



**EUROPEAN SEA PORTS ORGANISATION** ASBL / VZW  
**ORGANISATION DES PORTS MARITIMES EUROPEENS** ASBL / VZW

## **Position of the European Sea Ports Organisation on the implementation of the reporting formalities Directive 2010/65/EU**

*April 2014*

In January 2013, ESPO published a position paper on e-Maritime. The current paper builds on the principles of the initial paper that remain valid, but also provides more concrete ESPO views on the implementation of the Reporting Formalities Directive (RFD). This is in line with the ongoing developments, the plethora of initiatives and the emerging challenges in this field.

ESPO sees the **implementation of the RFD** as an **opportunity** for facilitating trade and easing the administrative burden through harmonisation and standardisation. ESPO shares the vision of reporting only once and of sharing and re-using data by the relevant authorities. Although that this is technically feasible, it first requires the agreement and full commitment of the parties involved. It also requires a full harmonisation and standardisation of all data elements as per A, B and C referred to in the annex of Directive 2010/65.

However, ESPO is **concerned** to observe a **general confusion** and **lack of harmonisation** in the implementation of the directive. This is mainly related to the challenges regarding the cargo related information and the emerging complications on the implementation of the e-manifest, as well as the miscommunication that can be observed between the expert group on the implementation of the Directive (eMS) and the AnNa project.

ESPO acknowledges of course the **significant differences** that exist **in the** different **Member States** and that have a direct impact to the implementation of the directive. These relate to the number of ports in a Member State, current systems that are in place, the degree of communication/integration of custom and maritime authorities systems, the administrative and organisational structures that are in place.

While respecting these differences this paper:

- Highlights some main principles that ESPO considers significant for the implementation of the Directive
- Sets the immediate ESPO priorities for the implementation of the Reporting Formalities Directive by June 2015
- Makes some recommendations to AnNa project and eMS expert group
- Reflects on the long term vision of ESPO on e-Maritime.



**EUROPEAN SEA PORTS ORGANISATION** ASBL / VZW  
**ORGANISATION DES PORTS MARITIMES EUROPEENS** ASBL / VZW

## Main principles

1. The ultimate aim of the directive is the **facilitation of trade**. All decisions regarding the implementation of the directive should therefore serve this aim.
2. Currently, there are **existing functional systems** and processes in place. It is acknowledged that those in many cases need to be improved (in some cases just updated) but not just replaced/changed without any good reason.
3. **Harmonisation and standardization** of the reporting formalities is a necessity and an absolute priority in view of facilitating trade.
4. The obligations for reporting have their roots to various pieces of international, European, National and regional legislation. The **simplification** of the reporting formalities requires then an assessment of those requirements at the various levels and respective action in changing those pieces of legislation.
5. Currently, in most Member States, separate communication channels exist for cargo and vessel related information. Respectively, **Customs and Maritime authorities have their own separate systems**. Any attempt to merge those different systems into one single window or even allow the seamless exchange of data between them can only be successful with the full cooperation and agreement of those authorities both at national and at European level (DG MOVE, DG TAXUD). Effective coordination is vital at all levels, from strategic down to the concrete implementation roadmap. Good communication, clear aims and strong political will are prerequisites.

## ESPO priorities for the implementation of the Reporting Formalities Directive

1. Use existing and well functioning systems, processes and data formats.
  - a. Existing **Port Community Systems** (PCS) should be integrated as **entry points** to the National Single Windows (NSWs) in line with the definition of NSWs in the eMS group and the current practice in some Member States. A PCS shall be understood as a unique community information system that brings together and processes information related both to the logistics of the vessels calling at ports and the logistics of the cargoes. PCS are, de facto, local Single Windows. Where Port Community Systems do not exist, other port systems that may be in place are also to be considered by the Member States as possible entry points. ESPO acknowledges of course the fact that Member States need also to provide a central system that will also be serving the ports where systems for the electronic submission of data do not currently exist.



- b. Allow for the use of **existing and internationally accepted messages and technology standards** like UN EDIFACT IFTDGN messages for reporting of Dangerous Goods instead of the introduction of new message structures, which are incomplete for the port call and will need some functionality re-engineering in order to meet business requirements.
2. All data, as per A, B and C<sup>1</sup> referred to in the annex of Directive 2010/65 needs to be included in the National Single Windows in an harmonised and standardised format.
    - a. The **cargo related information** has been so far excluded from the scope of the data mapping exercise of the eMS group. This has been due to the decision to work together with DG TAXUD on establishing a harmonised electronic cargo manifest, the e-manifest. The e-manifest has been warmly welcomed by the industry and ESPO as the tool for avoiding duplicated reporting of cargo related information. However, the recent developments and proposals regarding the content and scope of the e-manifest greatly limit its value and there is high uncertainty on how the cargo data will be harmonised and standardised. It appears that at European level there is little synergy between Customs and Maritime Authorities towards the required consolidation of data elements since the data requirements serve different purposes.

**ESPO urges DG MOVE and DG TAXUD to reach an agreement** in harmonising the cargo related data and in avoiding any threat of duplicated reporting of this information.
    - b. The eMS group has been working on harmonising and standardising the **non cargo related data** as per A and B of the annex of 2010/65 and was supposed to approve the outcomes of this data mapping exercise during its December meeting. However, during this meeting it was revealed that both the relevant eMS sub-group and the consortium of the AnNa project were working in parallel on this with two different outcomes regarding the data mapping. The two groups will now work together on harmonising those outcomes but the current reality is that the data mapping is still pending. In addition, it was also made clear during the meeting that the data mapping exercise by both eMS and AnNa was largely based on the World Customs Organisation (WCO) data model. ESPO stresses that the current WCO message structure does not offer the possibility to transmit all data as per A, B and C referred to in the annex of Directive 2010/65. This is the reason why all relevant industry stakeholders (ECSA, ESPO, EPCSA) urge for any model to maintain and allow the use of existing and

---

<sup>1</sup> A: Reporting formalities resulting from legal acts of the Union, B: FAL forms and formalities resulting from international legal instruments, C: Any relevant national legislation



internationally accepted UN EDIFACT message structures (BERMAN, IFTDGN;CUSCAR, etc). ESPO calls the eMS group to ensure that UN EDIFACT message structures are also taken into account in the data mapping. ESPO believes that **data transmission in all relevant technologies (EDIFACT, XML) should be supported** through appropriate “converters/translators” where needed.

- c. The reference data format of each data element and the message structure of the **Maritime Health Declaration** are **pending** and ESPO stresses that these are urgently needed to be produced. Here it also appears that there are different views in the approach by the AnNa consortium and the ensemble of Member States in the eMS group.
  - d. “Any relevant national legislation” as per **part C** of the annex to the directive is **currently not properly considered** in the scope of the eMS group. However, the integration of national and regional data requirements is essential for the implementation of the reporting formalities directive and especially for the facilitation of trade. Working on harmonising/standardising annex C may lead to additional workload but a potential exclusion of the national and regional data requirements will most probably cause additional parallel channels of communication/information exchange and will add burden to the industry. Even if the decision is to leave the implementation of these data to the Member States, the elements must fit into the message structure specifications to be developed or recommended by the eMS group.
  - e. In this context, it has to be noted that the reporting requirements according to article 9 of **directive 2009/16** (port state control) are not dealt with in parts A and B of RFD, but nevertheless are mandatory requirements under European legislation and need to be considered as message attributes **under part C** in the data mapping process. ESPO acknowledges that this is indeed the current approach taken by the relevant eMS subgroup on data mapping.
3. Another missing link for the proper implementation of the RFD is the **lack of a Unique Ship Identifier**. This is needed by January 2015 at the latest if a timely implementation of the directive is to be achieved. The Unique Ship Identifier is a prerequisite for enabling multiple reporting channels for the maritime industry. Given the potential challenges associated especially with its administration and the pressing timeframes, ESPO calls for an immediate initiative under the eMS group.

From the above, it is clear that there are significant remaining challenges that put under threat the proper implementation of the RFD in the pressing timeframes. ESPO believes that in order to achieve the ultimate aim of trade facilitation the scope of the Directive should not be watered down. ESPO believes that an only partly implementation could create additional



**EUROPEAN SEA PORTS ORGANISATION** ASBL / VZW  
**ORGANISATION DES PORTS MARITIMES EUROPEENS** ASBL / VZW

problems for the industry and work contrary to the aim of facilitation. **ESPO calls the Commission to consider a potential postponement of the RFD implementation if no concrete progress is achieved in the short run on the above priority items.**

### **ESPO recommendations towards the AnNa project and the eMS group**

1. As it was clearly demonstrated by the recent data mapping complications, the communication between the eMS expert group and the AnNa project needs to be improved. The distinct roles of the 2 groups need to be clearly defined in order to avoid similar situations in the near future. ESPO understands that the eMS group brings together the experts of all the EU Member States and as such is the appropriate platform to set the principles towards the harmonised implementation of RFD. AnNa is an EC funded project bringing together 14 Member States with the aim of facilitating the practical implementation of the Directive. As such, **AnNa has to follow the eMS guidelines, principles and recommendations** and not the other way around.
2. However, AnNa has recently produced a set of guiding principles for the implementation of the directive. Some of those principles cause concerns amongst the ESPO membership. This is in particular the case with the AnNa choice of favouring the WCO data model or message structure. The use of another data model or message structure than the ones currently used in systems for reporting formalities to Maritime Authorities has to be validated before recommending its implementation and use. Mentioning this it has to be kept in mind that parts of the Member States' tasks in the maritime administration are conducted at port level. While it is recognised that a number of EU Member States, are embracing the WCO message structure, the rationale behind this remains unclear. ESPO stresses that the WCO message structure is currently incomplete for the port call and does not offer the possibility to transmit all data as per A, B and C referred to in the annex of Directive 2010/65. Rather than selecting to favour a specific data model ESPO believes that **the focus should be in supporting data transmission in all relevant technologies** (EDIFACT, XML) and using appropriate "converters/translators" where needed.

### **Long term vision of ESPO on e-Maritime**

1. ESPO sees the e-Maritime initiative as an opportunity towards more efficient maritime transport. On its current scope e-Maritime should primarily focus on (1) the proper implementation of the Reporting Formalities Directive and (2) on improving the functions and added value of SafeSeaNet. Any further enlargement of the scope of e-Maritime should come after evaluating progress on the above and in close consultation with the industry. In that respect, **ESPO warmly welcomes** the Commission's intention to establish an e-



**EUROPEAN SEA PORTS ORGANISATION** ASBL / VZW  
**ORGANISATION DES PORTS MARITIMES EUROPEENS** ASBL / VZW

**Maritime forum** as the platform through which the industry can provide further input and feedback regarding the further facilitation of trade.

2. ESPO shares the **vision of reporting only once** and of sharing and re-using data by the relevant authorities. Although that this is technically feasible, it first requires the agreement and full commitment of all relevant parties.
3. ESPO sees that the **first** and vital step for facilitating trade is the **standardisation and harmonisation** of the reporting formalities. This needs first to be achieved at least at Member State level, including all data relevant for the port call, from port level to international legislation, into one message. The obligations for reporting are dictated through various pieces of international, European, national and regional legislation. The **simplification** of the reporting formalities requires then an assessment of those requirements at the various levels and respective action in changing those pieces of legislation. This exercise is of course time consuming and **will follow** the RFD implementation.

Since 1993, ESPO represents the port authorities, port associations and port administrations of the seaports of the EU. The mission of the organisation is to influence public policy in the EU to achieve a safe, efficient and environmentally sustainable European port sector operating as a key element of a transport industry where free and undistorted market conditions prevail as far as practical.

For more information contact Antonis Michail, ESPO Senior Advisor at [antonis.michail@espo.be](mailto:antonis.michail@espo.be), Treurenberg 6 - B-1000 Brussels, Tel. : 32-2-736 34 63