ESPO Position on the Revision of the Reporting Formalities Directive

(European Maritime Single Window environment)

March 2018

ESPO strongly believes that accomplishing the internal market for maritime transport will improve the efficiency and attractiveness of the maritime transport and port sector. To realise this, the main focus should be on administrative simplification and on removing customs obstacles to EU goods transported between European ports. In this context, ESPO agrees that the implementation of the Reporting Formalities Directive as it stands does not achieve its main aim, i.e. that of reducing the administrative burden.

Reporting formalities when ships call at EU ports are necessary for competent authorities as well as other stakeholders to play their respective roles, but there is clear scope for simplification (reduce administrative burden for reporting formalities) and harmonisation (asking the same data in the same way).

ESPO believes that a single window environment can only be achieved in a successful way if the following considerations are taken into account:

- The first priority for European ports is to simplify administrative procedures and strengthen the efforts on harmonisation of the different reporting data formats by ensuring that the same data elements can be reported to each competent authority in the same way. Only when justified by specific local circumstances, additional data at the level of the port should be required.

- The "reporting once principle" has only a limited scope and may cause liability issues. The majority of reporting formalities are "dynamic" data (between two port calls, the situation of the ship and the cargo and thus the data are changing and need to be updated or amended). Moreover, when considering the data to be submitted to the different receiving authorities in a given port (country), there seems to be only a very limited amount of overlapping requirements (same data asked by different authorities). Finally, when the same data is reused by different authorities, it should be clear for those authorities that the reporting party is the responsible party and that the data concerned is meant to be processed by those authorities.

- All ongoing initiatives and efforts to standardise the format through which the data are reported have to be supported and further encouraged. Harmonised formats ease the life of both the provider and the receiver of information.

- Cooperation between maritime and custom authorities at both national and EU level in simplifying their administrative procedures and harmonizing data formats should be a priority. For example, 'timing' and 'updates' of notifications could be aligned, and underlying issues such as use of same data elements by different authorities for different purposes

could be solved. Furthermore, DG MOVE and DG TAXUD should closely cooperate and align the development of their respective single windows.

- The reporting should be done through resilient and robust yet flexible systems that ensure the reliability of data and allow for a multichannel approach, enabling the use of port community systems. Liability issues related to reporting should be addressed through adequate solutions. Differences in roles and responsibilities of the different parties involved should be respected. Any system should allow the receiver to follow up with the source of the information to cope with the dynamic character of maritime transport operations. It is however recommended to make use of existing reporting systems or National Single Window initiatives before developing new systems.

- Developing a European Single Window environment as an interface through which the data provider, be it the ship owner or his representative, passes all requirements linked to one ship call in one go, can only function if this structure is more than a technical interface. A single window environment should also have a governance dimension: e. g. this Single Window should have the competences and responsibility to distribute the data to the respective authorities. If not, the single window environment will not result in trade facilitation and simplification, but will just shift the burden from the ship side to the competent authorities. In the same context, a risk assessment in terms of data protection should be done and considered into the governance framework of the European Single Window environment. Furthermore, the governance of a European Maritime Single Window environment should be based on a proper legal framework, addressing the reuse of data in reporting to the different authorities.

- The scope of the European Single Window environment should be clearly defined with regards to how its concept could satisfy both administrative and operational requirements by its stakeholders.

Overall, European ports feel that from a technological point of view there has been enormous progress since the adoption of the first National single Window in the maritime world more than a decade ago. Today's innovative digitalisation technologies often offer far more advanced, more interoperable, safer and cheaper solutions for many of the above mentioned challenges (e.g. block chain technology, data pipeline and application programming interfaces). This next technological level should already be taken into account when developing a single window system. This would help solving some of the outstanding issues.

The European Sea Ports Organisation (ESPO) represents the port authorities, port associations and port administrations of the seaports of 23 Member States of the European Union and Norway at political level. ESPO has also observer members in Iceland and Israel. ESPO is the principal interface between the European seaport authorities and the European institutions. In addition to representing the interests of European ports, ESPO is a knowledge network which brings together professionals from the port sector and national port organizations. ESPO was created in 1993.