed online questionnaire to the main stakeholder groups. 418 stakeholders contributed to the consultation process.

A special effort was made to contact small and medium-sized firms (SMEs) in the maritime transport sector via the SME network, to inform them of the opportunity to take part in the consultation process. The Commission also contacted the relevant European social partners (maritime transport professionals and trade unions in the maritime sector⁵) to invite them to take part in the consultation.

The stakeholder consultations confirmed the analysis of the problem and clarified which groups of stakeholders preferred the various policy options. Stakeholders of most categories said they preferred an integrated, comprehensive reporting environment including both customs and transport reporting. 82% of respondents taking part in the open public consultation said it would be most efficient to address these issues at EU level. Most stakeholders gave their main priority as EU-level harmonisation, as this could bring considerable benefits and reduce the administrative burden. Other priorities highlighted were clarity in data protection, and more efficient data flows and data sharing.

Shipping companies and ship/cargo agents preferred a centralised solution to harmonisation, whereas Member State authorities and ports preferred a solution based on the existing National Single Windows.

Having carefully considered and analysed this input, the Commission proposes a compromise solution that will ensure harmonisation on the basis of decentralised but interconnected National Single Windows.

⁵ <http://ec.europa.eu/social/main.jsp?catId=480&langId=en&intPageId=1844>

- **Gathering and using information/expertise**

The proposal is based on fact-finding and information provided by relevant experts and on economic models for estimation of costs and benefits including modelling of indirect effects and projected shift of transport mode from road to waterborne transport. A team of external consultants drew up a support study on costs and impacts.

Commission experts from a range of policy areas were closely involved, to ensure complementarity and consistency between the reporting environment initiative and other EU policy (e.g. eGovernment building blocks, customs policy, data protection issues).

- **Impact assessment**

After two options were discarded in a first round of assessment, the impact assessment dealt with a further six main policy options in detail. The options are based on two main policy choices: the tool for achieving harmonisation and the scope of data/reporting to be included in the harmonised data set.

Three realistic options for the harmonisation architecture were analysed:

- (a) Binding technical specifications for achieving harmonised reporting gateways as front-end to the National Single Windows (full responsibility for which rests on Member States);
- (b) Harmonised reporting gateways as front-end to the National Single Windows, based on a common IT solution module developed at EU level and plugged into each National Single Window (joint EU/Member State responsibility); or
- (c) A central EU-level reporting gateway (EU responsibility).

As regards scope, it may be either 1) comprehensive or 2) limited. Comprehensive scope includes both customs and transport reporting, whereas the limited option would keep the transport reporting environment separate from the customs formalities environment.

	A: <i>Harmonised NSW gateways: technical specifications</i>	B: <i>Harmonised NSW gateways: common IT solution</i>	C: <i>Central reporting gateway</i>	D: <i>Mandatory PCS (discarded)</i>
1. Comprehensive single entry point solution	Option A1	Option B1	Option C1	<i>Option D1</i>
2. Separate entry points customs / maritime	Option A2	Option B2	Option C2	<i>Option D2</i>

The option of basing harmonisation on a system of mandatory port community systems (commercial platforms) was discarded early in the analysis, as fewer than half of all EU ports have such systems today. Making port community systems mandatory was considered disproportionate and inconsistent with the subsidiarity principle. It would also have incurred high additional costs for both Member States and industry.

The main impact of the options analysed is to reduce the administrative burden on shipping operators. This will in turn boost the efficiency and competitiveness of maritime transport, with a slight shift between transport modes (from road to waterborne transport) as the likely result. It will also improve ship masters' job quality and make the profession more attractive. The benefits are substantially higher in a comprehensive scope scenario than in the limited scope option.

The costs arise primarily from the need to adapt and maintain the technical specifications and IT systems on which the harmonised reporting gateways will be based. Compared with the baseline costs of running the National Single Windows today, both Member States and the EU will need to make a one-off investment, and annual operational costs will be slightly higher. The cost to shipping operators is estimated to be largely negligible.

Acceptance of the centralised options C1 and C2 is low among Member States, but high among shipping operators. Member States preferred the options based on the National Single Windows, but shipping operators were concerned that decentralised options might not be compatible with the aim of harmonisation. Although option B1 was not the first choice of any stakeholder group in consultations, it thus represents a suitable compromise option that is acceptable to all main stakeholder categories, combining the decentralised approach with a fully harmonised front-end towards the shipping operators.

Options B1 and C1 are expected to be the most effective, as they address all the issues giving rise to problems and are the options most likely to achieve full harmonisation of interfaces and data formats. Options B1 and B2 entail fewer risks than options C1 and C2.

While option B2 would be the cheapest to implement, it would also yield substantially lower benefits for shipping operators (trade-off). Option B1 had the best cost-efficiency ratio. The cost-benefit results are clearly positive for all options.

The preferred option, based on the cost-benefit ratio, stakeholder acceptance and expected effectiveness and risk rating, is therefore **option B1**. This entails a total expected additional cost of EUR 29.4 million between 2020 and 2030 and expected new benefits of 22-25 million staff hours saved over the same time period. This option yields the greatest benefit at an acceptable cost. It will ensure a harmonised reporting environment, while respecting the existing set-up of National Single Windows and making use of the investments already made. The burden on Member States is minimised by providing the same software package, developed at EU level, to all.

The impact assessment report has been discussed with the Commission Regulatory Scrutiny Board who issued a positive opinion with comments⁶.

⁶ <http://ec.europa.eu/transparency/regdoc/?fuseaction=ia&year=&serviceId=10305&s=Search>

- **Regulatory fitness and simplification**

As this is a revision of an existing piece of legislation falling under the Commission's Regulatory Fitness and Performance Programme REFIT, the Commission has looked at opportunities to simplify and reduce burdens. The analysis shows that significant simplification and improved efficiency is possible by reducing the administrative burden for shipping operators obliged to meet legal requirements in connection with a port call.

The administrative burden is expected to be reduced thanks to 1) harmonised interfaces, procedures and data formats; 2) the provision of a single reporting entry point; 3) more efficient reuse of data, enabling reporting to be done only once and double reporting to be eliminated. A comprehensive coordination mechanism for all port-call-related reporting for a shipping operator, together with fully harmonised data formats, reporting procedures and interfaces, will free up a large amount of time for staff to spend on other tasks, especially those relating to core business, safety and security.

The simplification elements are quantified to an estimated amount of **22-25 million staff hours in the time period 2020-2030 equivalent to a value of EUR 625-720 million** for shipping operators.

The simplified and harmonised reporting will especially benefit small and medium-sized businesses and micro-enterprises, which are proportionally more vulnerable to inefficient administration and lost staff hours.

The proposal also contributes to digitalisation and better information flows, consistent with the 'Digital Check'.

- **Fundamental rights**

The proposal has an impact on the right to the protection of personal data guaranteed in Article 8 of the Charter. Any processing of personal data under the Proposal shall be done in accordance with the EU legislation on the protection of personal data, in particular the General Data Protection Regulation.

4. BUDGETARY IMPLICATIONS

The preferred option will have budgetary implications for the Commission. The expected costs of IT services and IT system development are up to EUR 13.5 million over the 11 years from 2020 to 2030. The Commission proposes that its costs be covered by the budget line *Support activities to the European transport policy and passenger rights including communication activities* (budget reference 06.02.05).

No additional budget or staff resources will be required from the EU budget under the current Multiannual Financial Framework. This initiative does not intend to prejudge the Commission's proposal on the next Multiannual Financial Framework.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The Commission will follow the progress, impacts and results of this initiative through a set of monitoring and evaluation mechanisms. These will measure progress towards the new proposal's specific objectives.

Requests for information (reports, survey replies) will be carefully balanced so as to avoid placing additional burdens on stakeholders by creating disproportionate new reporting requests.

A monitoring report, based on the indicators identified in the impact assessment should provide a first step. This should be followed by an evaluation phase. Five years after the date on which the legal proposal is to be implemented, the Commission will initiate a check on whether the initiative's objectives have been met. This will be done on the basis of Member State reports, stakeholder surveys and other types of input (e.g. complaints) from shipping operators. Subsequently, the evaluation will feed into future decision-making processes, to ensure that the adjustments needed to reach the objectives set are made.

- **Detailed explanation of the specific provisions of the proposal**

The proposal falls into six chapters, the first and last of which introduce the general scope and some cross-cutting provisions. Chapters II - IV provide more detailed information on the scope and technical instruments, while Chapter V sets out the general governance for the European Maritime Single Window environment (EMSWe).

- I. General provisions
- II. EMSWe data set
- III. Provision of information
- IV. Common services
- V. Coordination of the EMSWe activities
- VI. Final provisions

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee⁷,

Having regard to the opinion of the Committee of the Regions⁸,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Directive 2010/65/EU of the European Parliament and the Council⁹ requires Member States to accept the fulfilment of reporting obligations for ships arriving in and departing from Union ports in electronic format and to ensure their transmission via a single window in order to facilitate maritime transport.
- (2) Maritime transport is the backbone of trade and communications within and beyond the single market. For the facilitation of maritime transport, and in order to further reduce the administrative burdens for shipping companies, the information procedures for fulfilment of reporting obligations imposed on shipping companies by legal acts of the Union and by national law of Member States should be further simplified and harmonised.
- (3) This Regulation is aimed at facilitating the transmission of information. The application of this Regulation should not alter the substance of reporting obligations, and should not affect subsequent storage and processing of information at Union level or at national level.
- (4) The existing National Single Windows in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The National Single Windows should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities.

⁷ OJ C , , p. .

⁸ OJ C , , p. .

⁹ Directive 2010/65/EU of the European Parliament and the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

- (5) The front-end interfaces of these National Single Windows, on the side of the declarants, should be harmonised at Union level, in order to facilitate reporting and further reduce administrative burden. This harmonisation should be achieved by the application in every National Single Window of a common interface software for system-to-system exchange of information developed at Union level. The Member States should bear the responsibility for integrating and managing this interface module and for updating the software regularly and timely when new versions are provided by the Commission. The Commission should develop the module and provide updates when needed.
- (6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime transfer sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of the harmonised reporting environment. New technologies should also be taken into account when this Regulation is reviewed.
- (7) Adequate support and information on the processes and technical requirements related to the use of National Single Windows should be provided to declarants via easily accessible and user-friendly national websites with common ‘look and feel’ standards.
- (8) The Convention on Facilitation of International Maritime Traffic (‘The FAL Convention’)¹⁰ provides that the public authorities should in all cases require only essential reporting information and keep the number of items to a minimum.
- (9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State.
- (10) The relevant reporting obligations contained in the Union and international legal acts should be listed in the Annex to this Regulation. These reporting obligations should provide the basis for establishment of the comprehensive EMSWe data set. The Annex should also refer to the relevant categories of reporting obligations at the national level, and the Member States should be able to request the Commission to amend the EMSWe data set on the basis of reporting obligations contained in their national legislation. The Union legal act which amends the EMSWe data set on the basis of a reporting obligation contained in the national legislation should include explicit reference to that national legislation.
- (11) Whenever the information from the National Single Windows is distributed to the competent authorities, the transmission must comply with the common data requirements, formats and codes for the reporting obligations and formalities provided for in the Union legislation listed in the Annex and must be made through the IT systems established therein, such as the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013.

¹⁰ International Maritime Organisation (IMO) Convention on Facilitation of International Maritime Traffic (the ‘FAL Convention’), adopted on 9 April 1965 and amended on 8 April 2016, Standard 1.1.

- (12) The implementation of this Regulation should take into account the SafeSeaNet systems established at national and Union level, which should continue to facilitate the exchange and distribution of information received through the National Single Window between the Member States in accordance with Directive 2002/59.
- (13) Ports are not the final destination of goods. The efficiency of the ship port calls have an impact on the entire logistics chain related to the transport of goods and passengers to and from the ports. In order to ensure interoperability, multimodality, and smooth integration of maritime transport with the overall logistics chain and in order to facilitate other transport modes, the National Single Windows should allow for the possibility to exchange relevant information, such as arrival and departure times, with similar frameworks developed for other transport modes.
- (14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a National Single Windows should be also shared with certain other entities, such as port or terminal operators.
- (15) Regulation (EU) No 952/2013 provides that goods which are brought into the customs territory of the Union shall be covered by an entry summary declaration that must be submitted to the customs authorities electronically. Given the importance of the entry summary declaration information for the management of security and financial risks, a specific electronic system is currently being developed for the submission and management of the entry summary declarations in the Union customs territory. It will not, therefore, be possible to lodge an entry summary declaration through the National Single Windows. However, considering that some of the data elements submitted with the entry summary declaration are also required for the fulfilment of other customs and maritime reporting formalities when a ship calls in a port of the Union, the European Maritime Single Window environment for maritime transport should be able to process the data elements of the entry summary declaration. The possibility that the National Single Windows could retrieve relevant information already submitted through the entry summary declaration should also be envisaged.
- (16) In order to enable the reuse of the information provided through the National Single Windows and facilitate the submission of information by the declarant, it is necessary to provide for common databases. A EMSWe ship database should include a reference list of ship particulars and their reporting exemptions, as reported to the respective National Single Windows. To facilitate the submission of information by a declarant a Common Location Database (CLD) should hold a reference list is of location codes which include United Nations Code for Trade and Transport Locations (UN/LOCODE), SafeSeaNet-specific codes as well as port facility codes as registered in the Global Integrated Shipping Information System (GISIS) of the International Maritime Organisation. Furthermore, a Common Hazmat Database should incorporate a list of dangerous and polluting goods that have to be notified to the National Single Windows in accordance with Directive 2002/59/EC, as amended, and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes.
- (17) Processing of personal data within the framework of this Regulation by competent authorities should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council. Processing of personal data by the Commission within the framework of this Regulation, should comply with the provisions of Regulation [new

Regulation replacing Regulation 45/2001 on processing of personal data by the Community institutions].

- (18) The EMSWe and the National Single Windows should not provide any other grounds for any processing of personal data than what is required for their functioning and should not be used to grant any new access rights to personal data.
- (19) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to supplement this Regulation by establishing the EMSWe data set and by determining definitions, categories and data specifications for the data elements. The same power should be delegated to the Commission in order to amend the Annex to incorporate reporting obligations existing at the national level as well to take into account any new reporting obligations adopted in the Union legal acts. The Commission should ensure that the common data requirements, formats and codes established in the Union and international legal acts listed in the Annex are respected. It is also of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (20) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹¹.
- (21)
- (22) In particular, implementing powers should be conferred on the Commission to adopt and, subsequently, to amend the EMSWe data set, as well as to adopt the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the harmonised interface module and the related harmonised elements of the National Single Windows. Implementing powers should be conferred on the Commission to adopt the technical specifications, standards and procedures for common services of the EMSWe.
- (23) This Regulation should build on Regulation (EU) No 910/2014 of the European Parliament and of the Council¹² which lays down conditions under which Member States recognise certain means of electronic identification means for natural and legal persons falling under a notified electronic identification scheme of another Member State. Regulation (EU) No 910/2014 provides the conditions for users to be able to use their electronic identification and authentication means in order to access online public services in cross-border situations.

¹¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

¹² Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).

- (24) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform that evaluation and allow the assessment of the performance of the legislation against the objectives it pursues.
- (25) Directive 2010/65/EU should therefore be repealed, with effect from the date of the application of this Regulation.
- (26) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council¹³.

HAVE ADOPTED THIS REGULATION:

Chapter I

General provisions

Article 1

Subject matter and scope

This Regulation establishes a framework for a harmonised and interoperable European Maritime Single Window environment ('EMSWe'), based on National Single Windows, in order to facilitate electronic transmission of information in relation to reporting obligations for ships arriving and staying in and departing from a Union port.

Article 2

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'European Maritime Single Window environment' ('EMSWe') means the legal and technical framework for electronic transmission of information in relation to reporting obligations and procedures for the port calls in the Union, which consists of a network of National Single Windows and includes the harmonised interface as well as common services for user and access management, ship identification, locations codes and information on dangerous and polluting goods.
- (2) 'reporting obligation' means the information required by the Union and international legal acts listed, as well as national legislation referred to, in the Annex, which has to be provided for administrative and operational purposes in connection with the arrival, stay of a ship in and departure from a port in a Member State ('port call').
- (3) 'data element' means the smallest unit of information which has a unique definition and precise technical characteristics such as format, length and character type;
- (4) 'port community system' means an electronic system facilitating the exchange of operational or administrative information between different actors in a port;

¹³ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

- (5) ‘declarant’ means the operator of the ship or any other natural or legal person subject to the reporting obligations;
- (6) ‘data service provider’ means a natural or legal person which provides information and communication technology services or data entry services to a declarant in relation to the reporting obligations.

Chapter II

EMSWe data set

Article 3

Establishment of the EMSWe data set

1. The Commission shall lay down a complete list of data elements (the ‘EMSWe data set’) on the basis of the reporting obligations set out in the Union and international legal acts listed, and the national legislation referred to, in the Annex. The Commission shall ensure that the common data requirements, format and codes established in the Union legal acts listed in the Annex are respected.
2. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to supplement this Regulation for the purposes of establishing and amending the EMSWe data set. The delegated act which inserts or modifies a data element in the EMSWe data set, on the basis of a reporting obligation contained in the national legislation, shall include explicit reference to that national legislation.
3. A Member State may request the Commission to introduce data elements in the EMSWe data set, on the basis of the reporting obligations contained in the national legislation. By six months from the entry into force of this Regulation at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding reporting obligations, containing the data elements to be included in the EMSWe data set. They shall precisely identify those data elements. The Commission shall assess the necessity of inserting or modifying a data element in the EMSWe data set on the basis of those notifications.
4. The Commission shall also be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to amend the Annex for the purposes of making or adapting a reference to a reporting obligation contained in Union or international legal act or a reference to the national legislation.

Article 4

Requests for other information

1. Where a Member State intends to introduce or amend a reporting obligation, under its national legislation, which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in question.
2. The Commission shall assess the necessity of amending the EMSWe data set in accordance with Article 3(2).

Chapter III

Provision of information

Article 5

National Single Windows

1. Each Member State shall establish a National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, by means of and in compliance with the EMSWe data set, for the purpose of this information being made available to the relevant authorities of the Member States.

Member States shall be responsible for the development, availability, maintenance, security and operation of their National Single Windows.

2. The Commission shall develop and update a harmonised reporting interface module for the National Single Windows. This module shall include the possibility to exchange information between the information system used by the declarant and the National Single Window.

3. The Member States shall ensure:

- (a) the compatibility of the National Single Window with the reporting interface module;
- (b) the timely integration of the reporting interface module and any subsequent updates in accordance with the implementation dates set in the implementing act referred to in paragraph (11);
- (c) a connection with the relevant systems of competent authorities, to enable the transfer of data to be reported to those authorities, through the National Single Window and to these systems, in accordance with the Union and national legislation, and in compliance with the technical specifications of these systems;
- (d) the provision of an online support website.

4. National Single Windows shall also allow declarants to provide information by way of digital spreadsheets, harmonised at Union level, and shall include the function of extracting reporting data elements from those spreadsheets.

5. Member States shall ensure that the required information reaches the authorities in charge of the application of the legislation in question, and is limited to the needs of each of those authorities. In doing so, Member States shall ensure compliance with the legal requirements related to the transmission of information, including personal data, provided for in the Union legal acts listed in the Annex and, where applicable, use the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013. They shall also ensure interoperability with the information systems used by those authorities.

6. National Single Windows shall provide for technical possibility for declarants to make available relevant information, separately, to destination port services providers.

7. Where a Member State does not require all of the elements of the EMSWe data set for the fulfilment of reporting formalities, the National Single Window shall accept submissions that are limited to the data elements required by that Member State. It

shall also accept submissions by the declarant including additional data elements of the EMSWe data set.

8. A Member State shall store the information submitted to its National Single Window for the period of time necessary to ensure fulfilment of the requirements set out in this Regulation and, where compliance with the Union legal acts listed in the Annex can only be ensured through storage in the National Single Window, for the period of time necessary for compliance with those acts. They shall immediately delete it afterwards.
9. National Single Windows shall make publicly available arrival and departure times of ships, estimated and actual, in the electronic format harmonised at the Union level.
10. National Single Windows shall have uniform internet address and support webpages, harmonised at the Union level.
11. The Commission shall adopt, by means of implementing acts:
 - (a) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the reporting interface module referred to in paragraph 2;
 - (b) the harmonised digital spreadsheet referred to in paragraph 4;
 - (c) harmonised technical specifications for making available arrival and departure times referred to in paragraph 9;
 - (d) uniform format for internet addresses and harmonised structure of the support website, referred to in paragraph 10.

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

The Commission shall amend, by means of implementing acts, the technical specifications, standards and procedures, in order to take into account the availability of new technologies.

Article 6 *Other reporting means*

1. Member States may allow declarants to provide the information through other reporting channels, such as port community systems, provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the National Single Window.
2. Member States shall set up alternative means for the provision of information in the event of a temporary failure of any of the electronic systems referred to in Article 5, and in Articles 9 to 12.
3. This Regulation shall not prevent exchange of information between customs authorities of the Member States or between customs authorities and economic operators using the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013.

Article 7
Once-only principle

1. Without prejudice to Article 6(3), the Member States shall ensure that the declarant is requested to provide the information pursuant to this Regulation only once per port call and that the relevant information is made available or reused in accordance with paragraph 2.
2. The Member States shall ensure that:
 - (a) the ship identification information and particulars provided to a National Single Window are recorded in the EMSWe ship database referred to in Article 10 and are not requested again for any subsequent port calls within the Union;
 - (b) any relevant information received in accordance with this Regulation is made available to other National Single Windows via the SafeSeaNet system in accordance with the technical requirements set out in Directive 2002/59/EC;
 - (c) reporting information provided at departure from a port in the Union is not requested again during the voyage or at arrival to the next port in the Union, provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless such possibility is provided for in that Regulation;
 - (d) the relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 is made available to the National Single Windows for reference and, where appropriate, reused for other reporting obligations listed in the Annex.
3. The declarant shall be responsible for ensuring the timely submission, accuracy and completeness of the information provided in accordance of this Regulation, and its compliance with any technical requirements of the National Single Windows. The declarant shall remain responsible for updating any information, if it has changed after the submission.
4. The Commission shall adopt, by means of implementing acts, the list of relevant information referred to in points (b), (c) and (d) of paragraph 2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

Article 8
Confidentiality

Member States shall, in accordance with the applicable Union or national legislation, take the necessary measures to ensure the confidentiality of commercial and other sensitive information exchanged in accordance with this Regulation.

Chapter IV

Common services

Article 9

EMSWe user and access management system

1. The Commission shall establish a common user and access management system for declarants and data service providers using National Single Windows as well as for authorities accessing the National Single Windows. The system shall provide for a single user registration with EU level recognition, federated user management and EU level user monitoring.
2. For the purpose of access to the National Single Windows in different Member States, a declarant or data service provider registered in the EMSWe user and access management system shall be considered registered to National Single Windows in all Member States.
3. Each Member State shall designate the national authority responsible for the user management of declarants and data service providers including for registering new users, modifying and terminating existing accounts of the user authentication instrument.
4. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the instrument referred to in paragraph 1 for collecting, storing and provision of user credentials. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

Article 10

EMSWe Ship Database

1. In accordance with point (a) of Article 7(2), the Commission shall establish a EMSWe ship database containing a list of ship identification information and particulars as well as records on ship reporting exemptions.
2. Member States shall ensure the provision of new ship particulars to the EMSWe ship database and availability of this information for facilitation of ship reporting.
3. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 for collecting, storing and provision of the ship particulars and exemptions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

Article 11

Common Location Database

1. The Commission shall establish a common location database containing a reference list of location codes¹⁴ and port facility codes as registered in the IMO database GISIS.

¹⁴ "United Nations Code for Trade and Transport Locations"

2. Member States shall make information from location database available at national level through the National Single Windows.
3. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the common location database referred to in paragraph 1 for collecting, storing and provision of the location and port facility codes. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

Article 12

Common Hazmat Database

1. The Commission shall establish a common hazmat database containing a list of dangerous and polluting goods which have to be notified in accordance with Directive 2002/59/EC¹⁵ and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes.
2. The database shall be linked to the relevant entries in the MAR-CIS database as developed by European Maritime Safety Agency for information on associated hazards and risks of dangerous and polluting goods.
3. The database shall be used both as a reference and a verification tool, at national and Union level, during the reporting process through the National Single Windows.
4. Member States shall make information from the common hazmat database available at national level through National Single Windows.
5. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the common hazmat database referred to in paragraph 1 for collecting, storing and provision of the hazmat reference information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).

Chapter V

Coordination of the EMSWe activities

Article 13

National coordinators

Each Member State shall designate a competent authority to act as a national coordinator for the EMSWe. The national coordinator shall:

- (a) act as a national contact point for all matters relating to the implementation of this Regulation;
- (b) coordinate the application of this Regulation by the competent national authorities within a Member State;
- (c) coordinate the activities aiming at ensuring the connection with the relevant systems of competent authorities as referred in Article 5(3)(c);

¹⁵ OJ L 208 of 5.8.2002, pp. 10-27

- (d) act as a single contact point with the Commission for all matters relating to the EMSWe.

Article 14

Multi-annual Implementation Plan

In order to facilitate the timely implementation of this Regulation, the Commission shall adopt, following appropriate expert consultations, a multi-annual implementation plan (MIP) revised on a yearly basis which shall provide:

- (a) development plan for development and updating of the reporting interface module foreseen within the following 18 months;
- (b) indicative deadlines for the Member States for subsequent integration of the reporting interface module to the National Single Windows;
- (c) testing periods for the Member States and declarants to test their connection with any new versions of the interface module;
- (d) indicative phasing out deadlines for the older versions of the interface module for the Member States and declarants.

Chapter VI

Final provisions

Article 15

Costs

The general budget of the European Union shall cover the costs for:

- (a) the development and maintenance of the ICT tools supporting the implementation of this Regulation at Union level;
- (b) the promotion of the EMSWe at Union level and in relevant international organisations.

Article 16

Cooperation with other trade and transport facilitation systems or services

Where trade and transport facilitation systems or services have been created by other Union legal acts, the Commission shall coordinate the activities related to those systems or services with the view to achieving synergies and avoiding duplication.

Article 17

Review and report

1. Member States shall ensure that procedures are in place to collect data, including statistics, using, inter alia, surveys, on the functioning of the EMSWe, and shall report their findings to the Commission. The report shall include the following indicators:
 - (a) implementation of the harmonised dataset;
 - (b) installation of the harmonised reporting gateway software;

- (c) use of other reporting systems as referred to in paragraphs 1 and 2 of Article 6;
 - (d) requests for other information as referred to in Article 4.
2. Member States shall organise the gathering and production of the data necessary to measure the change in the indicators described in paragraph 1, and shall supply that information to the Commission on a bi-annual basis.

By six years after the entry into force of this Regulation the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the EMSWe on the basis of the data and statistics collected. The assessment report shall include, where necessary, an evaluation of emerging technologies, which could lead to changes to or replacement of the reporting interface module.

Article 18
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult national experts nominated by the Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. When adopting a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 19
Committee procedure

1. The Commission shall be assisted by the Digital Transport and Trade Facilitation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011¹⁶.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 20
Repeal of Directive 2010/65/EU

Directive 2010/65/EU shall be repealed from the date of application of this Regulation.
References to Directive 2010/65/EU shall be construed as references to this Regulation.

Article 21
Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. It shall apply from [OP- insert four years after entry into force of this Regulation].
3. The functionalities referred to in point (d) of Article 7(2) and those related to the customs formalities specified in point 7 of Part A of the Annex shall become effective when the electronic systems referred to in Article 6(1) of Regulation (EU) No 952/2013 which are necessary for the application of those formalities are operational, in accordance with the work programme established by the Commission pursuant to Articles 280 and 281 of Regulation (EU) No 952/2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

¹⁶ OJ L 55, 28.2.2011, p. 13.

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned
- 1.3. Nature of the proposal/initiative
- 1.4. Objective(s)
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. *Summary of estimated impact on expenditure*
 - 3.2.2. *Estimated impact on operational appropriations*
 - 3.2.3. *Estimated impact on appropriations of an administrative nature*
 - 3.2.4. *Compatibility with the current multiannual financial framework*
 - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation on European Maritime Single Window environment

1.2. Policy area(s) concerned

Maritime Transport

1.3. Nature of the proposal/initiative

The proposal/initiative relates to **a new action**

The proposal/initiative relates to **a new action following a pilot project/preparatory action**¹⁷

The proposal/initiative relates to **the extension of an existing action**

The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

The general objective of the initiative is to contribute to the smooth functioning of the single market and facilitate trade and transport by addressing the currently cumbersome and diverse reporting procedures for ships calling EU ports.

The initiative therefore contributes towards the following overall Commission objectives:

- Functioning of the Single Market (reducing administrative burden; contributing to removing barriers and increasing competitiveness)

- Digital Single Market

- Boosting jobs and growth

1.4.2. *Specific objective(s)*

Specific objective No 1

To harmonise reporting procedures, interfaces and data formats in order to support the European Maritime Transport Space without Barriers.

Specific objective No 2

To reduce administrative burden in ship reporting by providing one single entry point for maritime transport reporting.

Specific objective No 3

To contribute to increased efficiency of digital reporting for maritime operators by facilitating data sharing/reuse for the application of the “reporting only once” principle.

¹⁷ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

1.4.3. “”Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The proposal aims to establish a truly harmonised and comprehensive European Maritime Single Window environment, based on the current system of National Single Windows. By developing binding technical interface specifications, adopting common data requirements and processes, and establishing clear rules and rights for submission and sharing of information, a simplified reporting environment will be achieved. The result is that the shipping operators will be able to report the same data set in the same way regardless of where they go, if they choose to use the harmonised reporting entry point.

The main benefit is the significant reduction in administrative burden for shipping operators. This is estimated to 22-25 million staff hours in 2020-2030; equivalent to a value of EUR 625 to 720 million (EU28). The reduced burden and improved efficiency is estimated to increase competitiveness of maritime transport, resulting in an estimated modal shift of 3,395 million tonne-kilometres to waterborne transport in 2030, mostly away from road. This represents about 0.3% increase in the transport activity of the waterborne transport in 2030 relative to the baseline, positively impacting jobs and growth in the sector. The modal shift is in turn estimated to reduce overall CO2 emissions by 1,880 thousand tonnes of CO2 relative to the baseline. This translates into around EUR 145 million of indirect benefits over 2020-2030, expressed as present value. In addition, there are expected benefits in terms of efficiency gains for the entire multimodal / logistics chain from better use of data in ports; increased job satisfaction for ship masters and higher attractiveness of profession leading to improved possibilities for better recruitment; and safety and security gains as ship master can spend more time on the bridge instead of on administrative tasks.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

Specific objective	Operational objectives	Progress indicator	Data sources
To harmonise reporting procedures, interfaces and data formats	Establish technical data set with harmonised data formats Develop and implement a common harmonised IT solution for the Nation Single Window reporting gateways (front ends)	Data set established and agreed by the expert group % of Member States having installed the harmonised IT solution for the Nation Single Window reporting gateways (synchronised, updated version) over total (Ref: Total number of MSs) % reduction in time required for reporting per port call over total (Ref: Average time per port call)	Member States reports; surveys to shipping operators; number of complaints by shipping operators regarding access to harmonised interface; number of on-going infringement procedures against Member States for non-implementation
To reduce administrative burden through single entry point for reporting	Reduce data elements requested outside the harmonised European Maritime Single Window environment	% of data elements requested outside the harmonised European Maritime Single Window environment over total. (Ref: Total number of data elements as mapped by Part C group and eManifest group)	Member States reports; survey to shipping operators

To increase efficiency by enabling reporting only once	Reduce static data elements reported more than once	today) % of static data elements requested more than once for a port call over total (Ref: Total number of data elements requested in a port) % of static data elements requested more than once within the EU (Ref: Total number of data elements requested in the EU)	Member States reports; Survey to shipping operators
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1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

1. The harmonised European Maritime Single Window environment for ships will build on the already existing framework (National Single Windows structure).
2. The harmonised European Maritime Single Window environment should always be offered; if shipping operators choose to use this channel to submit their reporting formalities, data recipients (authorities, customs systems, reporting systems) must accept those submitted reports and refrain from requesting additional and separate reporting via other reporting paths.
3. The National Single Windows will continue to be mainly a coordination mechanism, serving primarily as a router (with technical converter between data formats where needed) to pass two-way information between the maritime transport operators and the data recipients (e.g. port authorities, customs interfaces and reporting systems, border control authorities, the SafeSeaNet, statistics authorities) with the aim to facilitate reporting for the maritime industry. All other processing will continue to be done by the connected back-end data recipient systems.
4. The initiative will not create new reporting requirements but will coordinate the reporting between the data providers in the maritime transport sector and the data recipients as specified in the underlying legal acts referred to in the revised legal act. Any reporting requests via the European Maritime Single Window environment shall fully respect the applicable technical specifications of the underlying legal acts and IT systems supporting these underlying legal acts.
5. The European Maritime Single Window environment will have clearly defined and fair division of responsibility and accountability for all connected entities, including guarantee of the National Competent Authorities' full responsibility and liability for the intermediary services of the National Single Windows vis-à-vis the data providers and the connected data recipients (e.g. functional and legal responsibility, high availability, ensuring two-way flows of information, etc.)

1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

Reasons for action at European level (ex-ante): excessively high administrative burden for shipping operators due to duplicate reporting in non-harmonised formats and to non-harmonised interfaces throughout the EU.

Expected generated Union added value (ex-post): the proposed action is most efficiently and effectively done at Union level as substantial results and true harmonisation requires a coherent framework addressing pan-European needs.

1.5.3. *Lessons learned from similar experiences in the past*

Past experience of Directive 2010/65/EU is that harmonisation in this field cannot be achieved via voluntary measures. Similar harmonisation of successful reporting via binding specifications and IT systems / applications is done e.g. within the framework of the Union Customs Code (EU-level).

1.5.4. *Compatibility and possible synergy with other appropriate instruments*

The objectives of the proposal are in coherence with EU transport policy in general and maritime transport policy in particular. The initiative supports EU policy on reducing emissions from the transport sector and contributes to the objectives of the EU transport social agenda. The proposal is also in line with the Commission REFIT programme objectives of administrative burden and simplification and with the overall Commission objectives of competitiveness, smoothly functioning internal market and digitalisation.

In particular, the proposal brings added value by enabling coordination of the reporting requirements under the reference legal acts. The governance mechanism included in the proposal provides a guarantee that changes in underlying legislation will be appropriately and timely mirrored in the technical data set and with required updates for specifications and software.

The initiative remains well coherent with the Vessel Traffic Monitoring and Information Systems Directive and is in coherence and closely aligned with the implementation of the Union Customs Code.

The proposal complements also the e-Documents initiative concerning acceptance in digital format of freight transport related information and certificates by authorities performing transport-related inspections in the EU hinterland. Just like the e-Documents initiative, the harmonised reporting environment for maritime transport will support digitalisation and simplification for transport operators; although the two initiatives address different aspects of information reporting requirements at different stages in the course of a freight transport operation. The two proposals have been developed with particular care to exploit synergies with regards to data interoperability aspects.

1.6. Duration and financial impact

Proposal/initiative of **limited duration**

- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY

Proposal/initiative of **unlimited duration**

- Implementation with a start-up period from 2020 to 2027,
- followed by full-scale operation.

1.7. Management mode(s) planned

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
 - international organisations and their agencies (to be specified);
 - the EIB and the European Investment Fund;
 - bodies referred to in Articles 208 and 209 of the Financial Regulation;
 - public law bodies;
 - bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
 - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
 - persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

Management by Commission DG MOVE, with technical support from expert entities as needed, notably from DIGIT (IT development and operational expertise including on proper use of eGovernment building blocks) and EMSA (on specific maritime reporting inputs). EMSA would perform this work in line with the current EMSA regulation and will not be empowered with additional tasks beyond the work areas of its current mandate. Existing staff resources would normally apply.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Reporting by Member States on the functioning of the software – regular exchange within the governance framework (expert group and subgroups).

Surveys to shipping operators to monitor actual impact of action.

2.2. Management and control system(s)

2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

To control costs (economy of scale) and reduce burden on Member States while still guaranteeing true harmonisation of interface and data set, the IT development is proposed to be done at EU-level (contracting of ICT services), managed by the Commission for control effectiveness. This management mode is expected to create low error rate and high transparency for Member States who will participate in the monitoring expert group. The action has high ICT complexity and will require cross-policy area coordination within the Commission; but low budget complexity with few risks in terms of contract management and implementation.

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

Security and cyber incident risks (business continuity)

Non-implementation / non-synchronisation risk (Member State non-compliance)

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of “control costs ÷ value of the related funds managed”), and assessment of the expected levels of risk of error (at payment & at closure)*

Low control costs: limited number of contracts and low control burden.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

DG MOVE has put in place the organisational structure and the internal control systems suited to the achievement of its policy and control objectives. These internal control processes aim to ensure adequate management of the risks relating to the legality and regularity of the underlying transactions. The DG MOVE over-all control system will ensure efficiency and cost-effectiveness of the controls, notably by help of the DG MOVE anti-fraud strategy, elaborated on the basis of the methodology provided by OLAF.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
			from EFTA countries ¹⁹	from candidate countries ²⁰	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	1a: Competitiveness for growth and jobs	Diff./Non-diff. ¹⁸				
	06 02 05: Support activities to the European transport policy and passenger rights including communication activities	Diff	NO	NO	NO	NO

- New budget lines requested: N/A

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading..... ...]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

¹⁸ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

¹⁹ EFTA: European Free Trade Association.

²⁰ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

The commitments proposed for 2020 (EUR 4.339 million) will be covered by the allocation already foreseen in the Financial programming for 2020.

N.B. The estimated impact on expenditure and staffing for the years 2021 and beyond in this Legislative Financial Statement is added for illustrative purposes and does not pre-judge the upcoming commission's proposals on the next multi-annual financial framework, including as for the source of funding of this initiative.

EUR million (to three decimal places)

Heading of multiannual financial framework		Number 1a	Heading Competitiveness for growth and jobs							
DG: MOVE			Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026	TOTAL
• Operational appropriations										
06 02 05: Support activities to the European transport policy and passenger rights including communication activities	Commitments	(1)	4.339			1.676		1.046		
	Payments	(2)	1.349	1.669	1.321	0.848	0.828	0.542	0.504	7.061
Appropriations of an administrative nature financed from the envelope of specific programmes ²¹										
Number of budget line		(3)	-	-	-	-	-	-	-	-

²¹ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL appropriations for DG MOVE	Commitments	=1+1a +3	4.339			1.676		1.046		7.061
	Payments	=2+2a +3	1.349	1.669	1.321	0.848	0.828	0.542	0.504	7.061

• TOTAL operational appropriations	Commitments	(4)	4.339			1.676		1.046		7.061
	Payments	(5)	1.349	1.669	1.321	0.848	0.828	0.542	0.504	7.061
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)	-	-	-	-	-	-	-	-
TOTAL appropriations under HEADING 1a of the multiannual financial framework	Commitments	=4+ 6	4.339			1.676		1.046		7.061
	Payments	=5+ 6	1.349	1.669	1.321	0.848	0.828	0.542	0.504	7.061

If more than one heading is affected by the proposal / initiative: N/a

• TOTAL operational appropriations	Commitments	(4)								
	Payments	(5)								
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)								
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6								
	Payments	=5+ 6								

Heading of multiannual financial framework	5	‘Administrative expenditure’
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EUR million (to three decimal places)

	Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026	TOTAL
DG: MOVE								
• Human resources	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038
• Other administrative expenditure								
TOTAL DG MOVE	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038
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EUR million (to three decimal places)

	Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026	TOTAL	
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework									
	Commitments	4.773	0.434	0.434	2.110	0.434	1.480	0.434	10.099
	Payments	1.783	2.103	1.755	1.282	1.262	976	938	10.099

3.2.2. Estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year N 2020		Year N+1 2021		Year N+2 2022		Year N+3 2023		Year N+4 2024		Year N+5 2025		Year N+6 2026		TOTAL	
	OUTPUTS																	
	Type ²²	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
OBJECTIVE: Providing and maintaining harmonised software and specifications for the harmonised interface, procedures and																		
Harmonised interfaces, procedures and data sets	Software costs		0.189	0.234	0.185	0.119	0.116	0.076	0.071									0.990
	Operation services		0.378	0.468	0.371	0.238	0.232	0.152	0.141									1.981
	Stakeholder Management services		0.567	0.701	0.555	0.356	0.348	1.228	0.212									2.967
	Technical specifications		0.151	0.187	0.148	0.095	0.093	0.061	0.057									0.792
	Infrastructures		0.063	0.078	0.062	0.040	0.039	0.025	0.024									0.330

²² Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

Subtotal for specific objective No 1		1,349		1.669		1.321		0.848		0.828		0.542		0.504		7.061
TOTAL COST		1,349		1.669		1.321		0.848		0.828		0.542		0.504		7.061

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026	TOTAL
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HEADING 5 of the multiannual financial framework								
Human resources	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038
Other administrative expenditure	-	-	-	-	-	-	-	-
Subtotal HEADING 5 of the multiannual financial framework	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038

Outside HEADING 5²³ of the multiannual financial framework								
Human resources	-	-	-	-	-	-	-	-
Other expenditure of an administrative nature	-	-	-	-	-	-	-	-
Subtotal outside HEADING 5 of the multiannual financial framework	-	-	-	-	-	-	-	-

TOTAL	0.434	0.434	0.434	0.434	0.434	0.434	0.434	3.038
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

²³ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year N 2020	Year N+1 2021	Year N+2 2022	Year N+3 2023	Year N+4 2024	Year N+5 2025	Year N+6 2026
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)	2	2	2	2	2	2	2
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE)²⁴							
XX 01 02 01 (AC, END, INT from the 'global envelope')	2	2	2	2	2	2	2
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy ²⁵	- at Headquarters						
	- in Delegations						
XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL	4	4	4	4	4	4	4

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Policy monitoring, governance mechanism (stakeholder management) and project coordination (Programme Management Activities)
External staff	Supporting the work on policy monitoring, governance mechanism and project coordination (Programme Support Activities)

²⁴ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

²⁵ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

3.2.4. *Compatibility with the current multiannual financial framework*

- The proposal/initiative is compatible the current multiannual financial framework.
- The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

N/a: policy support budget line – no reprogramming required

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

N/a

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ²⁶					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article									

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

²⁶ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.