

STATEMENT ON THE IMPLEMENTATION OF DIRECTIVE 2010/65/EU

The PROTECT group supports the purpose and scope of the Directive in principle. However, the lack of concise guidance is causing considerable confusion amongst member states, targeted stakeholders and implementing bodies which, if allowed to continue, will seriously impair the expected June 2015 implementation. In addition, it is the considered opinion of the group that wherever possible existing electronic messaging should be utilised where these apply to mandatory reporting requirements of the Directive. Furthermore an underlying pre-requisite is that all messaging must be exchanged in a machine readable format.

While it is recognised that a number of EU funded projects, as well as some member states, are embracing the WCO data model, the rationale behind this remain unclear. It is also evident that reporting formalities appear to be interpreted differently by EU directorates and agencies such as DG Taxud, DG Move and the European Maritime Safety Agency and this further erodes the opportunity for a harmonised EU wide implementation. In this context, it is imperative that the introduction of the eManifest is excluded from the implementation of Directive 2010/65/EU.

Although the re-use of data is not directly referred to in the Directive, there are demonstrable benefits to trade provided there is a clear distinction between operational and legislative re-use of data. The Protect member ports and their respective port community systems already deploy a level of non-commercial data re-use where it provides effective data exchange with government agencies' but it should also be recognised that some member states have data protection legislation that prohibits re-use of data and subsequent exchange of information in the public domain.

In principle therefore, the PROTECT group endorses and supports the following high level approach:

- The use of existing infrastructure e.g. Port Community Systems, local and national Competent Authority systems for fulfilling reporting requirements of the Directive.
- The use, re-use and extension of existing harmonised UN/CEFACT messages as extensively exchanged between commercial stakeholders.
- The local/regional business to business information exchange to complement data flows and exchange of information on a European level e.g. between National Single Windows and SafeSeaNet etc.

To that end, the PROTECT group are pleased to continue offering EMSA its observations and practical experience in support of Directive 2010/65/EU while our common aim remain that of rationalisation and harmonisation of reporting formalities throughout all our member ports.