JOINT INDUSTRY POSITION ON THE REVISION OF DIRECTIVE 2010/65 ON REPORTING FORMALITIES FOR SHIPS

Brussels – 15 March 2018

The above-signed organisations welcome the Commission's initiative to revise Directive 2010/65 on reporting formalities for ships. As concluded by various reports and consultations, all involved stakeholders see an urgent need to revise the Reporting Formalities Directive (RFD) in order to achieve the Commission's initial objectives, namely: EU harmonised reporting, the establishment of a maximum dataset and the efficient re-use of data. The signatories of this paper, representing several major trade bodies which are intensely involved in ship reporting formalities in various ways, fully support these objectives. Therefore, in this paper we set out our views on achieving these important objectives through the REFIT of the RFD and other further initiatives relating to ship reporting formalities.

General Objective

In general, the signatories believe that achieving the goals of the Directive means in the first place improving ship reporting processes through harmonised data exchange between authorities (A2A) and between the private sector and authorities (B2A). This however does not mean the creation of new systems which simply replace existing ones, without providing any tangible benefits to the private sector parties involved. The main issue is not a lack of systems or the systems not functioning properly, but a lack of harmonisation and interoperability of those systems and especially the fragmented processes which are supported by those systems. We therefore recommend that the Commission in its legislative initiative focusses on the objectives set out in its own inception impact assessment and the Valetta Declaration. Otherwise, we expect a major risk of repetition of the negative consequences of the first RFD initiative.

Harmonisation and Interoperability of Systems

In the impact assessment, the first objective mentioned is to establish EU harmonised reporting interfaces, data formats and semantics, processes and feedback mechanisms. Unfortunately, we do not see this objective fully reflected in the proposed legislative measures, which only mention the establishment of an EU harmonised reporting interface or interfaces through which the industry can provide information and receive feedback in a harmonised manner. Although we see room for improvement in interfaces between authorities (to create an actual single window), the interfaces for B2A in most cases already exist. Replacing them (again), without improving and harmonising the underlying processes and the other factors mentioned in the objective, will only lead to another major IT change for the parties involved. Such a change will not only lead to unnecessary costs, but would also consume the capacity of the parties involved to actually improve and innovate their businesses, as happened with the previous RFD initiative. Focus should be on the above-mentioned first objective (in line with the EU Interoperability Framework) and not the creation of new systems and/or the replacement of existing and already properly functioning ones. As such, we prefer the proposed policy

option of an EU Port Community System harmonised environment, however none of the proposed options seem to be fully in line with the Commission's or our objectives.

The signatories fully support the second objective set out in the inception impact assessment: to establish a maximum amount of data which can be requested by the administrations for port clearance. As concluded by the Commission, national and local reporting requirements are currently omitted from the scope while some EU formalities are only partially included. We therefore recommend that the main focus be the national and local reporting requirements, as this is where a lack of harmonisation and interoperability can be found. Other relevant formalities, such as customs, can also be included in the maximum dataset. However, there should be a direct link between the processes and systems included and ship reporting formalities. And vice versa, if those processes and systems also include other modes of transport and other purposes than ship reporting, inclusion in the maximum data set should only be in case of overlap of data elements and processes. In the previous/current initiative, in some Member States where customs has been included, the RFD implementation also meant an overhaul of, for example, air freight and airport systems, of course without any benefit of improved ship reporting formalities. EU level formalities, such as customs, are generally transport mode neutral. Therefore, we urge the Commission to focus on the national and local data requirements and only where those requirements specifically relate to ship reporting.

The Re-use of Data and Information

To the signatories of this paper, sharing and re-using data is part of their core business, either because of legal requirements or because of customers' or other supply chain partners' demands and wishes. We therefore welcome any initiative which encourages and supports the sharing and re-use of data. However, data sharing should not only benefit authorities, but all the involved private sector parties as well. Reporting "only-once" and the harmonisation of reporting requirements do not mean authorities simply adding ever more data sharing requirements, without providing any tangible benefit to the parties on which the burden falls, or their customers. Indeed, we would urge all the authorities to actively review the reporting data they currently require and remove any found to be redundant. Simply stating that it is likely that at some point in the future a certain benefit or new business opportunity will arise from the sharing of this data, without actually making that tangible or measurable, is insufficient justification for such an approach.

We therefore urge the Commission to not make ideas and principles such as reporting-only-once, single access point, digitalisation or sharing data as goals in themselves, but rather to always see them as possible means to achieve the eventual goals of the RFD initiative. Furthermore, we recommend that the Commission focusses its efforts in the first place on data sharing between authorities (either within a Member State or between Member States) rather than on B2A or B2B communication. Only through (federated) A2A sharing of data can a true single window be created. For example, in case of diversion of a ship to another port in another Member State, it may be sufficient for industry to simply provide an update of the port of arrival, and Member States could then share among each other the information already provided to the initial Member State of arrival, instead of requesting it again.

It should be obvious that to the signatories, setting up the governance mechanism for governing the rights and rules on access and use of data, in a harmonised and clear manner, is an important precondition for sharing and re-using data. We therefore support the Commission to take into account recently adopted legal frameworks such as General Data Protection Regulation (GDPR), Regulation on electronic identification and trust services (eIDAS), as well as existing national rules on tax secrecy.

Technology Neutral

We believe that industry should be able to select and implement its particular solution as part of an open environment. In this context, it is important to note that the European Commission remains neutral and objective towards (commercial) solutions in support of the non-discrimination principle. Commercial players continue to develop solutions and it should be up to the market to select and implement solutions that best serve their needs. Next to that, we consider it very important not only that neutrality is maintained, but also that an environment is created where the actual supply chain participants can develop and pilot their innovations. In recent years there have been many innovation initiatives by the private sector themselves without the support of the EU or research projects funded by the EU. Whereas it remains important to use R&D results, we believe that the Commission should not single out specific solutions, services or systems, but creates and encourages an environment where businesses themselves can create new ways to co-operate and innovate. Any legal measure should therefore not be focused on creating systems or solutions, but rather on enabling the private sector to share and re-use the data already available, through data harmonisation and integration.

CLECAT - European Association for Forwarding, Transport, Logistics and Customs Services

ECASBA - European Community Association of Ship Brokers and Agents

ESC – European Shippers' Council

ESPO – European Sea Ports Organisation

FEPORT – Federation of European Private Port Companies and Terminals

IPSCA – International Port Community Systems Association