

EU Directive 2010/65 Maritime Single Window

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Directive 2010/65/EU of the European Parliament and of the Council

*on reporting formalities for ships arriving in
and/or departing from ports of
the Member States*

- Adopted on 20 October 2010
- Replaces and expands “FAL directive” 2002/6/EC

Directive on reporting formalities

Article 1 - Subject matter and scope

The purpose:
to **simplify and harmonise** the administrative procedures
**by making the electronic transmission of information
standard and by rationalising reporting procedures.**

*The Directive aligns EU requirements with the last revision of
the FAL Convention*

*Rationalises with 2000/59, 2002/6, 2002/59, 725/2004 and
2009/16*

Implements the EU maritime transport space without barriers

Directive on reporting formalities

Article 2 - Definitions

“**Reporting formalities**” means the information set out in the Annex

“**Electronic transmission of data**” means the process of transmitting information that has been encoded digitally, using revisable structured format which can be used directly for storage and **processing** by computers”

Directive on reporting formalities

Article 3 - Harmonisation and coordination of reporting formalities

1. **Each MS shall take measures** to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that MS.
2. **The Commission shall**, in cooperation with the MS, **develop mechanisms** for the harmonisation and coordination of reporting formalities within the Union.

Directive on reporting formalities

Article 4 - Notification prior to arrival into ports

The master or any other person duly authorised by the ship operator provides **notification, prior to arriving** in a port situated in a MS, of the information required under the reporting formalities to the competent authority designated by that MS:

- (a) **at least 24 hours** in advance; or
- (b) at the latest, at the time the ship **leaves the previous port**, if the voyage time is less than 24 hours; or
- (c) if the port of call is not known or it is changed during the voyage, **as soon as this information is available.**

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Article 5 - Electronic transmission of data

- MS shall accept **electronic reports** and their transmission via a SW **as soon ASAP and no later than 1 June 2015**
- This SW, linking SSN, e-Customs and other electronic systems, shall be the place where all **information is reported once and made available to various competent authorities and Member States.**
- For the good functioning of the SW, **the electronic systems for the reporting formalities must be interoperable, accessible and compatible with SafeSeaNet** and, where applicable, with the systems on a paperless environment for customs and trade.

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Article 6 - Exchange of data

- MS shall ensure that the received **information is made available in their SSN system** and shall make relevant parts of such information available **to other MS via SSN**
- MS shall ensure that the **information is made available, upon request, to the relevant national authorities**
- National SW **must be compatible with SSN**, in accordance with Article 22a of Directive 2002/59/EC
- MS may provide relevant **access** to the information referred to reporting formalities **either through a NSW or through the national SafeSeaNet system.**

Directive on reporting formalities

Article 7 – Information in FAL forms

MS shall accept FAL forms for the fulfilment of reporting formalities. MS may accept that the information required in accordance with a legal act of the Union is provided in a

Article 8 - Confidentiality

MS shall take the necessary measures to ensure the confidentiality of commercial information exchanged

MS shall take particular care to protect commercial and personal data collected under this Directive.

Paper format until June 2015 only.

Directive on reporting formalities

Article 9 - Exemptions

- No FAL forms should be asked from ships travelling between EU customs territory ports unless those are coming from, calling in or heading towards a port outside of the territory
- ...except if this information is required by EU law. MS can also request FAL forms 1 to 6 in order to protect internal order and security, to enforce customs, fiscal, immigration, environmental or sanitary laws.

ANNEX - List of reporting formalities

A. resulting from EU legal acts

- **Notification for ships arriving in and departing** from EU ports - Article 4 of 2002/59/EC
- **Border checks on persons** - Article 7 of Reg. No 562/2006
- **Notification of dangerous goods carried on board** - Article 13 of 2002/59/EC
- **Notification of waste and residues** - Article 6 of 2000/59/EC
- **Notification of security information** - Article 6 of Reg. 725/2004 (Appendix – SOLAS security form used until adopt. of harmonised for on international level)
- **Entry summary declaration** - Article 36a Reg. No :

ANNEX - List of reporting formalities

B. FAL forms resulting from international legal instruments

- FAL form 1: General Declaration
- FAL form 2: Cargo Declaration
- FAL form 3: Ship's Stores Declaration
- FAL form 4: Crew's Effects Declaration
- FAL form 5: Crew List
- FAL form 6: Passenger List
- FAL form 7: Dangerous Goods
- Maritime Declaration of Health

C. Any relevant national legislation

Member States may include in this category the information which shall be provided in accordance with their national legislation. Such information shall be transmitted by electronic means.

Current Situation

- A majority of Member States Reported a MSW in operation by 1st July 2015.
 - » Netherlands not until 2016
- However, many are only partially whereby only certain reporting formalities go via the MSW
- Many Cargo Manifests go direct to Customs
- eManifest Pilot 2016/17 led by EMSA with DG MOVE and DG TAXUD being developed
- Review of Directive underway
- Amendments Possibly 2017