

Meeting document

Exchange of information through SafeSeaNet

(Agenda item 6)

Submitted by DG MOVE

1. Introduction

Several EU projects have been launched during the last years, related to the implementation of the Reporting Formalities Directive (RFD). An example is the EU TEN-T project MIELE which aimed at developing a pilot for an interoperable ICT platform able to interface ICT systems (i.e. single windows, port community systems) between Member States Authorities. Among its actions the project included the exchange of HAZMAT notifications, passenger and crew lists.

Similarly, the AnNa project, among others, aims at developing a Master Plan to provide recommendations for final implementation of the Maritime Single Window in the various Member States and where direct data exchange between EU Member States, is required.

Considering the importance and the further perspectives of the RFD it is certain that other projects related to the implementation of the RFD will follow. Therefore it is important for the Commission to clarify its position on the direct interfaces between Member States authorities.

The objective of this paper is to address the questions about the use of SSN as the exchange system of the Member States related to the implementation of National Single Windows (NSW) versus the implementation of direct links between the NSW of the Member States.

2. Legal background

Directive 2002/59/EC, as amended, defines SSN as “the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation”. This definition provides that the use of SafeSeaNet is not restricted to one particular Union legal act and therefore includes the RFD. The Annex of the RFD includes a list of formalities grouped in: Part A “resulting from legal acts of the Union”, Part B “FAL forms and formalities resulting from international legal instruments” and Part C “any relevant national legislation”.

Article 6 of the RFD, requires Member States to ensure that information requested in application of the reporting obligations provided in a legal act of the Union shall be made available in their national SafeSeaNet systems and shall make relevant parts of such information available to other Member States via the SafeSeaNet system. The same Article specifies that the exchange does not apply, unless otherwise provided by a Member State, to cargo and border control information. The wording of Article 6 allows Member States to use SSN to exchange “cargo and border control information” but does not require this exchange.

Within the perspective of Article 6, the different user authorities represented in the eMS subgroups (maritime and port authorities, waste, security, customs, health and border controls) assessed which information collected through national Single Windows is relevant to be shared between Member States, without limiting this information to Part A. The Border Control sub-group noted that the

exchange of border information is beneficial and stated that “the exchange of crew and passenger information between MSs would reduce the reporting formalities for ships. Moreover, the border control authorities will be able to receive the information within a relatively short period of time after the vessel’s departure from the previous port and the processing of the data will be facilitated if it is confirmed that it was already verified at the departing port”. This notwithstanding, there was no final agreement to exchange this information through the SSN.

Moreover, the RFD establishes that the exchange of information through SafeSeaNet is required to simplify reporting formalities and reduce administrative procedures. In this regard preamble 10 states that “the SafeSeaNet systems established at national and Union level should facilitate the reception, exchange and distribution of information between the information systems of Member States on maritime activity. To facilitate maritime transport and to reduce the administrative burdens for maritime transport, the SafeSeaNet system should be interoperable with other systems of the Union for reporting formalities. The SafeSeaNet system should be used for additional exchange of information for the facilitation of maritime transport”.

3. Assessment

The development of different systems and interfaces (as in the case of MIELE for the HAZMAT message) leads to the waste of technical, operational and financial resources. The exchange of the HAZMAT messages is much more efficient if all Member States coordinate their efforts and achieve the exchange through the central SSN, following agreed message structures and testing the interfaces against agreed scenarios than to exchange messages between themselves on a bilateral basis. Moreover such a coordinated implementation requires Member States to allocate less operational and financial resources and contributes to the development of the Community maritime information exchange system instead of a plethora of fragmented and uncoordinated technical implementations.

The arguments voiced by some parties that such an implementation leads to the implementation of a EU centralized system are groundless since the SafeSeaNet architecture acts as a secure and reliable yellow pages index system for sending requests to and receive notifications/responses from the right Member States without storing the detailed parts of the messages at central level.

Similar logic to the HAZMAT exchange applies for the passenger and crew lists, as well as any other messages listed in the Annex of the RFD. Consequently, if the Member States agree to make available such information to other Member States they will do it via the SafeSeaNet as required by Article 6 of the Directive.

It is clear that if alternative exchange mechanisms are developed both the Commission and the Member States will be faced with a multitude of systems which will lead to additional administrative burdens and commit additional technical, operational and financial resources. This will undermine the objective of simplification of administrative procedures and rationalisation of resources.

4. Conclusion

The Commission considers that the SafeSeaNet system, as described Annex III of Directive 2002/59/EC, should be the European information exchange system for maritime information to be exchanged. In addition, it would also be possible to exchange of information through other EU systems such as the e-Customs if such a possibility is provided for in the EU legal acts. The establishment of parallel or bilateral exchange channels between the Member States would lead to non-optimised technical developments, which would deprive SafeSeaNet from the resources and the support needed for its development.

The Commission will assess the compatibility of the Single Windows put in place by the Member States with the provision of Directive 2010/65/EU in light of the above analysis.