
General Maritime Sub-Group

General Maritime Information – Business Rules

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Background

On 20 October 2010 Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States (known as the Reporting Formalities Directive) was adopted, which repealed Directive 2002/6/EC. The purpose of the Directive is to “simplify and harmonise the administrative procedures applied to maritime transport by making the electronic transmission of information standard by rationalising reporting formalities.”

The inclusion of the general maritime information in harmonised manner was discussed at the 2nd e-MS Group meeting (Brussels 16 June 2011) which decided to set up a General Maritime Sub-Group for the development of the business rules and identification of the data elements. 15 Member States volunteered to participate: Belgium, Bulgaria, Denmark, Finland, France, Germany, Italy, Latvia, Malta, Norway, Poland, Portugal, Spain, Sweden and the Netherlands.

This report presents the business rules proposed by the General Maritime Sub-Group to the e-MS Group for the integration of the general maritime information in the Single Windows and the exchange of the relevant information via SafeSeaNet (SSN).

According to the provisions of Article 5, Member States (MS) shall accept the fulfilment of reporting formalities in **electronic format** and their transmission via a **National Single Window (NSW)** no later than **1st June 2015**. The Annex of the Directive lists 14 reporting formalities which, if required in accordance with legislation applicable in a MS, are to be submitted through a NSW.

Article 6.1 of the Directive also states that “MS shall ensure that information received in accordance with the reporting formalities provided in a legal act of the Union is made available in **their national SSN systems** and shall make **relevant parts** of such information available to other MS **via the SSN system**. Unless otherwise provided by a MS, this shall not apply to information received pursuant to Regulation (EEC) No 2913/92, Regulation (EEC) No 2454/93, Regulation (EC) No 562/2006 and Regulation (EC) No 450/2008”

Among reporting formalities resulting from legal acts of the Union (Directive 2010/65/EU, Annex, Part A) the following information is already exchanged through SSN:

- Notification for ships arriving in and departing from ports of the MS (Article 4-1 of Directive 2002/59/EC);
- Notification of dangerous or polluting goods carried on board (Article 13 of Directive 2002/59/EC).

The standardised FAL forms, as provided for in the FAL Convention, are included in Directive 2010/65/EU, Annex, Part B. There is a need to ensure that the reporting formalities are requested in a harmonised and coordinated manner avoiding duplication of the information requested related to the ship arrival or departure.

Therefore, the information required in FAL form 1 (General Declaration) and FAL form 7 (Dangerous Goods) needs to be harmonised with the information resulting from the legal acts of the Union described above. These comprise the **general maritime information**.

The general maritime information shall be submitted electronically only once (via a NSW) and made available to various competent authorities and relevant bodies. The SW concept at national level is introduced in order to gather the information more effectively.

In defining the business rules of the general maritime information, the Sub-Group considered the following principles:

- a. The inclusion of the general maritime information into SSN should not only facilitate the legal obligations enabling the transmission of the relevant part of the reporting formalities but should primarily satisfy the user requirements.
- b. The NSW has to meet the requirements of the Directive 2010/65/EU including the reporting formalities resulting from the international legal instruments and national legislation.
- c. The principles of the existing SSN should be fulfilled to the possible extent in order to build on what already exists avoiding major changes and taking benefit of the investments made by the Members States.
- d. As soon as the business rules of the general maritime information will be defined, the results will be presented to the e-MS Group in charge of the implementation of the notifications and the Single Windows required by Directive 2010/65/EU in an harmonised way.

Business Rules

1. Definition of General Maritime information

The general maritime information comprises the formalities resulting from legal acts of the Union (Directive 2010/65/EU, Annex Part A):

- Notification prior to entry into ports of the MS (Article 4-1 of Directive 2002/59/EC), hereunder identified as "Port notification";
- Notification of dangerous or polluting goods carried on board (Article 4-2 and article 13 of Directive 2002/59/EC), hereunder identified as "HAZMAT notification";

and the FAL forms (Directive 2010/65/EU, Annex Part B):

- FAL form 1: General Declaration
- FAL form 7: Dangerous Goods Manifest

Comments:

- a. The content of the Port/HAZMAT notifications are well defined (Annex of Directive 2002/59/EC). The same applies for the content of FAL 1 and 7 (IMO FAL Convention adopted forms).
- b. A significant part of the information from FAL form 1 and the Port notification, as well as a significant part of the information from FAL form 7 and the HAZMAT notification, overlap. The table in annex identifies the information elements which do not correspond and identifies whether each element should be included in the NSW (in accordance with the legislation applicable in the MS) and whether it would be exchanged through SSN (if considered relevant to be exchanged between MS).
- c. Though the content of FAL forms 1 and 7 are well defined, the reporting obligations are not fixed by the FAL Convention. According to the FAL Convention, Annex, Section 1 B. General Provisions (1.1): "Standard: Public authorities shall in all cases require only essential information to be furnished, and shall keep the number of items to a minimum".
- d. The Convention only establishes the maximum data elements that contracting governments may require for report formalities. Therefore, the issue is left to the contracting governments to decide which data elements of FAL forms 1 and 7 shall be reported. In fact the explanation to Recommended Practice 2.2.2 related to the General Declaration, and which is contained in the Explanatory Manual to the Convention, states that "It is not necessary that public authorities require all the data-elements contained in the General Declaration. Where public authorities are satisfied with a lower number of data-elements this will facilitate the obligations of the declarant". What is considered as "essential" may vary between the MS or even between the ports in the same MS.
- e. The letter sent by the Commission to the MS aims at identifying which part of FAL forms is considered essential for notifications (both pre-arrival and pre-departure). The sub-group considered the answers from the MS in order to identify which elements from the FAL forms 1 and 7 should be implemented in the NSW.

Business Rule 1: The general maritime information resulting from legal acts of the Union (Part A) is mandatory to be provided to the NSW and made available to the national SSN and to other MS through central SSN system.

Business Rule 2: The information of FAL forms 1 and 7 not required by a legal act of the Union (indicted in the table in Annex) should be accepted by the NSW (in accordance with the legislation applicable in the MS) in a harmonised manner.

Business Rule 3: The general maritime information includes fields not expected to significantly change from port to port (for example, the static information regarding the ship). That information should be obtained from a reliable data source rather than requested at each ship call in a port (identified in the table in Annex as "static").

2. Ships required to notify

The legal framework is provided by Directive 2002/59/EC:

- Regarding the Port notification, Article 2 defines the scope to ships of **300 gross tonnage and upwards**, unless stated otherwise, with the exception of:
 - warships, naval auxiliaries and other ships owned or operated by a MS and used for non-commercial public service;
 - fishing vessels, traditional ships and recreational craft with a length of less than 45 metres;
- Regarding the HAZMAT notification, Article 13 defined the scope to **all ships, irrespective of their sizes, carrying dangerous or polluting goods.**

The FAL Convention applies to **any ship engaged in international maritime traffic** with the exclusion of warships and pleasure yachts as stated in Article II, paragraphs 2 and 3 of the FAL Convention¹.

Comments:

- a. The type of ships falling under the FAL convention (including the FAL 1 and 7 forms) is different from the type of ships required to report under the Directive 2002/59/EC port and HAZMAT notifications.
- b. The FAL Convention leaves it to the discretion of each Contracting Government to determine the reporting obligations but within the limits set (international voyages with the exclusion of military vessels and pleasure yachts).

1 Note:

FAL Convention, Article II:

"2. The measures for the facilitation of international maritime traffic provided for under the present Convention and its Annex apply equally to the ships of coastal and non-coastal States the Governments of which are Parties to the present Convention.

3. The provisions of the present Convention do not apply to warships or pleasure yachts."

- c. The FAL Convention applies only to the international voyages and therefore the domestic voyages are excluded from the obligation to report FAL forms 1 and 7 data elements.

3. Identification of ships

According to Annex I of Directive 2002/59/EC, ships are identified by: *Name, Call sign, IMO identification number or MMSI number*. The ship is always identified through its IMO number and/or the MMSI number.

Business Rule 4: The ship is identified by the IMO number, MMSI, Call Sign and name in the following order:

- a. the IMO number (shall be considered as "unique identifier" if available);
- b. the MMSI number (can be used as a "unique identifier" if available), if the ship does not have an IMO number;
- c. the call sign, if the ship does not have a MMSI number;
- d. the name, if the call sign is not provided in the notification.

The exchange of information may not be possible if the ship is only identified with its call sign or name, as they cannot be considered as "unique identifier" enabling the identification of the ship. The experts acknowledged this limitation.

4. Voyage related information

The UN/LOCODEs list is managed and maintained by the UNECE (following indications from national Governments) and with the active contributions of the national governments and commercial bodies. The SSN NCA shall be responsible for designation and management of UN LOCOCODES.

The shipping industry should be informed of the proper use of the UN/LOCODEs list.

Business Rule 5: UN/LOCODEs with port function should be used to identify the ports in the interface NSW/SSN. In any case additional LOCOCODEs not identified in UNECE can be included as currently occurs in SSN as specific "SSN specific LOCOCODE".

Business Rule 6: The same time format currently implemented in SSN (ISO 8601UTC) should be used for the date/time fields in the interface NSW / SSN.

Business Rule 7: For the purpose of the exchange of information through SSN, the reporting formalities information should be associated to an identifier of the port call. The identifier should be unique for all calls in the ports of the MS and guaranteed by the NSW. It is therefore recommended that the identifier of the ship call at EU port to be used for the exchange of information through SSN is defined by the NSW.

The voyage number, which is included in the FAL forms 1 and 7, is usually given by the ship company or the carrier and should not be used as identifier in the exchange of information through SSN. The inclusion of the voyage number in the NSW is left to the discretion of each MS.

5. Hazmat related information

Article 4.2 and Article 13 of Directive 2002/59/EC require any “ship, irrespective of its size, carrying **dangerous or polluting goods** (...) to notify the information indicated in Annex I(3)”.

The dangerous or polluting goods (DPG) are defined in Article 2 of Directive 2002/59/EC:

- **(g) Dangerous goods:**
 - goods classified in the **IMDG Code**,
 - dangerous liquid substances listed in **Chapter 17 of the IBC Code**,
 - liquefied gases listed in **Chapter 19 of the IGC Code**,
 - solids referred to in **Appendix B of the BC Code²**.

Also included are goods for the carriage of which appropriate preconditions have been laid down in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code.

- **(h) Polluting goods:**
 - oils as defined in **Annex I to the MARPOL Convention**,
 - noxious liquid substances as defined in **Annex II to the MARPOL Convention**,
 - harmful substances as defined in **Annex III to the MARPOL Convention**.

The FAL form 7 covers the following types of DPGs:

- **SOLAS 74, chapter VII, regulation 4.5:** Each ship carrying dangerous goods in packaged form shall have a special list or manifest setting forth, in accordance with the classification set out in the IMDG Code, the dangerous goods on board and the location thereof.
- **SOLAS 74, chapter VII, regulation 7-2.2:** Each ship carrying dangerous goods in solid form in bulk shall have a special list or manifest setting forth the dangerous goods on board and the location thereof.
- **MARPOL 73/78, Annex III, regulation 4.3:** Each ship carrying harmful substances shall have a special list or manifest setting forth the harmful substances on board and the location thereof.
- **IMDG Code, chapter 5.4, paragraph 5.4.3.1:** Each ship carrying dangerous goods and marine pollutants shall have a special list or manifest setting out for this purpose, in accordance with regulation 4.5 of chapter VII of SOLAS 1974, as amended, and with regulation 4(3) of Annex III of MARPOL 73/78, the dangerous goods and marine pollutants and the location thereof.

² **Note to BR:**

Replaced by the International Maritime Solid Bulk Cargoes Code (IMSBC Code) in 2008, that entered into force on 1 January 2011.

Comments:

Comparing the goods required to be reported by Directive 2002/59/EC and FAL form 7, the following DPG are not covered by FAL form 7:

- Dangerous goods:
 - dangerous liquid substances listed in Chapter 17 of the IBC Code;
 - liquefied gases listed in Chapter 19 of the IGC Code;
 - goods for the carriage of which appropriate preconditions have been laid down in accordance with paragraph 1.1.3 of the IBC Code or paragraph 1.1.6 of the IGC Code.
- Polluting goods:
 - oils as defined in Annex I to the MARPOL Convention;
 - noxious liquid substances as defined in Annex II to the MARPOL Convention.

Business Rule 8: The types of dangerous and polluting goods (DPG) required to be reported by FAL 7 is a subset of the types of DPG required by the Directive 2002/59, therefore the DPG defined under **IMDG Code, IBC Code, IGC Code, IMSBC Code** and **MARPOL Convention** are to be reported to the NSW.

Business Rule 9: The textual reference of the DPG is:

- “proper shipping name” for goods under IMDG Code, completed with the technical name where appropriate;
- “product name” for goods under IBC Code and IGC Code;
- “bulk cargo shipping name” for goods under IMSBC Code; and,
- “name of oil” for goods under Annex I to the MARPOL Convention.

Business Rule 10: The additional attributes required by FAL 7 which are not included in the HAZMAT notification are to be reported to the NSW applying the same logic mentioned in B.R. 1 and 2.

6. Classification of the general maritime information

Article 8 of Directive 2010/65/EU gives provisions to MS to take the necessary measures to ensure the confidentiality of commercial and personal information exchanged in accordance to the Directive itself.

The information currently managed is not considered as “classified” in accordance with the definition provided by Commission Decision 2001/844/EC, therefore SSN is a “non-classified” system.

Business Rule 11: The general maritime information is unclassified and therefore does not require special security measures to be taken. Nevertheless, this information shall be considered as sensitive and shall be protected from unauthorised access or disclosure. Some parts include personal data (name of master) and information that can be considered commercially sensitive (Hazmat cargo), which shall be protected in compliance with the rules on personal data and by setting up appropriate access rights. The information is of similar classification nature to the existing SSN information.

7. User Profiles

The national and local competent authorities are identified in Article 3 of Directive 2002/59/EC and their roles and responsibilities are defined in the Interface and Functionalities Control Document (IFCD) (under approval by the HLSG).

MS have also to designate the competent authorities and organisations to perform functions under the Reporting Formalities Directive. Consequently, it is up to the MS to define the users entitled to deal with the general maritime information based on of their specific organization at national level.

Business Rule 12:

- The Competent Authority designated by the MS for the Single Window is responsible for the transmission of the relevant information of the general maritime information to the national SSN system.
- The users as defined under Directive 2002/59/EC (Article 14.c) shall be entitled to get access to the relevant part of the general maritime information stored in the SSN network.
- The management of the user's credentials shall be made by the Competent Authority designated by the MS for the Single Window in co-operation with the SSN NCA (if different). The following roles have access to general maritime information:

NCA	CST	POR	PSC	OTH	ADMIN
X	X	X [Port of call]	X	X	X

- There should be only one restriction associated to general maritime information management. This restriction will be applied, at local level, for Ports. Ports will have access only to the information of ships bound to and departing from their port. There will be no restriction to access information for the other existing SSN profiles.

Open issue 1: Other user communities (customs, border control, etc.) might be entitled in having access to the general maritime information. The Customs and Border Control sub-groups need to identify and justify which data elements they need in order to fulfil their obligations.

8. Data Providing Process

According to Article 4 and 13 of Directive 2002/59/EC and the FAL Convention, the person responsible for providing the general maritime information is the master or operator/ agent of the ship.

Business Rule 13:

- The MS shall develop the appropriate data entry tools to allow the user (designated person responsible to provide the information) to enter data to the NSW.
- The MS shall develop mechanisms to ensure the non-repudiation and traceability of actions performed by users providing information or accessing to the NSW.
- Updates on previously provided information are to be accepted by the NSW and at SSN central level to allow the correction of mistakes until the departure of the vessel

(ATD)³. The cancelation of the full ship call shall be foreseen. It is essential for the system to link the whole information flow to a single ship call.

- Common data quality checking rules shall be applied in all systems that are linked. This is of particular importance to the NSW that is the entry point for all the information. The Competent Authority designated by the MS for the Single Window will be responsible for establishing the data quality checks of the information reported in the NSW.
- The provider of information to the NSW (master or any other person authorised by the operator of the ship) is responsible for the quality of the data delivered to the NSW.

9. Information exchange model and related functionalities

The current SSN follows a Mixed Information Model, with some data stored centrally at EMSA (such as the information related to the ship's identifiers, voyage information, number of persons on board, ETA, ATA, ETD, ATD and AIS positions) and some at MS level (such as HAZMAT, MRS and Incident Report details).

The central SSN system receives a notification each time a report is sent by a MS system, although the full details of the report may be stored at MS level (centrally or even locally within a port system) and only exchanged with other users on the basis of a request sent via the central SSN system.

Business Rule 14: The current SSN implementation model (data stored nationally) will be maintained with the exception of the static data and data that can be re-used when the appropriate database would be created at central level.

10. Data Storage and Data Availability

Business Rule 15: To maintain coherence with SSN, the same data storage requirements shall be applicable to the NSW. The minimum periods for data storage (from the ship's departure) are:

- Online: 2 months minimum;
- Offline: 5 years minimum.

Business Rule 16: The NSW system shall maintain at least the same availability requirements as SSN (minimum of 99% over a period of one year, with the maximum permissible period of interruption being 12h).

11. Personal Data Protection

Business Rule 17: The protection of personal data at national level (NSW) shall be in line with national legislation for data protection and with Directive 95/46/EC. The

³ eMS group to decide the time limit for allowing the updating of information (by June 2013)

protection of personal data at central level shall be in line with Regulation (EC) No 45/2001 on protection of data by the Community Institutions and bodies.

MS have to verify the compliance of the measures implemented for the protection of personal data in their NSW with the EU and their national legislations.

EMSA has to verify the compliance of the measures implemented for the protection of personal data in the central SSN with the EU legislation.

ANNEX

Additional fields of information contained in the FAL forms 1 and 7 and not required by legal acts of the Union

FAL FORM 1: GENERAL DECLARATION It can be used as ARRIVAL, DEPARTURE or as a COMBINED DECLARATION.	NR.	Title of the field	Comments	Static	To be included in NSW dataset (in accordance with the legislation applicable in the MS)	To be exchanged via SSN
	1.4	Voyage number	Consecutive number usually given by the ship company or the carrier.		Yes	No
	7	Certificate of registry (Port, date, number)	Ship details, static data	Static	Yes	TBC
	10	Net Tonnage	Ship details, static data	Static	Yes	TBC
	12	Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)	Indicates all port names from the point of provenance to the final destination. Partially included in the Security Information Form (part A)		No	No
	14	Number of crew	FAL 1 differentiates the number of the crew and the number of passengers. The port message includes only the total number of persons on board. Differentiating the number of crew and passenger does not represent a significant added value for the purpose of the port message (maritime safety). However, some MS might require the number to be provided in FAL 1 if the reporting times are different		Yes Information in FAL 5	No
	15	Number of passengers	See above		Yes Information in FAL 6	No
	16	Remarks			Yes	No

FAL FORM 7: DANGEROUS GOODS MANIFEST It can be used as ARRIVAL, DEPARTURE or as a COMBINED DECLARATION for dangerous waste + dangerous cargo residues	NR.	Title of the field	Comments	Static	To be included in NSW dataset <i>(in accordance with the legislation applicable in the MS)</i>	To be exchanged via SSN
	1.4	Voyage number	Consecutive number usually given by the ship company or the carrier		Yes Data field already included in FAL 1	No
	5	Booking/Reference number	Reservation number used as a control number prior to completion of a bill of lading		Yes	No
	7	Number and kind of packages			Yes	No
	11	Packing group	Product details		Yes	TBC
	12	Subsidiary risk(s)	Product details		Yes	TBC
	13	Flashpoint (in °C)	Product details		Yes	TBC
	14	Marine Pollutant	Product details		Yes	TBC
	16	EmS number	Product details		Yes	TBC
	18.2 19.2	Place and date	Not considered relevant to the NSW implementation by the sub-group. This should be achieved thanks to traceability by NSW. Not required by the MS		No	No
20	Additional information	Information to be reported in the data field FAL1-Remarks.		No	No	