Revision of the Reporting Formalities Directive with the aim to establish European Maritime Single Window environment

Interview guide for maritime authorities

Introduction

The European Commission, Directorate-General for Mobility and Transport (DG MOVE) [see attached Letter of Support], has given COWI and Gartner the task to analyse the current lack of a harmonised implementation of the Reporting Formalities Directive 2010/65/EU (RFD) in the Member States, to analyse barriers for achieving the expected efficiency gains from the RFD, and to analyse possible options, legislative and non-legislative, and technical solutions, to overcome the barriers.

This interview guide contains a number of questions that will be addressed at the interview. In case you provide us with information that must be kept confidential, we will of course respect that. We will use your answers in our assessment together with the answers from other stakeholders and from our desk study analysis. We do hope that our findings will help to improve the prospects for maritime transport in the EU.

We very much look forward to the interview, and to discussing the questions with you. We envisage that the interview will take 1-1½ hours.

Thank you!

1. Stakeholder characteristics

Characteristic	Answer
1.1 Name of interviewee	Raymond Seignette
1.2 Name of organisation	Port of Rotterdam Authority
1.3 Contact information	rwp.seignette@portofrotterdam.com
1.4 Type of organisation (private/public, international, national, regional, other)	Public Organisation, national

2. Current RFD implementation

Before turning to the current RFD problem and to options that may solve the problem, we would like to understand how you have chosen to implement the NSW in your Member State, and what the status is.

2.1 How have you implemented the NSW in your Member State?	Please select (X)	Number of PCSs
Centralised reporting		
Decentralised reporting through Port Community System (PCS)	X	2
Mixed approach		

2.2 What is the status of the NSW Implementation?	Please select (X)	Percentage completed	Date of completion (actual or estimated)
Completed			
Ongoing	X	90%	Estimated Jan , 2018

Other RFD implementation questions	Answer
2.3 Would you consider it useful to receive a readily available software solution for implementing the NSW (e.g. a solution provided by EMSA)?	No, as the NSW solution should fit the local and national requirements for reporting formalities.
2.4 Are you familiar with the eMS group Guidelines for NSWs[1]?	Yes
2.5 Have you used the eMS group Guidelines for NSWs?	Partially used by the Ministry responsible for NSW
2.6 Do you have plans to adjust your NSW to the recommendations in the eMS group Guidelines for NSWs in the coming years?	Yes, to facilitate the reporting formalities for more modalities.
2.7 Which authorities currently use the NSW/PCS – and what is their usage (e.g. central or access to data directly via PCS)?	All port authorities use PCS for single submission of maritime data to the full extend; PCS arrange the exchange of this data with SSN
2.8 Which authorities do not currently use the NSW/PCS but require reporting from ships – and what are their reporting requirements?	None.

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[1] eMS Guidelines

2.9 Are you planning any changes of your current solution for reporting (NSW/PCS) e.g. to harmonise towards other Member State systems, to take up EMSA prototype aspect, or to adapt to existing EU level guidelines?	Expected start date	Estimated size of investment (in EUR)
No		

2.10 What interface options do you currently offer to ship data providers for reporting?	Offered (X)
Portal/Graphical User Interface	X
Machine-to-machine based on XML	X
Machine-to-machine based on EDIFACT	X
Other (please describe)	X, API (next to the GUI)

Other data management questions	Answer
2.11 Do you store master data from ships – and which (e.g. ship name, flag state, gross tonnage)?	We use a reference database from HIS Fairplay which is included in our IT environment. This database is used by the port authority, by port management and by the PCS operator.
2.12 Do you have a central ship data base at national (or regional) level?	At local level.
2.13 Do you manage user access within the NSW?	Yes, for customs formalities. Not for maritime formalities.

2.14 If implemented – what are the annual costs of operating and maintaining the current NSW/PCS?	Amount (please specify currency)
Total cost	-
Cost of annual maintenance	-
Annual costs for training users	-

3. Current RFD problem

We take outset in that there is much evidence of the RFD not having achieved its objectives of simplifying and rationalising information requirements set in different acts, and of replacing paper submissions with harmonised digital submissions through National Single Windows (NSW). This has led to an excessive administrative burden – that via a lack of fast and accurate information has hindered fast clearance and release times for ships. Furthermore, business opportunities have been hampered by inefficient re-using/sharing of digital information.

During this interview we will therefore particularly like to get your assessment of how different policy options and technical solutions may help to solve this problem – and how they may have positive (or negative) impact on you.

Current barriers

We would like your assessment of which of the following barriers cause problems for you:

Barrier	Importance: (none, low, medium, high)	Explanation
3.1 Technical: missing or low-quality reporting interfaces (that e.g. may imply paper submissions)	None	See 2.10
3.2 Technical: different (non-harmonised) reporting interfaces in different Member States / ports	Low	Can be high for SME reporting parties
3.3 Technical: different level of digitalisation among shipping companies / ship agents	Medium	Can be high for SME reporting parties
3.4 Legal: lack of re-use / sharing of data due to unclear or insufficient legislation, hereunder differences within the EU, on data protection e.g. regarding commercial interests and/or personal data (the answer may also include related aspects of EU General Data Protection Regulation (GDPR), latest regulated by Regulation 2016/679)	Low	Re-use of data is arranged in the private domain (PCS). Re-use of data in the public domain (between authorities) is currently restricted to sharing arrival and departure times of vessels only.
3.5 Legal: unclear definition of 'report once-only' (e.g. reporting once for all ports in the EU, for all ports in a Member State, or for a given port)	High	The scope of the 'reporting once principle' is limited.
3.6 Legal: RFD addresses only some (i.e. not all) EU, international, and national reporting formalities	Low	On national/local level the national/local requirements are included in the reporting process through PCS.
3.7 Cultural: lack of trust, business secrets, incentives, and/or tradition for sharing data	None	Re-use of data arranged in the private domain (PCS). However, there is a lack of trust amongst reporting parties that in the public domain their data is re-used for purposes for which this data was not sent.
3.8 Cultural: some stakeholders prefer (benefit from) non-harmonised reporting procedures	Low	In time these stakeholders shall adapt.
3.9 Other: which (e.g. quality of data)?	Low	The quality of data can best be maintained by using data from the source, which is done in PCS.
3.10 Cultural: some stakeholders prefer (benefit from) non-harmonised reporting procedures	?	See 3.8
3.11 Other: which?	Increasing maritime reporting requirements initiated by EMSA.	Although SafeSeaNet (SSN) is intended to share maritime data reported between the Member States for the benefit of safety at sea, SSN is more often used for other purposes – amongst others for facilitating reporting formalities. However, EMSA is not considered the appropriate agency or authority for facilitating maritime reporting formalities.

Current administrative burden and costs

Furthermore, before getting into problem-solving mode, we ask you to provide us with your best estimate of the administrative cost/time currently spent by you on an average port call, and an estimate of the average port calls you handle on an average day. Ideally, we would – as it appears from the second table – like to get estimates for the different reporting formalities, but we would also appreciate a total administrative cost estimate for an average port call – cost or time (first table):

Administrative burden (total)	Port call per day	Cost per port call (EUR)	Time per port call (man-hours/ minutes)	Explanation
3.12 Total administrative costs	-	Variable	-	

Administrative burden (by reporting formality)	Frequency (% of port calls)	Time per port call (man-hours/ minutes)	Explanation
A: Reporting formalities resulting from legal acts of the EU			
3.13 Notification for ships arriving in and departing from ports in Member States	100%		Includes local port requirements.
3.14 Border check on persons	100%		
3.15 Notification of dangerous or polluting goods carried on board	75 %		Carrying DPG; including local port requirements.
3.16 Notification of waste and residues	80 %		Due to exemptions
3.17 Notification of security information	98 %		Due to exemptions
3.18 Entry summary declaration	50 %		In PoR; on national level probably lower due to more intra EU traffic.
B. FAL forms and formalities resulting from international legal instruments			
3.19 FAL forms 1-7	n.a.		Already covered
3.20 Maritime declaration of health	n.a.		
C. Any relevant national legislation			
3.21 "please indicate reporting formality"	n.a.		See 3.13
3.22 "please indicate reporting formality"	n.a.		See 3.13

And, your best estimate of the costs involved in changed reporting requirements:

Costs of changed reporting requirements	Answer
3.23 What were your estimated investments involved in the latest change of reporting requirements?	M€ 1.2 in PCS for adapting the PCS – NSW reporting process, and notifications/declarations used.

4.   Options to solve the problem

A number of different options to solve the problem have already been formulated. You are of course most welcome to suggest other options. We acknowledge that the formulations are broad. However, we hope at the interview to be able to clarify them.

In the following, we would like you to assess how the following options may (or may not) reduce your administrative burden from reporting formalities, improve your business opportunities, and may lead to wider or unintended impacts:

A   Non-legal measures:

   a1   providing EU support (financial and/or expertise) to facilitate voluntary EU harmonised reporting interfaces and harmonised maximum data set

   a2   organising events (workshops, seminars, conferences) to stimulate cooperative behaviour and trust and so to overcome some of the barriers for re-using/sharing of data

B   Legal measures (i.e. review of RFD):

b1 establishing a legal framework for an EU harmonised reporting environment – based on Port Community Systems, National Single Windows, or a European Single Window

b2 introducing a maximum data set consisting of all information, regulatory and operational, required to complete a port clearance request

b3 providing detailed rights and rules on re-use of data, endorsing the 'once-only principle'

b4 setting up a governance mechanism for development and maintenance of technical specifications, access and re-use of data, data liability, data protection, user management, cyber security, service level requirements, and rules for provision of open and private data for third parties

C Technical solutions:

c1 European Maritime Single Window (EMSW) is established by the EU (EMSA) as a shared service for reporting and distribution to national authorities (existing NSWs are either adapted to the reporting standard or replaced by the EMSW)

c2 EU provides software to the Member States – that enable them to provide harmonised NSW reporting facilities to shipping companies (ship agents), and that enable national authorities to receive data and to give feedback (existing NSWs may be adapted to the reporting standard)

c3 EU establishes a shared service for reporting and receiving feedback, while it provides Member States with software (reference implementation) where national authorities may consult and use the data provided

Option questions	Selected option(s)	Explanation
4.1 Which of the options do you assess are best at solving the RFD problem (reducing the barriers)? – you may suggest more and/or combinations of options, or alternative options [you may also explain why the other options will have no or only little impact]	B2	As this would solve the question 'what to report to which authority' on EU level, still allowing MS/ports to select the data required on their national/port level.
4.2 Which of the options do you assess have the largest impact on your administrative burden?	B1, B3, B4, C1, C2, C3	All of these options would increase the admin burden in ports and/or further complicate the implementation of the reporting requirements.
4.3 Which of the options do you assess have the largest impact on your business opportunities?	C1	As this would undermine a well-functioning reporting chain in NL and would create an extra (Single) point of failure.

Please assess the likely size of the impact on you of the different options – focusing on the options that you have assessed to have the largest impacts. Hence, for each of these options we would like your assessment of the impact on your administrative burden, and on wider or unintended impacts.

Administrative burden	Answer	Explanation
4.4 Total change (increase/decrease) in time spend on reporting formalities per port call (man-hours)	Huge increase in time and costs	Many man-years and M€ ++
4.5 For which reporting formalities will you experience the largest change?	C1	

Wider or unintended impacts	Answer	Explanation
4.6 Do you expect the options to have wider social impacts (e.g. employment, working conditions, safety and health)?	Yes, all options apart from B2	As this would have a serious impact on the current reporting process and technical architecture, and on the service provision in port logistics by PCS; This is also against the current trend of decentralization of systems and services for information exchange (re. federated architecture for SW).
4.7 Do you expect the options to have wider environmental impacts (e.g. fuel consumption)?	Perhaps, not sure.	
4.8 Do you expect the options to have unintended impacts? – which?	Yes	Negative impact on the data quality; See 3.9.

Finally, we have a number of questions regarding the legal/governance impacts (requirements) of the different options.

Legal and governance impacts	Answer	Explanation
4.9 What is needed in terms of harmonised EU legislation aiming at *standards* and *procedures* (and *others*, if relevant) in order to achieve options B and C?	New policy	a maximum harmonised data set mapped across all standards; This will enable all the MS to have the same set. Preferably the revised RFD should be goal-based, not prescribing technical solutions.
4.10 Please reflect on the concept of 'European Maritime Single Window environment' – do you envisage a centralised EU-level interface or an environment of decentralised National Single Windows in some level of interconnection and harmonisation?	We do not envisage a centralised EU-level interface. We do envisage an environment of decentralised reporting systems; a network solution.	This would make sense.
4.11 Please share your view on how the revised RFD based on "only-once reporting" effectively may involve and include all reporting requirements eliminating double reporting (i.e. also efficient interface with requirements that may arise from other legal arrangements, such as customs reporting (eCustom) and data networks, such as SafeSeaNet?	Include PCS in the reporting chain, to facilitate re-use of data in the private domain.	Under public law in the EU there is no legal framework for legitimate re-use of data by public authorities. When required, current legislation (reporting requirements) should be revised and harmonised first. Currently the scope of 'reporting only once' is limited to arrival and departure times of the vessel.
4.12 For option B, please provide your reflections on how to provide detailed rights and rules on re-use of data, protecting confidentiality, data rights, privacy and commercial interests, and endorsing the "only-once reporting". This may also include related aspects of protecting personal data, i.e. EU General Data Protection Regulation (GDPR), latest regulated by Regulation 2016/679	Include PCS in the reporting chain, to facilitate re-use of data in the private domain, where clear arrangements under private law are already in place.	Under public law there is no legal framework for legitimate re-use of data by public authorities. When required, first current legislation (reporting requirements) should be revised and harmonised.
4.13 For option C, please reflect on the optimal governance structure(s) for each solution addressing the possible role of private sector, ports, national authorities, and the EU (including EMSA). Please consider governance related to technical maintenance and sharing of data, and also governance related to defining business rules,	Preferably the revised RFD should be goal-based, not prescribing technical solutions.	We expect that when option C is endorsed, fulfilling the reporting requirements would be further complicated and may lead to parallel reporting structures

maintaining access rights and protecting data rights, privacy and confidentiality?		
4.14 Are you familiar with the initiatives e-Manifest and e-Maritime[2]? If so, how do you see these initiatives in practical operational terms supplement the Reporting Formalities Directive (RFD) 2010/65?	Yes. The eManifest should be excluded from the revised RFD.	It should be recognized that different ports – even within one Member Sate – may have different data requirements. All data requirements of all ports should be identified, in order to determine the maximum harmonised data set. The revised RFD should distinguish between transport regulation and trade facilitation, and between the public domain and private domain. The revised RFD should not increase the scope of the formalities. Better is to simplify the current RFD, such that the cargo related formalities are dealt separately (by Customs regulation) from the ship related formalities. Another constraint is that maritime legislation and customs' legislation are not harmonized, and data elements are not defined uniquely; This complicates the reporting formalities when all is patched together.

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[2] https://ec.europa.eu/transport/modes/maritime/digital-services/e-maritime_en