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Evaluation of the Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States

{SWD(2018) 235 final}

Table of contents

Glossary

Term or acronym	Meaning or definition
EMSA	European Maritime Safety Agency
eMS group	Expert group on maritime administrative simplification and electronic information services[1]
ENS	Entry Summary Declaration
EU	European Union
FAL	Convention on Facilitation of International Maritime Traffic
IMO	International Maritime Organisation
MOVE	Directorate General for Mobility and Transport
NSW	National Single Window
REFIT	Commission Regulatory Fitness and Performance programme
RFD	Directive 2010/65/EU on Reporting Formalities for ships
SSN	SafeSeaNet
VTMIS	Vessel Traffic and Monitoring Information System

[1] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2593

1. INTRODUCTION

In 2016, an evaluation exercise was launched under the Commission Regulatory Fitness and Performance programme REFIT[2] to examine the functioning and efficiency of the maritime legislation[3]. In connection to this, Directive 2010/65/EC on reporting formalities[4] (RFD) has been evaluated and assessed. This Staff Working Document presents and summarises the findings of the evaluation.

1.1. Purpose of the evaluation

The evaluation analyses to what extent the RFD has so far been effective and efficient in reaching its objectives. The aim was to identify whether the main stakeholders suffer any excessive administrative and regulatory burdens from the directive or its implementation. The overall goal was to consider whether this part of the EU acquis is consistent and fit for purpose, in line with the Commission's efforts for Better Regulation[5]. The results of the evaluation come more than two years after the directive implementation deadline, at a time when visible results could reasonably be expected from the legislation.

This evaluation of the RFD will provide input to the overall maritime transport policy fitness check, contributing to identifying any particular aspect within the EU regulatory framework for maritime transport that is no longer fit for purpose and might require intervention. It will thus provide the point of departure for any subsequent initiative targeting identified shortcomings.

1.2. Scope of the evaluation

The focus of the evaluation is the functioning of the RFD and the identification of any divergences between the originally set objectives of the directive and the actual outcomes. The evaluation will address the current effectiveness, efficiency, relevance, coherence and EU added value of the legal act. In particular, the evaluation assesses to which extent the level of harmonisation and standardisation towards the main objective of simplification and reduction of administrative burden has been achieved.

The evaluation covers the period 2010-2017 (with the time of adoption in 2010 as baseline) and in particular the time after 1 June 2015, the deadline for applying the provisions of the directive. The directive and this evaluation concern all maritime Member States[6].

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[2] https://ec.europa.eu/info/law/law-making-process/evaluating-and-improving-existing-laws/refit-making-eu-law-simpler-and-less-costly_en

[3] *Roadmap on Maritime legislation fitness check*, 6 October 2016, http://ec.europa.eu/smart-regulation/roadmaps/docs/2016_move_076_maritime_legislation_fitness_check_en.pdf

[4] Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States, 20 October 2010, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32010L0065

[5] https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

[6] Austria, Czech Republic, Hungary, Luxembourg and Slovakia are not directly affected by the directive.

The evaluation will, where relevant, look into the coherence aspects concerning the links between Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system[7] and the RFD, as well as assessing the contribution of the reporting formalities legislation towards the achievement of the overall maritime transport policy objectives.

The detailed evaluation questions are listed in Annex 3.

2. BACKGROUND TO THE INTERVENTION

Maritime transport is crucial for the well-functioning of global supply chains and the competitiveness of EU businesses in the global economy. It is also an essential component of a sustainable system of mobility and transport within the EU.

To promote the efficiency of maritime transport, the 2009 Maritime Transport Strategy[8] identified the need to remove unnecessary administrative barriers. One of the areas with potential for burden reduction was the ship reporting formalities.

Every time a ship calls a port, it must submit information on a number of issues, in accordance with international, EU and national laws. This includes for example information about the ship, about security aspects, about waste, dangerous goods and polluting goods, lists of crew and passengers, and cargo declarations. There are more than two million port calls per year in the EU[9] and reporting obligations must be met every time. The information is important for port authorities to efficiently organise the turn-around of a ship and to control compliance with relevant legislation e.g. for safety, security and environmental protection. The reporting requirements and the reporting burden is different from vessel to vessel, depending e.g. on the geographic range of the shipping (domestic, EU or international).

Vessels in international traffic (accounting for around 63% of all transported goods going into or out of EU ports and 6% of the passengers embarking or disembarking in these ports[10]) are subject to both customs and maritime transport formalities. They need to submit a series of declarations and notifications at different points in time, starting with the Entry Summary Declaration (ENS) with cargo-related information, normally submitted even before departure from the third country port. They must also submit information and data relating to border controls, environmental controls, safety/security and traffic management. Some of these data elements are requested following legal requirements in EU or international law, other reporting is requested based on national

[7] Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, 27 June 2002, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002L0059

[8] Commission Communication: *Strategic goals and recommendations for the EU's maritime transport policy until 2018*, Brussels, 21.1.2009, COM(2009) 8 final, https://ec.europa.eu/transport/themes/strategies/2018_maritime_transport_strategy_en

[9] Eurostat: *Maritime ports freight and passenger statistics*, January 2017, http://ec.europa.eu/eurostat/statistics-explained/index.php/Maritime_ports_freight_and_passenger_statistics

[10] Eurostat, *Maritime ports freight and passenger statistics*, January 2017

legislation. Via the port reporting the ships may also arrange various port services such as pilotage and logistics for goods management (reporting not based on legislative requirements).

Vessels in intra-EU traffic (around 25% of all goods and 33% of the passengers to or from EU ports) may also have to complete customs formalities: if they have left EU territorial waters (twelve nautical miles from the coast), if they carry non-EU goods or if they sail under a non-EU flag. They must also complete most of the maritime transport reporting formalities required for the international traffic vessels as described above, with possible exemptions from e.g. border controls within the Schengen zone.

For vessels in national traffic (shipping 9% of the transported goods and 57% of all passengers to or from EU ports) there are normally less customs formalities applying, unless the vessel meets one of the criteria mentioned above (non-EU flag, departing from EU territorial waters or carrying non-EU goods). The border control reporting normally does not apply. Other maritime transport reporting formalities and port service information submissions must usually be completed.

Some of the underlying legal acts to the RFD also have exemptions for vessels depending on their size, e.g. the Vessel Traffic Monitoring and Information System which does not apply to ships of less than 300 gross tonnage. There are also exemptions and simplifications for some vessels in regular services calling exclusively in intra-EU and/or national ports (e.g. ferries, cargo or cruise ships operating on a fixed route).At the time of the 2009 Maritime Transport Strategy, there was little harmonisation in the area of reporting formalities for ships[11] and the burdensome procedures were considered a major problem by the shipping industry. The reporting formalities directive which was then in place was becoming outdated[12] by developments within the International Maritime Organisation (IMO) framework and changes to the Convention on Facilitation of International Maritime Traffic (FAL convention)[13] and to the EU legislation.

The revised RFD was therefore proposed by the Commission in the framework of the *Communication and action plan to establish a European maritime transport space without barriers*[14] which introduced policies and actions aiming at harmonising and simplifying administrative procedures in short sea shipping, to improve the efficiency and

[11] E.g. only 6 reporting formalities mentioned in the previous *Directive 2002/6/EC on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community*, 18 February 2002, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002L0006; and separate reporting into SafeSeaNet of e.g. waste and dangerous goods information and ship positioning data under *Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system*.

[12] Proposal for a Directive on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC: Explanatory Memorandum, COM/2009/0011 final, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2009:0011:FIN

[13] *Convention on Facilitation of International Maritime Traffic* (FAL), 9 April 1965, http://www.imo.org/en/OurWork/Facilitation/ConventionsCodesGuidelines/Pages/Default.aspx

[14] Commission Communication: Communication and action plan with a view to establishing a European maritime transport space without barriers, Brussels 21.1.2009, COM(2009)10 final, http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2009:0010:FIN

competitiveness of intra-EU maritime transport. On 20 October 2010, the European Parliament and the Council adopted the directive.

This notably included the setting of an obligation for Member States to establish the so called National Single Windows as national entry points for a set of 14 digitalised reporting formalities[15] deriving from EU legal acts or international agreements (e.g. FAL forms 1-7, customs code information and information required for vessel traffic monitoring and maritime safety activities[16]). The national reporting requirements may also be channelled via the National Single Window while the large majority of customs formalities are done via separate IT systems.

These National Single Windows were to be in place latest by 1 June 2015, providing an interface for reporting in a harmonised manner in all ports within an EU Member State. The RFD specifies that the information should be submitted electronically and the same information should have to be reported only once in order to avoid requests for ships to submit same or similar information separately to different authorities. The directive does not however provide detailed definition of the once-only requirement, nor does it specify how this objective was to be achieved. The National Single Windows should also be interoperable with SafeSeaNet[17], the maritime data exchange network for vessel traffic monitoring and maritime safety issues. While the RFD defines how data and information should be collected to reduced burden on maritime operators, the directive on vessel traffic monitoring and information systems defines the use and exchange of some of this information. These two directives are therefore closely linked and complementary to each other.

These National Single Windows were established with the objective of reducing the administrative burden for maritime operators by making the reporting formalities more standardised and by providing a single interface to be used in each Member State for the extended list of reporting obligations (from six to fourteen).

The RFD calls for both harmonisation within Member States[18] and for mechanisms for coordinated and harmonised reporting within the EU as a whole[19]. Member States were given the responsibility to "take measures to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that Member State"[20]; and the setting up of a single window was a main tool for this national level harmonisation. For EU level harmonisation, the RFD specifies that the Commission and Member States

[15] Part A: 6 reporting formalities resulting from legal acts of the Union, e.g. reporting under the Vessel Traffic Monitoring and Information System, the Modernised Customs code and the Schengen Borders code; Part B: FAL forms 1-7 and Maritime Declaration of Health; Part C: any relevant national legislation (not obligatory but if included, should be reported in digital form).
[16] RFD, Annex 1
[17] https://ec.europa.eu/transport/modes/maritime/digital-services/safeseanet_en
[18] RFD, article 3.1
[19] RFD, article 3.2
[20] RFD, article 3.1

should together develop the mechanism and coordination; the resulting tool was a set of non-binding national single window guidelines[21].

The directive does not specify any binding technical requirements for reporting or any mandatory standards for the interface to be used. It leaves the scope of reporting formalities open for Member States to decide to which extent national or local reporting requirements are introduced to the National Single Windows. The RFD also leaves to Member States some margins to determine what "relevant parts" of the information are to be shared with other Member States and authorities. The time was not considered ripe in 2009 to propose mandatory specifications; the concept of a single window was still new. The Commission concluded in its proposal based on the impact assessment and consultations that: "The form of action proposed gives Member States a certain amount of freedom when imposing performance objectives, although the methods for doing so are not specified."[22]

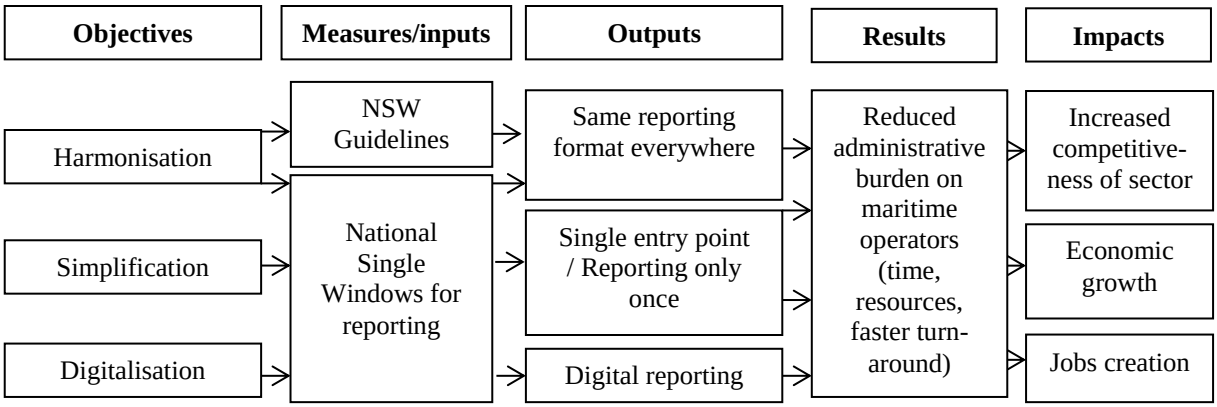

Figure 1: Intervention logic

2.1. Baseline

- *Situation in 2009*

At the time of adoption of the RFD, a previous version of the legislation was in place[23]. The directive at that time required Member States to accept reporting from ships in the agreed IMO format for the so called "FAL forms 1-6"[24]; for example cargo declaration and crew list. There was no reference to single reporting entry point, to digital reporting formats or to harmonised and coordinated reporting within and between Member States.

[21] *National Single Window Guidelines*, 17 April 2015, https://ec.europa.eu/transport/sites/transport/files/modes/maritime/doc/2015-06-11-nswguidelines-final.pdf

[22] Proposal for a Directive on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC, COM/2009/0011 final, p.6, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52009PC0011&from=EN

[23] Directive 2002/6/EC on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community, 18 February 2002, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32002L0006

[24] IMO General Declaration (FAL form 1), Cargo Declaration (FAL form 2), Ship's Stores Declaration (FAL form 3), Crew's Effects Declaration (FAL form 4), Crew List (FAL form 5), Passenger List (FAL form 6), http://www.imo.org/en/OurWork/Facilitation/FormsCertificates/Pages/Default.aspx

The impact assessment performed in 2009 found that over half of the ports still used fax machines for their information exchanges and digital data reporting was only applied in some ports[25] with electronic notifications or declarations not commonly accepted across the EU[26]. Digitalisation was thus very limited in 2009.

The impact assessment also concluded that EU common regulations were subject to individual interpretations by Member States – or even at port level – and that different information systems were in place, with very low level of harmonisation.[27] The effect on the shipping industry was high costs and much time spent on reporting, with subsequently higher costs for consumers of the shipped goods.

In consultations, stakeholders reported that the average time for document preparation was around 6-6.5 hours per port call[28], a substantial administrative burden.

- *What if there had been no RFD?*

The question is then: what might the situation have been like if the RFD had not been adopted?

Regarding *simplification*, a single entry point for reporting on national level would be difficult to develop without EU intervention. Ports are to a large degree independent and have over time evolved into diverging systems, even within the same Member State. Ports are operated and managed by both public authorities and private port community systems with many actors and entities involved. They generally have little incentives to harmonise their internal systems, nor to change their systems to coordinate with other ports unless decreed to do so.

Digitalisation of reporting procedures could be expected to be developed over time even without the RFD, at least in some Member States. The EU Digital Economy and Society Index follow digitisation in European Member States over time. In most Member States this Index identifies a steady development towards more digital public services for citizens and enterprises.[29] Digitalisation generally provides benefits in terms of efficiency, cost savings and user friendliness, both for service users and service providers. The adoption rate however varies with some Member States significantly more prone to quickly apply digital frameworks and others lagging behind. This can also be seen in the road transport sector where there is no EU-wide legal obligation for digital reporting formats and where paper documents are still common. It could be assumed that

[25] Proposal for a Directive on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC, COM/2009/0011 final, p.3; Ecorys, *Study for EMSA on Metadata for ship movements in 40 European ports and terminals: situation in 2007*, p.46-47, found only 9 of 40 analysed ports to apply e-notifications to all/most reporting obligations at that time (waste, hazmat and port notifications)

[26] Commission Staff Working Document: *Report on impact assessment of different options to simplify/reduce/eliminate administrative procedures for Short Sea Shipping and implementing a European Maritime Transport Space without Barriers*, COM(2009) 11 final / SEC(2009) 46, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52009SC0046, p. 11

[27] *Idem*, p. 11

[28] *Idem*, p. 12

[29] Digital Economy and Society Index 2017, https://ec.europa.eu/digital-single-market/en/desi

digitalisation of reporting formalities systems would follow this general pattern: some Member States would have applied it (fully or partially) regardless of the EU legislation; others would not.

The IMO is the international platform which could possibly have provided some *harmonisation* at EU-level in the absence of EU legislation. The FAL Convention and FAL forms are an example of such developments over time. The processes within the IMO framework are however generally rather slow and cover primarily maritime safety aspects. The IMO does not address trade facilitation nor does it normally prescribe any detailed rules for national level organisation of procedures or technical interfaces. It is therefore assumed to be highly unlikely that harmonisation between Member States would develop in the evaluation period without EU intervention.

3. IMPLEMENTATION / STATE OF PLAY

The burdensome and non-harmonised reporting environment for ships has been described and criticised since the first RFD results – or lack of results – were reported four years after its adoption. A first report on the functioning of the RFD was submitted to the European Parliament and the Council on 25 June 2014.[30] This report found that:

> "All Member States have transposed the Directive and have taken initiatives regarding implementation of a national maritime single window. There is however a considerable variety of (1) single window concepts, systems and environments, (2) approaches to create a single window and (3) the state of play of development within the Member States."[31]

Among the problems reported by Member States were e.g. legal difficulties regarding exchanging confidential/sensitive information and guaranteeing data quality, and the need for technical specifications on the National Single Windows.[32]

Following this report, substantial work was done within an expert group on maritime administrative simplification and electronic information services (the eMS group[33]). This expert group contributed with agreements on definitions, business rules and a standard data set as compiled in the *Data mapping report*[34] from February 2015 and the *National Single Window guidelines*[35], published in April 2015 before the implementation deadline for the National Single Windows.

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[30] *Commission report on the functioning of Directive 2010/65/EU on reporting formalities for ships arriving in and/or departing from ports of the Member States*, Brussels, 25.6.2014, COM(2014) 320 final, https://ec.europa.eu/transport/sites/transport/files/modes/maritime/ports/doc/com%282014%29320.pdf

[31] *Idem*, p. 4

[32] *Idem*, p. 4

[33] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2593

[34] *eMS Data Mapping Report*, 25 February 2017, https://ec.europa.eu/transport/sites/transport/files/data_mapping_report_2010_65_eu_0.pdf

[35] *National Single Window Guidelines*, 17 April 2015, https://ec.europa.eu/transport/sites/transport/files/modes/maritime/doc/2015-06-11-nswguidelines-final.pdf

A number of different authorities and services such as transport, customs, border control, safety, security, health and environment have participated in / cooperated with this expert group and have contributed inputs and information about the functioning of the RFD over time.

In 2016, the follow-up report on the Maritime Transport Strategy[36] was completed. At this time, the shortcomings reported in 2014 seemed still not to have been solved, in spite of extensive work on the guidelines:

> "The simplification of administrative formalities for shipping and maritime carriage of goods, as well as the need for a comprehensive electronic document, was the number one concern of the respondents to the public consultation. In particular, with reference to the Reporting Formalities Directive, the shipping industry urges further progress towards full EU harmonisation of reporting requirements and wider coverage of formalities through a harmonised electronic cargo manifest (e-Manifest), which could be implemented through a European maritime single window, ensuring an EU-wide 'reporting-once' principle as specified in the relevant EU legislation."[37]

Around the same time, the *eGovernment Action plan 2016-2020* set out the objective "Establish a single window for reporting purposes in maritime transport and digitalise transport e-documents".[38]

Looking at the actual outcome, it is however clear that these reports and the work on single window guidelines had little actual impact on the reporting environment developments. More than a year after the deadline, five of the 40 analysed ports still did not have an operational National Single Window in place[39] and only two Member States achieved fully or partially the reporting only once on national level[40].

[36] *Commission Staff Working Document on the implementation of the EU Maritime Transport Strategy 2009-2018*, Brussels, 30.9.2016, SWD(2016) 326 final, https://ec.europa.eu/transport/sites/transport/files/swd2016_326.pdf

[37] *Commission Staff Working Document on the implementation of the EU Maritime Transport Strategy 2009-2018*, p.12-13

[38] Commission Communication: *eGovernment Action Plan 2016-2020: Accelerating the digital transformation of government*, COM(2016) 179 final, Brussels, 19.4.2016, http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016DC0179, p. 9

[39] Evaluation study by PwC and Panteia: *Study to support the REFIT Evaluation of Reporting Formalities Directive (RFD) and Directive on Vessels Traffic Monitoring and Information Systems (VTMIS)*, https://ec.europa.eu/transport/sites/transport/files/2017-rfd-vtmis_-evaluation-study.pdf, Executive summary p.5

[40] *Idem*, p.34

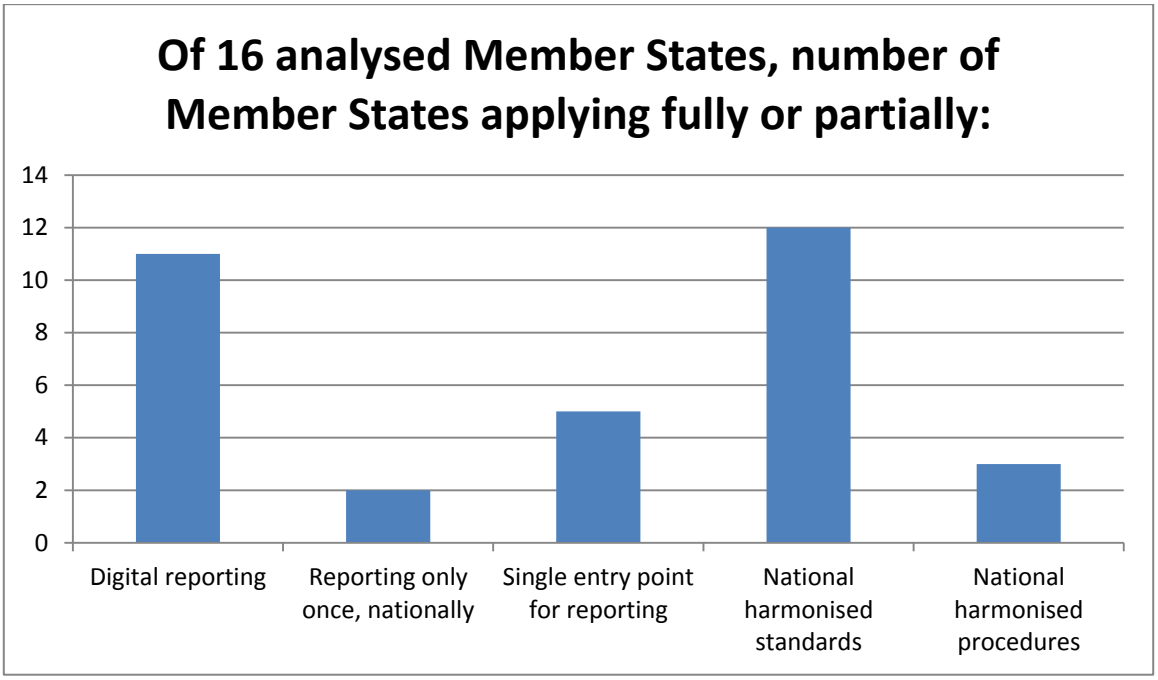

Figure 2: Implementation indicators, 2017[41]

Only five of sixteen of the analysed Member States had managed the full switch to digital reporting[42] with another six applying it partially. Only five of the analysed Member States had fully or partially established a single entry point for reporting[43]. 75% of the Member States worked fully or partially under national technical standards for reporting[44] but only two of the sixteen Member States had fully introduced common procedures at national level with one more introducing them partially[45].

The main issue is however the fragmentation and diverse application of the National Single Window concept. Each National Single Window today has a different interface and different appearance. Data formats are different, reporting procedures are different and the scope of reporting through each National Single Window differs. Some Member States accept machine-to-machine reporting, others provide graphic user interface and accepts uploading of spreadsheets (or receives spreadsheets per e-mail). Some Member States allow reporting via port community systems into the National Single Windows or have delegated National Single Window functions to each port (decentralised system). The shipping operators thus have to adjust their reporting and their IT software and data sets for each Member State, or even for each port.

The Commission has not been in a position to follow-up on this uneven implementation with infringement procedures, notably because of the absence of clear definitions and binding technical specifications in the Directive text, leaving much possibility for Member States to interpret the legislation in diverse ways.

[41] Annexes 4-5
[42] Evaluation study by PwC and Panteia, p.30-31, Annexes 4-5
[43] Evaluation study by PwC and Panteia, p.31, see also Annexes 4-5
[44] Evaluation study by PwC and Panteia, p. 28, see also Annexes 4-5
[45] Evaluation study by PwC and Panteia, p. 27, see also Annexes 4-5

This lack of harmonisation of the reporting environment is acknowledged as a concern both by the shipping industry and the decision-makers. Calls for improvement of the current situation were repeated in the Valletta Declaration[46] where the Transport Ministers invited the Commission to "propose an appropriate follow-up to the review of the Reporting Formalities Directive, including by introducing the e-Manifest through a harmonised *European Maritime Single Window environment*, in order to set up a European Maritime Transport Space without Barriers and to improve the efficiency and attractiveness of the maritime transport sector".[47] This statement was then endorsed in the Council Conclusions of 8 June 2017.[48]

This "European Maritime Single Window environment" – a concept commonly used by many stakeholders – is not understood to necessarily refer to a centralised EU-level interface but could be an environment of decentralised National Single Windows in some level of interconnection and harmonisation.

In parallel to the Council Conclusions, a number of major shipping industry associations issued a joint statement to the same effect, calling on the Commission to perform a fundamental overhaul of the RFD:

> "The revision should lead to a true European single window environment for maritime carriers that fully ensures the 'reporting once' principle and which shares all necessary cargo and conveyance data between governments and all relevant authorities. This would reduce the administrative burden for ship crews, shipping companies and ship agents."[49]

4. METHOD

The evaluation process started in October 2016 and closed a year later. It included a study performed by an external contractor and a series of consultations, both public and targeted. The RFD is compared on the one hand with the baseline situation in 2009 (before adoption of the new directive) and on the other hand with the objectives of the directive and the intended outcome as shown in the intervention logic (Figure 1). Comparison is made using both quantitative and qualitative indicators and by making reasoned assessment based on the information at hand.

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[46] Valletta Declaration: *Priorities for the EU's Maritime Transport Policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, and efficient internal market and a world-class maritime cluster*, Valletta, 29 March 2017, https://www.eu2017.mt/en/Documents/Valletta_Declaration_on_the_EU_maritime_transport_policy.pdf

[47] Idem, paragraphs 15 and 16.

[48] Council conclusions on *Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster*, adopted by the Council at its 3545th meeting held on 8 June 2017, http://data.consilium.europa.eu/doc/document/ST-9976-2017-INIT/en/pdf

[49] *Joint industry statement*, 1 March 2017, https://www.europeanshippingweek.com/joint-industry-statement-clia-europe-eba-ecasba-ecsa-empa-eta-etf-euda-interferry-wsc/

A comprehensive range of data collection tools and activities has been employed and information has been gathered by the Commission, the external study team and the European Maritime Safety Agency (EMSA), notably:

- Desk review of online information about 40 EU ports[50]
- An in-depth analysis of benchmark indicators for reporting formalities in these 40 ports (benchmark analysis; see Annexes 4-5)
- Fact-finding field study visits to three "Port Cases" including on-site interviews[51]
- EMSA peer reviews of seven selected Member States[52]
- Public on-line consultation
- Targeted consultations via surveys and consultation events (workshops, meetings)
- 58 interviews (face-to-face or per phone) with stakeholders representing different interests
- Data collected by EMSA from the eMS group
- Literature review on relevant material relating to the directive

4.1. Port Benchmark analysis

The external contractor completed for the Commission a benchmark analysis on a selection of key indicators linked to the RFD objectives and measures: seven general questions and 18 more specific indicators.

16 Member States were selected for the study: Belgium, Croatia, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Poland, Portugal, Romania, Spain, Sweden and the United Kingdom. From these Member States, a total of 40 ports were included in the study. The selection was based on the following criteria:

- only maritime Member States;
- ports of varying size to cover both large and small systems;
- ports with international traffic;
- 2-3 ports per Member States to show also harmonisation level within countries;
- as wide as possible geographic range.

Indicators were checked on the basis of a questionnaire to ports together with an analysis of the information available via the port websites and national single window interfaces. Among the indicators analysed were for example *existence of National Single Window*, *model of National Single Window*, *system-to-system reporting possible*, *national technical standards available*, *reporting only once nationally possible*, etc. The full list of ports, indicators and results can be found in the summary tables in Annexes 4 and 5.

4.2. External study

A study supporting the evaluation[53] was completed by Panteia and PwC following an open tendering process. The study took nine months and focused on four main

[50] See list in Annex 4
[51] Antwerp (BE), Civitavecchia (IT) and Kiel (DE)
[52] In 2016-2017: DE, EE, ES, HR, IT, NL, SE

stakeholder groups: shipping companies, ship and cargo agents, national competent authorities (those in charge of the implementation and management of the national single windows) and other authorities[54].

The support study built mainly on the ports benchmarks analysis, the data collection by EMSA and in field visits and on the outcomes of the targeted and open consultations. A final version of the evaluation study report was completed on 31 October 2017.

4.3. Public consultation

The public consultation was run from 7 October 2016 to 20 January 2017. The Internet-based survey provided an opportunity also for stakeholder groups not yet reached by targeted consultation and the wider public to submit their comments and opinions.

In total, 53 respondents participated in the public consultation, with a reasonable geographic coverage[55] and representing e.g. shipping companies, ship/cargo agents, the competent authorities and other authorities.

4.4. Targeted consultations

Targeted consultations complemented the open consultation to ensure both wider range of respondents and collection of more in-depth information. Tailor-made surveys were sent to the four main stakeholder groups[56] and in total 228 replies were received, with good sectorial and geographic spread. In addition, the relevant sub-groups of the High-level Steering Group for Governance of the Digital Maritime System and Services were consulted and interviews were held with the European Maritime Safety Agency. Views and inputs from the main stakeholders were also collected at meetings such as the Malta Maritime Summit on 3-6 October 2016 and the European Shipping Week in March 2017.

4.5. Limitations and robustness of findings

The evaluation includes information and inputs from all main stakeholder groups and from the significant majority of all maritime Member States[57]. The consultation coverage was very good and provides a solid basis for the evaluation conclusions.

The methodology takes into account both the subjective opinions and experiences of consulted stakeholders and objective factors such as the benchmark analysis and on-site field studies.

The main limitation is the lack of quantifiable cost and savings data. The study has only to a limited extent been able to put monetary value to the analysed costs and benefits of the measures evaluated. The costs for establishing the National Single Windows have mostly been on national or port level; it has been the responsibility of the Member States

[53] Evaluation study by PwC and Panteia, https://ec.europa.eu/transport/facts-fundings/studies_en

[54] E.g. Port Authorities, Harbour Masters, Local Coast Guard, Border Check, Police, Customs, Health Office and related associations, etc.

[55] Respondents from 13 Member States plus two non-EU. Respondents come from both small and large Member States and ranging geographically all the way from Portugal to Finland.

[56] Shipping companies and ship masters; ship agents; national competent authorities; other authorities (e.g. including port authorities)

[57] All Member States where consulted; however no formal contribution was received from Cyprus and Malta

to develop their own National Single Windows. Member States are not obliged to report these costs to the Commission and when asked, Member States and authorities have in several cases not been able to provide very detailed figures. The cost estimates used for the evaluation are therefore based on samples and qualitative assumptions. It is also difficult to identify what costs are linked specifically to new or changed systems due to the RFD and what investments in updates of existing systems would anyway have been required. Cost levels in different Member States are affected by many different factors such as level and type of National Single Window implementation, choice of system (higher / lower level of ambition), type and volume of traffic, number and size of ports, etc. The discussion on efficiency is therefore based mainly on qualitative inputs and an assessment of the overall cost to benefits ratio as reported by the stakeholders. For other evaluation questions, objective criteria linked to performance benchmarks[58] provide a solid basis for assessments.

The findings of the evaluation are considered sufficiently robust and reliable with the caveat on efficiency as explained above.

5. ANALYSIS AND ANSWERS TO THE EVALUATION QUESTIONS

5.1. Effectiveness

- *To what extent have the objectives of the directives been achieved?*
- *To what extent have the measures adopted in the RFD ensured harmonisation of reporting obligations at national level?*
- *To what extent have the measures adopted in the RFD contributed to the harmonisation of reporting obligations at EU level?*

The objectives were: harmonisation and simplification of reporting standards by digitalisation and creation of single entry point where ships can report only once (Art 3.1 and 5.1 of RFD). Harmonisation was sought both within each Member State and at EU level (Art 3.1 and 3.2 of RFD).

Simplification and reduced administrative burden have been only partly achieved. The port benchmarks analysis revealed that as few as 10% of the analysed ports had fully or partially achieved simplification of reporting[59] (rationalisation of the data set, digitalisation and establishment of a single data entry point).

The majority of the shipping companies replying to the open public consultation consider that administrative burden has been reduced either not at all or only to a limited extent. In the targeted consultations, a large group of shipping operators even replied that the burden has increased rather than decreased[60]. National public authorities had a less

[58] See Annexes 4-5

[59] Evaluation study by PwC and Panteia, p.23; see also Annexes 4-5

[60] *Synopsis report on the public consultation on the REFIT evaluation of Directives 2010/65/EU on Reporting Formalities for ships arriving in and/or departing from ports of the Member States (RFD) and 2002/59/EC on the Vessel Traffic Monitoring and Information System (VTMIS)*, see Annex 2, p. 46

pessimistic view on this, although also in this group a large proportion considered that the administrative burden was only partially reduced.[61]

Digitalisation has been achieved to some extent. The evaluation study found that "*although the use of electronic transmission of data is rapidly increasing, paper is still used for reporting formalities in many countries*"[62]. Digitalisation had been fully achieved in five of the sixteen analysed Member States and partially achieved in another six[63]. While this is an indisputable improvement compared to the situation in 2009 (see section 2.1 above), and assumed to be at least a slightly higher rate than without EU intervention in this area, it falls short of the expectation that full digital reporting should be in place by latest 1 June 2015. There is no clear link between size of port and level of digitalisation. Most Member States have same level of digitalisation in all analysed ports; only France, Spain and Sweden had different replies for different ports (France and Spain reported to have decentralised National Single Windows; Sweden to have centralised/mixed system).[64]

Most Member States have rationalised reporting by clearing out redundant reporting requirements, thereby reducing administrative burden for ships. The evaluation study noted that only three Member States did not yet implement such simplified data sets.[65]

The single entry point should, according to the RFD, be the National Single Windows. One analysed Member State has not yet established a National Single Window; in several other Member States the National Single Window is not fully used as single entry point. The evaluation study found that only 18% of the analysed ports (31% of Member States) offered reporting via a single entry point for all formalities.[66] Commonly, reporting is requested both via the National Single Window and per e-mail, in parallel.

This means that "reporting once" is already somewhat compromised in many ports. Although the majority of Member States have established systems with reporting only once per port call[67], respondents in the open public consultation (in particular shipping companies and ship agents) also stress that, in fact, the system on the ground still includes multiple reporting so that in some ports (28% of respondents even claim: in most ports[68]), maritime operators are required to report the same information separately to different authorities when calling a port. [69] One factor explaining this is that not all formalities fall under the RFD scope; e.g. reporting obligations under national legislation can be kept outside the National Single Windows[70].

[61] *Synopsis report*, see Annex 2, p. 43-46
[62] Evaluation study by PwC and Panteia, p.30
[63] *Idem*, p.30; all analysed Member States except Greece, Italy, Poland, Romania and the UK replied that they have at least partial digitalisation of the reporting formalities in the analysed ports.
[64] See benchmark analysis results: Annexes 4-5
[65] Evaluation study by PwC and Panteia, p. 33
[66] *Idem*, p.31
[67] *Idem*, p.34
[68] Synopsis report on the public consultation, see Annex 2, p.36
[69] *Idem*, p.36
[70] RFD, Annex 1, Part C

One Member State has established a system for reporting only once on national level; and one Member State has partial sharing of data between its ports.[71] Systems for exchange of data between ports is otherwise not yet in place, although the technology is in principle available as has been demonstrated by the development of business models offered by service providers and as is possible for the vessel traffic monitoring information which can be shared via the SafeSeaNet connected to the National Single Windows.[72].

In fact, even within Member States there seem often to be only moderate levels of harmonisation. Only two of sixteen studied Member States apply both national harmonised *standards* and *procedures*[73]. Common national standards and procedures are identified and adopted also in other Member States (technical standards adopted in nine of the sixteen analysed Member States; common procedures created fully or partially in seven of sixteen Member States[74]) but even when such national standards exist, they are not always fully implemented in all ports.

With regard to EU-level harmonisation, it is found that a wide range of different National Single Window implementations and approaches has been developed in the Member States.[75] This is not surprising when considering the lack of detailed and binding specifications in the RFD; also the EU-wide guidelines for National Single Windows, developed since 2013 in close cooperation with the Member States, became in their final version rather vague. The late finalisation of the guidelines in combination with reluctance from Member States to take on costs for changing any systems not in line with the guidelines further explains the remaining wide variation among National Single Windows. The vague provisions of the RFD have also made it difficult for the Commission to follow up implementation with e.g. infringement procedures.

The application of different national legislations also sometimes collide with the RFD objectives, notably with regard to data privacy laws creating hurdles for the intended flows of information sharing to allow for "reporting only once", as reported by some national authorities. [76]

Among respondents in the various consultations, national authorities were in general less concerned about these shortcomings than the shipping companies. The national authorities (data receivers) to a larger extent considered that there was some level of harmonisation; the majority of the maritime operators (data providers) disagreed and considered that there is no or little harmonisation in the EU. A plausible explanation to these different interpretations of the situation is of course that while national authorities mostly deal only with their own system, the shipping companies are faced with the

[71] Evaluation support study by PwC and Panteia, p. 34
[72] *Idem*, p. 34
[73] *Idem*, p. 27
[74] *Idem*, 28-29
[75] *Idem*, p. 5, 29
[76] *Idem*, p. 37-38

systems in several ports and several Member States and therefore in a position to perceive and compare the differences between the national reporting systems.

The present scenario provides, at national level, much more harmonisation than the baseline and it is reasonable to assume that at least part of this is linked to the RFD, notably the simplification and national level harmonisation gains (see section 2.1 above). Still, the RFD mandatory objective of full national harmonisation was not achieved in the large majority of Member States and the objective of EU-level harmonisation has made little or no progress at all. The objectives of simplification and digitalisation are also only partially met.

A fortiori, the aim to harmonise at EU level has not been successful. The evaluation study concludes that "*there are no two NSWs alike in the EU*"[77]. The existing common EU guidelines have obviously not been enough to avoid the development of very diverse reporting formats, standards and procedures in all the Member States.

- *Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving the objectives?*

The main identified factors are:

- Slow implementation by Member States;
- Unclear and non-binding specifications and common standards;
- Directive only covering part of all reporting requirements;
- Confusion about possibly contradictory objectives for national legislation, notably regarding data privacy and protection.

The slow implementation in many Member States means that the deadlines set out in the directive have not been met. There are several contributing factors to this, including time-consuming developments of individual new systems, budget limitations and complicated national coordination of multiple authorities. The delays in Member States clearly contribute to the under-achievement of the directive objectives.

There seems also to be a slow "trickling down" of system adaptation to connected authorities, where operational agreements between the relevant authorities are often missing. In many cases, the lack of reporting once and the lack of simplification and harmonisation have been due to the insistence of individual national or local authorities to continue their separate data requests in old reporting format and outside of the National Single Windows.[78] Such lack of cooperation and coordination prevents the full implementation of National Single Windows.

The low implementation rate is at least partly explained by the fact that the RFD provided very little guidance for Member States and no binding specific requirements. The directive has no mandatory set-up of standards, procedures or definitions at EU

[77] *Idem*, p. 29
[78] Evaluation study by PwC and Panteia, p.37

level. The non-binding mechanism put in place for harmonisation at EU level (creation of the eMS group[79]; Guidelines on National Single Windows) did not prove very effective. These guidelines are not binding, nor very detailed, due to widely diverging views of members of the group. Member States could, in principle, have found common ground and common standards also without binding provisions from EU level; this has however not happened, owing, inter alia, to the reluctance to accept compromises in a setting that offered no guarantees of actual adoption of this common solution by all Member States.

The limited scope of formalities included in the National Single Window needs to be mentioned. Notably, national requirements are not obligatory to include and eCustom clearances are not covered by the directive and are normally being reported separately in diverse systems. This limits the usefulness of the National Single Windows for maritime operators, as reported in the open and targeted consultations[80].

Other national legislation has also in many cases created obstacles and caused delays. The main example is the uncertainty among many national authorities regarding interpretation of data privacy and protection rules (both national level and the EU level general data protection rules). To avoid the risk of creating conflicts with the data protection legislation, data sharing has been restricted. Member States have voiced the need for common guidelines on these issues, to support the National Single Windows and avoid that an overcautious approach unnecessarily blocks the reporting-once of ship formalities.[81]

- *Has the directive lead to any positive or negative unexpected effects?*

Some respondents report that in some cases, the total administrative burden has in fact increased rather than decreased[82]. In the targeted consultation as many as 69 out of 125 respondents indicated that burden has increased, mainly shipping operators[83]. The reason is that in some cases, the new digital reporting has been added but the manual reporting is kept in parallel, creating double procedures for ships. At the same time, the average time spent on reporting was found to be drastically reduced, which can at least partly be assumed to be linked to the RFD simplification and digitalisation measures.

From the side of other authorities and systems such as the SafeSeaNet, the creation of a single entry point has sometimes been seen as an additional layer between the ships and the authority. While the single entry point facilitates for maritime operators, some authorities point out that they have lost direct control of data reporting and reporting requests. These authorities now coordinate and cooperate more closely with the National Single Window instead of communicating directly with the ships.

It is also worth emphasising that Member States have reported that the RFD has significantly improved data sharing and communication among different national

[79] http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2593
[80] Synopsis report, see Annex 2, p. 45; Evaluation study by PwC and Panteia, p.55-56
[81] Evaluation study by PwC and Panteia, p.37-38
[82] *Idem*, p.31, p.38
[83] Synopsis report, see Annex 2, p. 46

administration. This positive effect was not unintended, but neither was it the main goal of the RFD, which aimed first and foremost at simplification for market operators.

5.2. Efficiency

- *Do the costs of the measures in the Directives remain reasonable and proportionate in relation to the benefits?*

The *benefits* of the RFD come from digitalisation and simplification. The National Single Windows, when and if working as intended, create benefits in terms of simplification and national level harmonisation. The fewer parallel reporting procedures, the easier for data providers.

It is also clear that for those who work only within one single Member State (e.g. most ship agents, ships in national traffic), the current system already provides benefits, when properly implemented. National authorities and shipping agents have benefitted from the single entry point, from increased transparency of reporting and from easier communication with and between authorities. National authorities have benefitted from a simplified data validation process and easier data storing and processing thanks to digitalisation.

Shipping companies emphasised in the targeted consultations that while, at present, the costs are not justified by benefits received, with full implementation of the RFD provisions this would be likely to change[84]. This is also shown in the different views of shipping agents: agents in ports with full National Single Window report significantly simplified reporting and reduced costs while such benefits are not seen by agents in ports without a functioning National Single Window[85]. The correlation is clear: a well implemented National Single Window is an efficient instrument at national level. For ships in cross-border traffic, the national level harmonisation is however only part of the solution, with EU-level harmonisation still far from achieved.

The *costs* for the measures following the RFD adoption include mainly:

- costs of developing and maintaining the tools and systems for reporting (data providers and data receivers)
- staff hours for preparing, controlling and managing the reporting (data providers and data receivers)
- costs for support services/functions, e.g. an increased need for agents to deal with more difficult processes (data providers)

Adapted software is needed on all sides. The national authorities' costs for the National Single Windows have been estimated to €300,000 to €12,000,000 for the one-time implementation plus around €200,000 for annual maintenance and updates[86]. The large differences in reported costs are due to a number of interlinked factors: type of system

[84] Evaluation study by PwC and Panteia, p.40
[85] *Idem*, p.40
[86] *Idem*, p.43

implemented, point of departure situation, size and number of ports connected to the system, centralised or decentralised division of costs, etc.

Connected authorities must also adapt to the common software and connect their systems to the National Single Windows with subsequent costs for updates and administration. The average costs for this has not been possible to estimate because of the highly diverse situation for connected authorities across the EU; other authorities have not shared such data in the targeted consultations, mostly because of the difficulty of identifying and assessing the cost specifically linked to RFD implementation.

Shipping and cargo agents mostly do not need to build an entire system but only procure software to communicate with the local port reporting system towards which they work. These costs will differ widely, depending on which and how many Member States a maritime operator covers. Since the reporting systems and procedures vary from Member State to Member State, ships in cross-border traffic need to have software for multiple reporting formats, creating higher costs and considerable administrative difficulties; they also must spend more time on adapting reporting for every new port procedure. With the limited scope of the current directive there are also several reporting obligations not mandatory to channel via the National Single Window, causing maritime operators to adapt to several parallel reporting procedures even within one single port. A majority of respondents to the open public consultation, especially among those from the shipping sector (86% of responding shipping companies) replied that the lack of harmonisation of the reporting formalities poses a burden[87].

The continued double-reporting, the incomplete digitalisation and the high number of different formalities to be reported in some Member States cause costs in form of staff hours especially for the shipping companies. It is estimated that, on average, the time spent on reporting for one single port call ranges between one and three hours[88]. While this is a major improvement from the baseline with reporting times of around six hours, this still implies a significant cost (in 2015, 2,2 million port calls[89] resulting in estimated around 2.2-6.6 million staff hours spent on reporting). There is obvious potential for further simplification and burden reduction here, notably if data-sharing could be increased to minimise reporting of same data to several National Single Windows.

	Benefits	**Costs**
Shipping companies/shipowners	On national level: Reduced reporting times as compared to the baseline (from average 6 hours to average 1-3 hours).	IT costs for adapting to the reporting are not quantified but ranging from low costs (adapting to a single NSW system for vessels in liner

[87] Synopsis report on the public consultation, p. 10-11
[88] Evaluation study by PwC and Panteia, p.40
[89] EuroStat *Maritime ports freight and passenger statistics*, January 2017, http://ec.europa.eu/eurostat/statistics-explained/index.php/Maritime_ports_freight_and_passenger_statistics. In 2009 the number of port calls were about the same but the estimated number of staff hours spent on reporting amounted to 13,2 million.

	On EU-level: few benefits due to lack of harmonisation	traffic or domestic traffic) to medium-high costs (adapting to several NSW systems, e.g. vessels in tramp (non-fixed route) traffic). Costs include: establishment of systems, regular updates. In addition: cost of staff hours spent on reporting. Shipping companies not able to provide estimates of these costs and the cost levels depend on a large number of variables (traffic type, ship size, NSW type in the ports called, etc.).
Ship and cargo agents	Non-quantified benefits from digitalisation and simplification. Higher benefits (lower reporting burden) in Member States with well-functioning National Single Windows and thereby higher level of digitalisation, simplification and national level harmonisation.	Not quantified but normally comparably lower (adapting to a single NSW system). Costs include: establishment of systems, regular updates, staff hours spent on reporting.
National authorities in charge of National Single Window	Non-quantified benefits from digitalisation and simplification, e.g. improved data processing and communications.	€300,000 - €12,000,000 for implementation plus €200,000 annual maintenance.
Other authorities	Non-quantified benefits from digitalisation and simplification, notably improved data processing.	Not quantified but normally comparably lower (adapting to a single NSW system). Costs include: establishment of systems, regular updates, staff hours spent on administration of the systems.

Table 2: Summary of assessed costs and benefits[90]

Complex procedures and double-reporting also create a higher need for ship and cargo agents. This is an additional cost for shipping companies. While this can also be seen as a benefit in terms of job creation, it was not the intention of the RFD.

[90] Targeted consultations; Evaluation study by PwC and Panteia, p.39-44

The costs reported are due to both the incomplete implementation and the shortcomings of the legislative act in failing to provide binding standards to ensure EU level harmonisation for all reporting obligations.

In a situation with only limited hard data on quantifiable costs, the stakeholders' own assessment of the cost-benefit ratio becomes important as a qualitative measure. The national authorities in charge of the National Single Windows have had high and quantifiable costs for implementation, yet all stakeholders from this group replied in the targeted consultations that they found that the benefits will outweigh the costs[91] over time if harmonisation can be achieved and digitalisation completed. The majority of the other stakeholders held the opposite view, either because of higher costs (shipping companies, agents) or lower benefits (other connected authorities).

The conclusion is therefore that the directive can only be assumed to be, at most, partially efficient.

- *What, if any, specific provisions in these instruments can be identified that make a cost-effective implementation more difficult and hamper the maximisation of the benefits? In particular, what is the (unnecessary/cumulative) regulatory burden identified?*

Implementation has been made more difficult by the absence of binding guidelines, standards, definitions and technical specifications. This lack of clear technical provisions has, while allowing Member States freedom to interpret the Directive, created a plethora of national solutions instead of a common National Single Window standard and common data formats and data sets for ship reporting.

In particular, lack of data quality standards and potential for bringing further reporting obligations into the single entry points, are noted.

Incoherence or lack of clarity between the data protection rules on the one hand and data sharing requirements on the other hand have also hampered implementation.

The non-harmonised reporting environment cause difficulties for the shipping operators who face a high reporting burden when having to adapt their reporting to all the different reporting systems in each Member State and sometimes in each port. This high administrative burden has been identified as a major problem for trade and transport both by shipping industry and by Member States in the consultations.

- *Are the reporting requirements efficient? (To what extent) are there overlaps or double reporting?*

The reporting requirements are not sufficiently efficient.

The situation differs widely between Member States, depending on the level of implementation of their National Single Windows. Still, only one Member State fully

[91] Evaluation study by PwC and Panteia, p.43

offer reporting once on national level, only 18% of the analysed ports have a single entry point for reporting and stakeholders report that, in practice, reporting is often broken down further into several reporting entry points at port level. [92]

In addition, there are e.g. national reporting requirements and reporting via e-Customs on cargo issues. Since these reporting obligations go beyond the current scope of the RFD, parallel reporting procedures still exist.

This is confirmed by almost 90% of the stakeholders replying in the open public consultation that the reporting process could be further simplified to a great or a significant extent[93].

5.3. Relevance

- *To what extent are the objectives of the Directive still relevant today?*

Harmonisation and simplification are very relevant objectives according to a significant majority of stakeholders in the open and targeted consultations.[94] These objectives are also emphasised by maritime operators notably in the industry joint statement of 1 March 2017.[95]

The concept of a single entry point is still highly relevant as is shown by the national level benefits from those National Single Windows currently fully implemented. The objectives of simplification and harmonisation can be reached by this tool, on national level.

The non-harmonisation is especially burdensome for vessels calling into several EU ports (as compared to vessels in national traffic or going in liner traffic between the same two ports – although those vessels are also affected by inefficiencies and duplication of reporting beyond the non-harmonisation issue). The non-harmonisation is in particular an issue for vessels in tramp/non-fixed routes traffic, calling always into different ports. Tramp traffic vessels make up around 60% of all port calls, with around 40% of all port calls being by vessels in liner traffic.

See also below in section on Coherence.

- *To what extent is the current scope of application of the RFD (i.e. EU legal acts and international agreements) adequate for the attainment of the objectives and catering to the needs of the sector?*

The majority of shipping companies (84%) and national competent authorities (77%) replied in the open public consultation that the scope of the RFD should be extended to cover more reporting formalities[96] to create a single reporting entry point. This is also a

[92] Evaluation study by PwC and Panteia, p. 34
[93] Synopsis report on the public consultation, se Annex 2, p.43
[94] *Idem*, p. 52
[95] *Joint industry statement*, 1 March 2017, https://www.europeanshippingweek.com/joint-industry-statement-clia-europe-eba-ecasba-ecsa-empa-eta-etf-euda-interferry-wsc/
[96] Synopsis report, Annex 2, p. 45

message received through the targeted consultations and notably from the side of maritime operators, a large majority of which replied in these consultations that they would prefer all processes done via the National Single Windows[97]. The reason for an extended scope is for stakeholders to avoid double reporting and to extend the benefits of a truly single reporting entry point.

As explained in Chapter 2 above, the RFD specifies 14 reporting formalities that must be reported via the National Single Window. These reporting requirements together include around 230 data elements. In addition to these EU and international reporting obligations, ships are also obliged to submit other information when calling a port. At least 200 additional data elements may be requested following national legislation; this reporting is not mandatory for Member States to request via the National Single Windows. Finally, there is also a number of data elements related to the ships' cargo, primarily by customs authorities. The eManifest pilot project identified a cargo data set of around 150 data elements that are also, for some vessels, requested at a port call. Customs formalities are submitted via the separate customs IT systems.

Other dependent authorities voiced the opposite view and prefer to keep some formalities in their separate reporting procedures outside the National Single Windows (cf difficulty of achieving buy-in from all authorities as described in chapter 5.1).

The current scope of the RFD is also considered to not sufficiently address exchanges of data between National Single Windows (public sector) and the port community systems already in place (mostly private sector).[98]

5.4. Coherence

- *To what extent does the Directive fit in well within the framework of the EU maritime transport policy and, more specifically, within the Union's approach to reduce administrative burden? Are there any overlaps, gaps or inconsistencies?*
- *Are the objectives of the Directives (still) coherent with the EU Transport policy, notably the White Paper on Transport and Maritime Transport Strategy and ten policy areas that are set as priorities by the current European Commission (as announced in July 2014)?*

The objective of the RFD to reduce administrative burden is well aligned with the overall EU policy and in particular the maritime transport policy.

The simplification and harmonisation objectives remain strong priorities for EU overall policy, in line with the Commission priorities for 2015-2019 (notably: jobs, growth and investment; the digital single market; and the deeper and fairer internal market[99]). The key contributions of the directive in this regard are: the intention to harmonise and simplify procedures in order to reduce barriers to the internal market (border controls)

[97] Evaluation study by PwC and Panteia, p. 56
[98] *Idem*, p. 38
[99] *10 Commission priorities for 2015-2019*, https://ec.europa.eu/commission/priorities_en

and administrative burden; the establishment of a digital reporting environment; and the striving towards a more cost-effective and efficient maritime transport sector.

These objectives are well in line with the Transport White Paper objective of a Single European Transport Area where the formalities for ships travelling between EU ports are simplified[100].

The strategic goals for Commission maritime policy until 2018 reconfirm the same, recommending to: "Establish a true 'European maritime transport space without barriers', removing unnecessary administrative barriers, duplicated cross-border controls, the lack of harmonised documents and all other factors that hamper the potential growth of short-sea shipping."[101]

The objectives seem relevant also from the view of the Council, who underlined the need to create a European Maritime Transport Space without Barriers again in its June 2017 Conclusions[102].

The gap between the directive and the overall maritime policy objectives is not in the *intentions/objectives* of the text but rather in the shortcomings of the implementation, which in turn are at least partly explained by the lack of technical specifications.

- *To what extent is the existing 'linking' between the RFD and the Vessel Traffic Monitoring and Information System (VTMIS), in using the National Single Window system, coherent with the overall policy objectives? Are the instruments coherent with each other?*

There is complementarity between the objectives of the VTMIS and RFD and synergies between the systems established by the two directives. The information required by the VTMIS is one part of the reporting streamlined via the RFD National Single Windows; and by channelling the VTMIS data via the National Single Window together with e.g. the information for border checks on persons, the FAL form cargo declaration and the information required under the Modernised customs code, the maritime operators can save time and efforts by reporting all these formalities via the same entry point.[103]

The VTMIS directive has established an exchange system (SafeSeaNet) for the collection, analysis and sharing of information between Member States and with EMSA, related primarily to the safety and security of maritime operations and to the prevention and control of pollution at sea.

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[100] Commission White Paper: *Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system*, Brussels, 28.3.2011, COM(2011) 144 final, http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0144&from=EN, p. 11.

[101] Commission Communication: Strategic goals and recommendations for the EU's maritime transport policy until 2018, Brussels, 21.1.2009, COM(2009) 8 final, https://ec.europa.eu/transport/themes/strategies/2018_maritime_transport_strategy_en, p.11

[102] Council conclusions on *Priorities for the EU's maritime transport policy until 2020: Competitiveness, Decarbonisation, Digitalisation to ensure global connectivity, an efficient internal market and a world-class maritime cluster*, adopted by the Council at its 3545th meeting held on 8 June 2017, http://data.consilium.europa.eu/doc/document/ST-9976-2017-INIT/en/pdf

[103] RFD, Annex 1

The RFD has mandated use of digital reporting and the establishment of single entry points to facilitate and simplify the submission of information by maritime operators. This information is then channelled to the dedicated systems including SafeSeaNet, where it is being elaborated for specific purposes (e.g. maritime safety, border control, customs formalities, phytosanitary checks, etc).

In other words, the RFD is more concerned with the *collection* of information, including the information required under the VTMIS directive and other relevant EU legislation, and how to make it less burdensome for operators. The RFD is a tool to streamline reporting and provide maritime operators with a single window for meeting the various reporting formalities resulting from international, EU and national legislation/legal instruments.

Clearly, the single window(s) and SafeSeaNet need to be designed in a way that they can work effectively together. Moreover, SafeSeaNet can take care of distributing the part of the information related to its competence area (notably information linked to safety and traffic monitoring), contributing, for this data subset, to the 'reporting only once' objectives of the RFD.

5.5. European Added Value

- *What added value compared to the international and national regimes on reporting formalities has the RFD introduced?*

The RFD has contributed by speeding up the shift to digital reporting and harmonised standards within the Member States. In most Member States, at least some shift from local to national standards has taken place and one Member State has a fully harmonised national system in place. Full or partial digitalisation is done in more than half of the analysed Member States[104]. It is unlikely that the development of National Single Windows would have been done at the same speed without the push from EU level.

The evaluation study identified especially the following added value from the introduction of the RFD: higher degree of digital reporting and digital forms; rationalisation of redundant data reporting in most Member States; faster implementation of national standards and national single entry points and higher degree of coordination of reporting. This means that without the RFD, the data providers would likely face even more diverse reporting and more importantly, it would to a much higher degree be paper-based instead of digital.

The RFD has also provided a clear added value as compared to and building on the international IMO regime (FAL Convention and FAL forms). The globally used FAL forms are defined by the IMO in terms of format and content but the IMO does not have mandate or capacity to establish the kind of reporting coordination mechanism across policy sectors as provided by the RFD. The EU legislation therefore complements the international framework.

[104] Evaluation study by PwC and Panteia, p. 30

The added value would however have been noticeably higher with the full implementation of the National Single Windows, with one single entry point for all reporting obligations and with functioning data-sharing to minimise the current double-reporting. It would have been even higher with a harmonised approach to standards and procedures in line with the National Single Window guidelines.

It is also clear that while benefits can be seen on national level, the added value on EU level is much more limited due to the lack of coordination between the Member States resulting in the existing plethora of individual national solutions.

- *What has been the EU added value of this instrument in the context of national horizontal and sector-specific regulations?*

In comparison to other transport modes, maritime transport suffers especially from cumbersome reporting procedures, reducing competitiveness. Had the RFD reached its objectives of harmonisation and simplification, it would have contributed to increasing the effectiveness and attractiveness of maritime transport. This would in turn have had an impact on the overall internal market and jobs and growth in the EU.

Similarly, the RFD contributes to facilitating the free movement of goods and people by reducing administrative obstacles, supporting the smooth functioning of the single market.

Digitalisation of reporting formalities would improve interoperability and contribute to the wider digital single market objectives and activities. This has been achieved in the cases where digital reporting has been established but this is unfortunately not everywhere yet the case.

The implementation shortcomings have thus resulted in less value added than expected in relation to other policy areas.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1. Conclusions

The evaluation's findings show that the *objectives* of the directive remain solid and relevant, but that the *outcomes* fall short of expectations.

This unsatisfactory outcome is partly due to lack of full implementation of the RFD – including with some difficulties in some cases to get all national authorities on-board and properly connected to the National Single Window; partly to its poor design: lack of mandatory technical specifications ensuring harmonised National Single Windows (e.g. interface, procedures, formats, maximum data sets) and the continued reporting by separate entry points/procedures outside the National Single Windows. The vague provisions of the RFD have not supported Member States in their task of harmonising reporting and have made it difficult for the Commission to follow-up on implementation e.g. with infringement procedures. The definition of "reporting only once" is also not quite clearly defined, giving room for individual interpretation by Member States. Over

time it has become more and more clear that the current system does not provide much burden reduction for international shipping.

The current text of the RFD includes a clear requirement for national harmonisation (e.g. the setting up of National Single Windows and requiring digital reporting) but without binding specifications for how these National Single Windows and the reporting into them were to be set up. The directive also calls for the establishment of non-binding mechanisms for achieving harmonisation at EU level; these voluntary guidelines have however not had substantial effect.

Finally, the evaluation of costs and benefits of the current RFD has been hampered by a lack of access to data. There was no monitoring mechanism in the Directive.

The RFD has in many ways been an important starting point for a crucial process and there are clear improvements of the situation compared with before adoption of the directive. The reporting times (main cost) have been reduced for shipping operators. Yet, in some cases, the administrative burden is reported to in fact have increased rather than decreased and when it comes to the international traffic, the outcomes fall short of stakeholders' expectations. The framework and systems currently in place is not necessarily a failure, but the real European added value is still missing.

6.2. Recommendations

The evaluation suggests that the full implementation of the existing requirements, e.g. digital reporting and single entry point National Single Windows for data submission for the formalities in scope of the RFD would improve the current situation and secure additional benefits. However, the current framework would still be insufficient to achieve the full range of the intended simplification objectives and in particular, the EU-level harmonisation, thereby removing a main problem for the shipping companies. For a true single market and single maritime transport area without borders and barriers, the current legislation is not ambitious enough. There is still potential for further burden reduction and simplification in this area, notably to facilitate for cross-border shipping.

The main issues to be considered for the future include the lack of harmonisation and lack of common standards and interfaces; the possibilities for extended scope to achieve one single entry point for maritime operators; improvement of the reporting-only-once principle e.g. by supporting more data accessibility and data sharing beyond what is already done for part of the data within SafeSeaNet; and helping Member States to solve outstanding questions on data protection, data privacy and data liability.

A wide range of possible tools might be considered to address these various issues; from guidelines on implementation of data protection rules to more detailed European standards for user interfaces or centralised software solutions. A "European Maritime Single Window environment" to address the EU-level harmonisation could be developed; either as one centralised function or as a decentralised but harmonised system. Various options for the way forward – including the option of remaining at status quo – will need

further impact assessment and analysis. Costs and benefits of various options will therefore be further examined in an impact assessment.

For better monitoring of future improvements, it could also be considered to set aside budget for regular benchmark analysis over time in order to be able to follow progress on the key indicators; e.g. by a new benchmark indicator study every three years.

ANNEX 1: PROCEDURAL INFORMATION

1. Lead DG, D*e*cide Planning/CWP references

- Lead DG is DG MOVE, Unit D1: Maritime Transport and Logistics (in cooperation with unit D2: Maritime Safety)
- Reference number 2016/MOVE/044

2. Organisation and timing

The evaluation started in 2016, with the first meeting of the Inter-Service Steering Group in April 2016 and a roadmap published on 8 August 2016. No feedback was received on the roadmap.

The Commission launched a call for tenders for a support study on "REFIT evaluation of Directives 2010/65/EU (RFD) and 2002/59/EC (VTMIS)". A contract was signed with PwC in cooperation with Panteia under contract reference MOVE/A3/119-2013/LOT4-PWC. The evaluation study was performed 2016-2017 with the final study published in October 2017.

The evaluation study covered the Reporting Formalities Directive and the Vessel Traffic Monitoring and Information System. The outcome of the study showed that, while the issues are interlinked, the two directives had fundamentally different issues and results. The VTMIS deals with the content and processing of one sub-set of the entire port call reporting requirements; the RFD creates a coordination mechanism for a large body of cross-sectorial reporting obligations. The mechanisms, scope, policy objectives and main stakeholders are different for these two directives. It was therefore decided to deal with the evaluation outcomes in two separate Staff Working Documents for sake of clarity and ease of understanding by readers. The evaluation was performed as part of the overall maritime fitness check performed 2016-2017.

The Inter-Service Steering Group held another four meetings after the first meeting in April 2016, on the different steps of the evaluation process. The Commission Services participating in the ISG are: Secretariat-General, DG Maritime Affairs and Fisheries, DG Taxation and Customs Union, DG for Communications Networks, Content and Technology, DG European Commission Humanitarian Aid & Civil Protection , DG Migration and Home Affairs, DG for Employment, Social Affairs and Inclusion, DG Industry, Entrepreneurship and SMEs, DG Environment, DG Health and Food Safety and the European Maritime Safety Agency.

A final meeting of the Inter-Service Steering Group was organised on 26 October 2017 to approve final text drafts for submission to the Regulatory Scrutiny Board.

3. Exceptions to the better regulation guidelines

No exceptions to the Better Regulation Guidelines.

4. Consultation of the RSB (if applicable)

N/a

5. Evidence, sources and quality

The evaluation is based on a several sources, using both quantitative and qualitative data. This includes:

- Desk review of online information about 40 EU ports
- An in-depth analysis of reporting formalities in these 40 ports as "port benchmarks"
- Fact-finding field study visits to three "Port Cases" (BE, IT, DE) including on-site interviews
- EMSA peer reviews of seven selected Member States
- Public on-line consultation
- Targeted consultations via surveys and consultation events (workshops, meetings)
- 58 interviews (face-to-face or per phone) with stakeholders representing different interests
- Data collected by EMSA from the eMS group
- Literature review on relevant material relating to the directive

ANNEX 2: STAKEHOLDER CONSULTATION: SYNOPSIS REPORT[105]

1. Introduction

This consultation report summarises the consultation results for both RFD 2010/65/EU and VTMIS 2002/59/EC; the consultation was done jointly and the results are presented both here and in the parallel evaluation SWD on the VTMIS Directive.

The aim of consultation on RFD and VTMIS was to gather input for the evaluation process in order to assess how these two Directives are achieving their objectives and contributing towards the EU maritime transport policy.

The subject area of this evaluation concerns the RFD and VTMIS Directives. VTMIS 2002/59/EC established the Union Maritime information and exchange system, SafeSeaNet, in 2009, with a view to enhance the safety and efficiency of maritime transport (goods and persons on board) and maritime traffic (the vessels). RFD 2010/65/EU followed in 2015, with the aim of simplifying and harmonising the administrative procedures applied to maritime transport, through ensuring electronic (as opposed to paper) transmission of information, and by rationalising reporting formalities - the information that must be provided to the authorities when a ship arrives in or departs from a port.

Two main consultation tools have been considered for the development of this Synopsis Report: the Open Public Consultation (OPC); and the Targeted Consultation (TC). Within the TC also a The HLSG Consultation (HC) was considered.

2. Methodology

The aim of these consultation exercises has been to collect information, evidence and opinions to inform the evaluation of these two, linked Directives. While there are close ties between the Directives, there are also important differences, also reflected in the evaluation methodology. VTMIS 2002/59/EC is relatively mature, having been in operation since 2009, while RFD, which aims to harmonise and simplify reporting requirements through the establishment of National Single Windows (NSW) across EU Member States, has only entered into operation since 2015 and therefore the impacts are only now visible. For VTMIS, there is more accumulated experience, so the evaluation has drawn from a number of already available documents, including the (2009-2016) Horizontal Analysis by the European Maritime Safety Agency (EMSA) on the level of implementation and harmonisation of the VTMIS Directive, based on the outcomes of their official visits to Member States. EMSA is the European Agency responsible for hosting and managing the central (European) SafeSeaNet (SSN) system, and for managing operational, digital and technical aspects

[105] Final revised version of 26 October 2017

This desk research was complemented in this (current) consultation exercise by the HLSG questionnaire, focusing on aspects such as linkages with the RFD, which are key for the ongoing evaluation. The overall approach has therefore been to use a number of different consultation methods, ranging from higher-level surveys such as the OPC, addressing main areas of policy, information gathering from the relevant authorities implementing the legislation at national level, to more targeted surveys of local authorities and the shipping industry who are able to explain how the legislation affects their daily activities and how effectively and consistently it is being applied in practice.

2.1 Tools and Activities

2.1.1 Open Public Consultation (OPC)

It was designed by the Commission as part of its wider Maritime Fitness Check. The goal of the OPC, as the first step in the data collection process, was to collect views and opinions from the general public regarding the RFD and VTMIS legislation, its implementation and interaction with other legislation in the same field. As the name suggests, organisations and individuals could freely take part in the survey and submit their views. The consultation was launched in October 2016 and closed in January 2017 (14 weeks).

2.1.2 Targeted Consultation (TC)

This consultation contained more detailed questions, related to both RFD and VTMIS legislation. This was designed to collect field information and to obtain a picture of the state of practice for reporting formalities, since 2015, and for the present day. The questionnaires were structured with the aim of identifying how reporting practices differ across ports, maritime basins and at national level, and to compare the views of different stakeholder groups. Questionnaires were developed for four stakeholder groups, namely Shipping Companies[106], Ship Agents, NCAs and Other Authorities. Therefore it covers both the reporting entities and the authorities who collect and use the information. It ran for a period of six weeks from 23 December 2016 until 7 February 2017.

Within the TC a HLSG Consultation (HC) was also carried out. The goal of the HC was to address the more complex evaluation questions related to the VTMIS Directive, which could not be answered either from existing studies or from the OPC or the rest of TC exercises. It was aimed at the key national experts in the Competent Authorities managing the national SSN systems and participating in the high level steering group (HLSG) for governance of the digital maritime system[107]. It ran for a period of five weeks between 21 February 2017 and 29 March 2017, and focused primarily on the VTMIS Directive.

[106] Including Shipmasters

[107] Given that the VTMIS system has been operational since 2009 (before the 1 June 2015 introduction of the NSW), the survey addressed three sub-groups; the SSN/LRIT MS experts group; Places of Refuge MS experts group; and, the Integrated Maritime Services MS use-group (now formal sub-groups to the HLSG).

2.2 Identification of Stakeholders

Contributions were received from a variety of stakeholder categories representing different interests. A broad geographical coverage of responses has been achieved, across all the surveys, with all coastal Member States, Norway and Iceland represented (see Annex 1). The consultation elicited both consolidated contributions from umbrella organisations and individual contributions from a wide range of stakeholders. Member State authorities typically each provide one consolidated response.

In order to allow concurring and/or opposing views to be presented clearly, stakeholders have been categorised in accordance with their position in the sequence of data provision, data handling, and data use:

- *Shipping Companies and Shipmasters.* This group comprises stakeholders involved in the shipping industry, such as seafarers and their organisations/trade unions, ship-owners, shipmasters, officers on-board and industry associations. This group has the largest geographical reach, with responses reflecting a pan-European situation rather than being representative of a specific country, unlike the other stakeholder groups. This group, representing data providers, is hereafter referred to as Shipping Companies. A total of 124 responses were obtained from this stakeholder group in the TC and eight in the OPC. Five national and four international associations contributed to the OPC, and one European and one national association answered to the TC.
- *Ship Agents.* This stakeholder group comprises ship agents and their associations. Ship agents (like shipping companies) are also data providers, in the current context. Their activity typically applies to a single port, and they support the shipping companies by using their local knowledge, in completing the reporting formalities process, as well as many other services in port. Stakeholders from this category have not responded to the OPC, but 52 responses were collected in the TC, including two national associations.
- *National Competent Authorities (NCA).* This group comprises national authorities in charge of the implementation and management of the national SSN and/or the NSW at country level, as well as Ministries responsible for seaports and maritime transport. A total of thirteen NCAs responded to the TC, eleven in the OPC and 22 in the HC[108].
- *Other Authorities.* This category comprises a range of stakeholders, such as a Port-related Authorities (port authority, harbour master, port management company), Coast Guard, Border Check, Police, Customs, Health Office, organisations in charge of the management of the Port Community Systems (PCSs) and other authorities involved in the reporting formalities process. Four Port-related Authorities replied in the OPC and 20 in the TC. One national association of port authorities and a PCS developer contributed also to the TC.

[108] The evaluation covers 23 coastal EU MS, plus Norway(NO) and Iceland(IS)

The consolidated views of other associations, academia and other stakeholders not directly falling under the above categories are included in the qualitative analysis but excluded from the quantitative statistics presented here. Empty forms or blank answers submitted to the consultation have not been taken in account for the statistics and charts. Contributions from stakeholders who gave their consent to publication are available online.

2.3. Consultation approach

The OPC and the TC are composed of different sets of questions to collect specific information depending on the activity of the respondent, whilst questions on general information and opinions were replicated in all questionnaires. For this reason, the statistics presented from these questionnaires can either include responses from all participants or from a specific group of them.

Comparing the TC consultation which covered all four stakeholder categories, and the OPC consultation, which was open to the general public, there is a prominent difference in the number of responses, with 209 in the TC and 54 in the OPC. Of these 54 OPC respondents, 17 were shipping companies, 12 were national competent authorities and 8 were other authorities. The remaining 15 included e.g. consultancies, researchers and NGOs. The HLSG consultation (HC), as part of the TC, achieved 22 responses, from a target population of 23 maritime EU Member States, and two non-EU countries, meaning that it is close to full participation at European level. It also included dedicated interviews with EMSA as the host and technical expert of the central system.

The questionnaires also differed in terms of length, with 16 questions in the OPC, (12 RFD-related and 4 VTMIS-related), 67 in the TC, and 16 in the HC. As a result of the above considerations, and due to relatively low number of OPC responses, the TC and HC have been used as the main sources for this Synopsis Report.

Whereas the TC primarily aimed to gather new information regarding the post-RFD situation, mainly using multiple choice questions, the HC was designed to complement other quantitative analyses gathered over the last seven years, using comment style questions. Therefore the TC results presented below are generally in the form of charts, whilst the HC results are presented qualitatively.

3. Results of the Consultation Activities on RFD 2010/65/EU and VTMIS 2002/59/EC

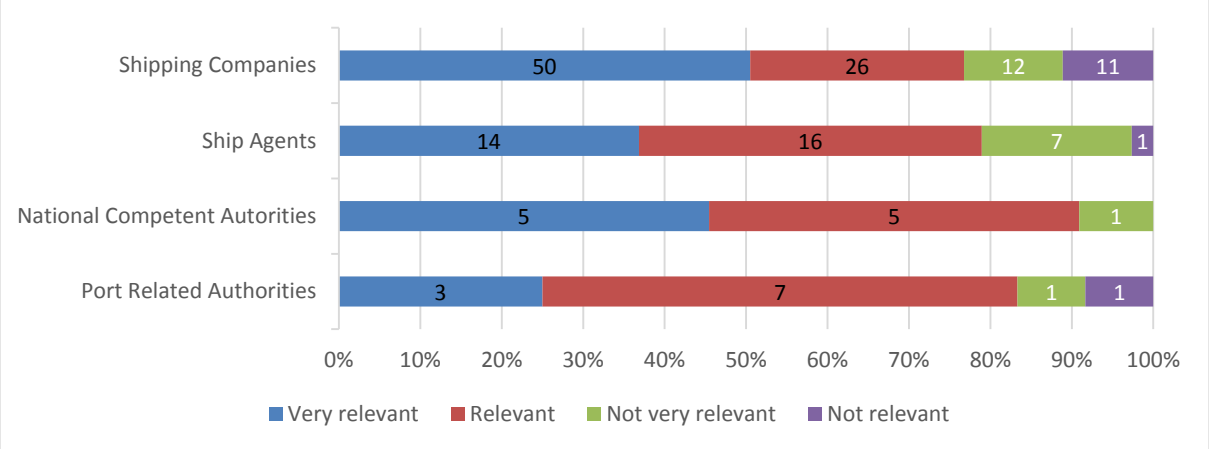
Consultation results are presented under the headings: relevance, effectiveness, efficiency, coherence and EU added value. Results for the two Directives are presented together because they share common goals in terms of maritime transport facilitation and because of the closely-connected SafeSeaNet (SSN) and NSW implementations.

3.1 Relevance

3.1.1 Relevance of RFD objectives

The main objective of the RFD is to simplify and harmonise the reporting formalities between different EU legal acts. Stakeholders responding to the TC were asked to assess the relevance of this objective.

Figure 1: Are the objectives of the RFD Directive relevant?

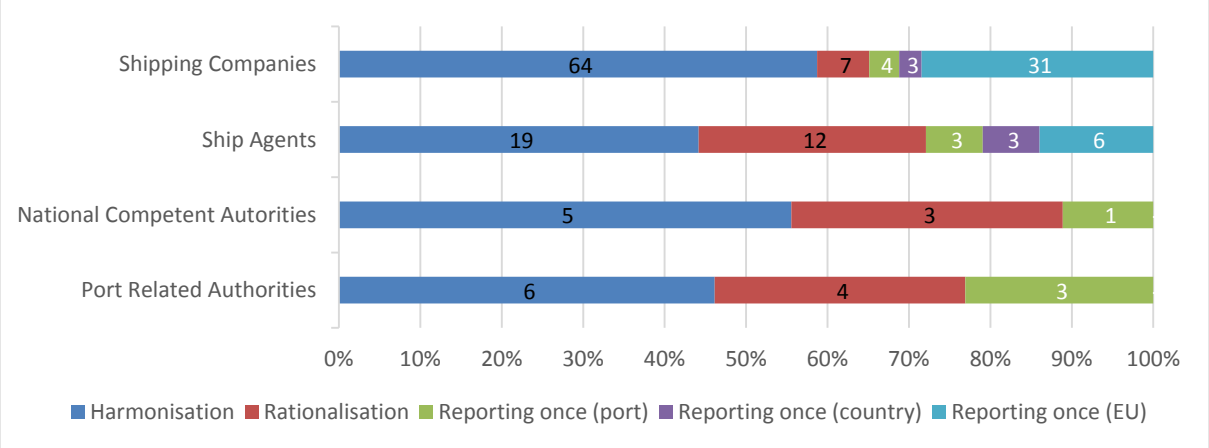


Source: Targeted consultations 2017; Evaluation study by Panteia and PwC, p.53

A large majority of respondents (126 of 160) were of the view that the main objective of RFD is either relevant or very relevant. Ten out of eleven NCAs and ten out of twelve Port related Authorities reported that the objective is either relevant or very relevant, as well as most Shipping Companies (76 out of 99) and Ship Agents (30 of 38). Only a few respondents in each stakeholder group were of the view that the simplification and harmonisation of the reporting formalities are no longer relevant to reduce administrative burden.

Respondents to the TC where also asked to identify which of the RFD operational objectives, harmonisation, rationalisation, or reporting once (at port, national or EU level), is the main priority.

Figure 2: Which RFD objective is the most relevant?



Source: Targeted consultations 2017; Evaluation study by Panteia and PwC, p.54

The most selected choice among all stakeholder groups (64 out of 109 Shipping Companies, 19 out of 43 Ship Agents, 5 out of 9 NCAs and 6 out of 13 Port related Authorities) was harmonisation. For three stakeholder groups (12 Ship Agents, 3 NCAs and 4 Port-related authorities), rationalisation was the second most selected option.

The pattern of responses of Ship Agents is similar to that of the Shipping Companies, with harmonisation as the most popular choice and EU reporting once also prominent. Ship Agents also consider the objective of rationalisation as very important. The two Ship Agents' Associations chose harmonisation as the most important provision.

NCAs and Port related Authorities consider the objectives of harmonisation, rationalisation and reporting once at port level to be relevant. They do not consider that the objectives of reporting once at country level or at EU level to be relevant.

3.1.2 Relevance of the VTMIS Directive's objectives

The objective of the VTMIS Directive was to enhance safety, pollution prevention and efficiency of maritime traffic. Within that objective the Directive established the Union Maritime Information and Exchange System, SSN, to enable the receipt, storage, retrieval and exchange of information for the purpose of maritime safety, port and maritime security, marine environment (the main objectives of the VTMIS) but also, importantly in this context, for the efficiency of maritime traffic and maritime transport (hence for VTMIS but also other relevant Union legislation).

When asked specifically whether they saw an ongoing need for a system, in which a network of national SSNs are connected and communicate information via a central exchange mechanism, all of the NCAs responding to HLSG consultation (22 out of 22) stated that there was still a need, and most (17 out of 22) elaborated that the method chosen, with all Member States co-operating around a common, connected platform, was the correct approach. One Member State, speaking from the perspective of maritime safety and pollution prevention, argued that to be informed on-time and with correct data is a "must" in the maritime sector.

3.2 Effectiveness

3.2.1 Digitalisation

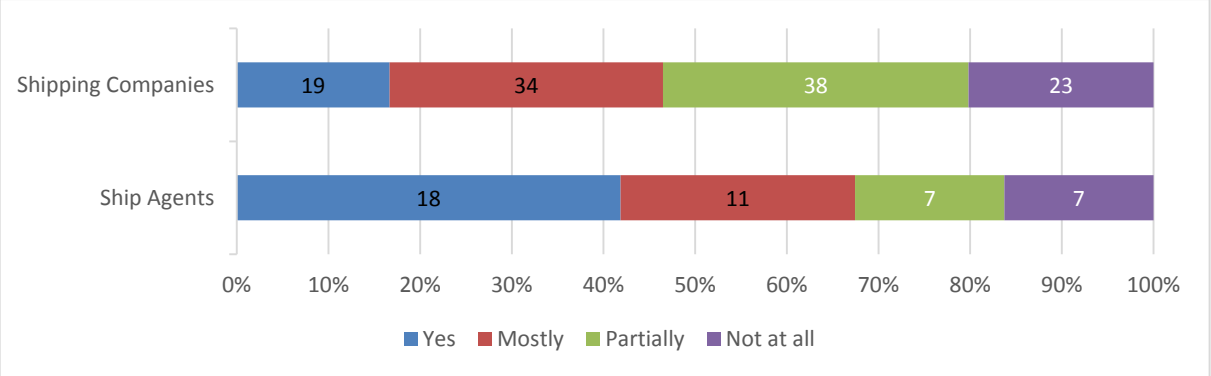
Digitalisation of transport involves making better use of digital technologies within transport and logistics. In the context of RFD, it focuses specifically upon the reduction in paper-work for reporting formalities by ensuring electronic[109] transmission of information, whereas in the context of the VTMIS Directive, it relates to exchange of data.

[109] RFD 2010/65/EU, Article 2 (f) : 'electronic transmission of data' means the process of transmitting information that has been encoded digitally, using a revisable structured format which can be used directly for storage and processing by computers.

Use of electronic transmission of data within reporting formalities

The RFD specifies that reporting formalities should be submitted electronically through a national Single Window (NSW). As the implementation of this provision does not appear to be fully implemented, data providers (i.e. Shipping Companies and Ship Agents) were asked whether the transmission of formalities for EU port calls are done by electronic means.

Figure 3: Are electronic means always used for reporting formalities?



Source: Targeted consultations 2017, ship agents and shipping companies questionnaire replies

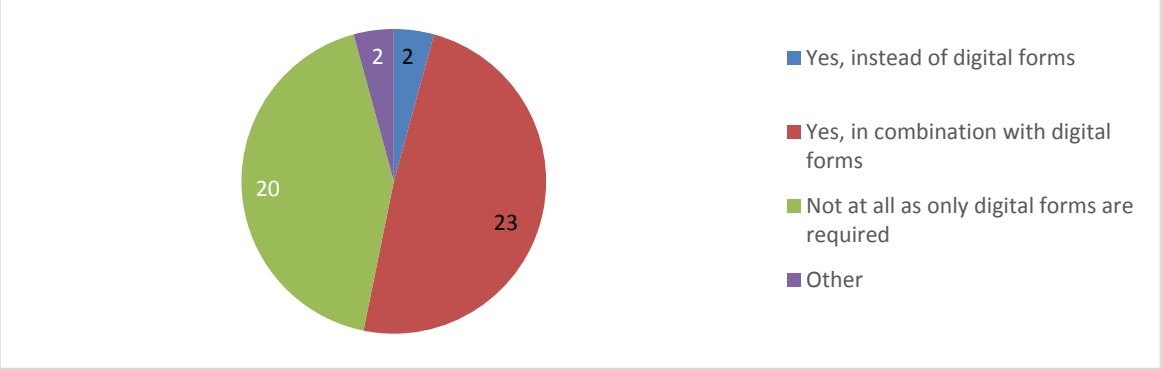
Shipping Companies were mostly of the view that the digitalisation objective has not yet been achieved, as only 19 of 114 respondents in this category indicated that electronic transmission is always used for Parts A[110] and B[111] of the RFD. The European Community Ship-owners' Associations (ECSA) is also of this view.

This contrasts with a much larger proportion of Ship Agents (18 out of 43) and two national Ship Agents' Associations who report that electronic transmission of data is fully achieved in their countries or ports.

Use of paper and PDF forms

Ship Agents were also asked if paper and PDF forms were still required.

Figure 4: Are paper and/or PDF forms still required?



Source: Targeted consultations 2017, ship agent questionnaire replies

[110] Part A: Reporting formalities resulting from legal acts of the Union.
[111] Part B: FAL forms and formalities resulting from international legal instruments.

Almost half of the Ship Agents reported that electronic transmission is used in combination with the submission of paper hard copies (23 out of 47 reported this) while a slightly smaller share (20 of 47) of agents responded that reporting formalities were only submitted digitally. Two national Ship Agents' associations indicated that although all forms could be submitted digitally, sometimes particularly long passenger lists would require manual entry. Only a few (2 out of 47) Ship Agents stated that reporting formalities still have to be submitted completely in paper format.

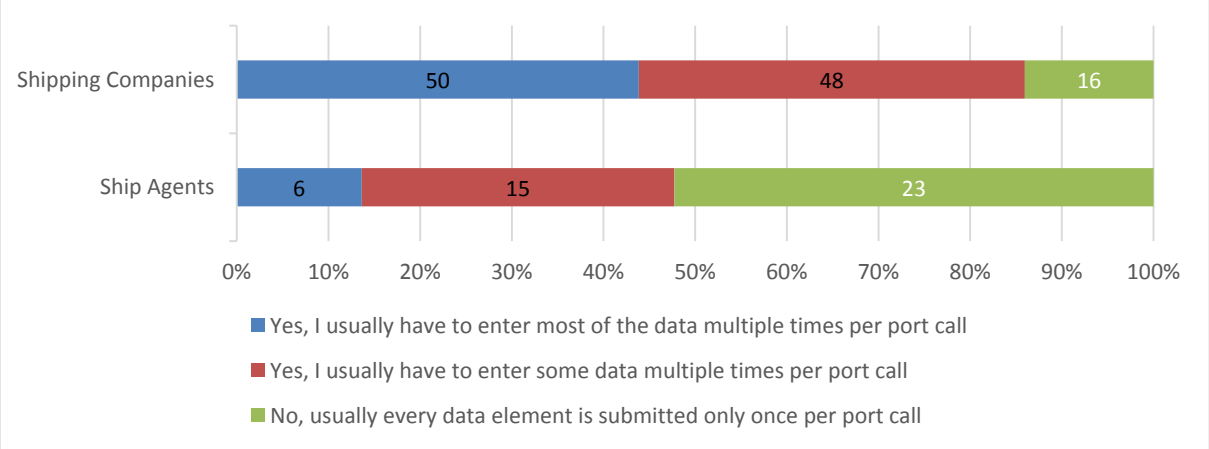
Exchange and re-use of data

The majority of HLSG respondents were in favour of data sharing between different maritime authorities, with other public sector users (e.g. law enforcement) and for statistical purposes. However, there is no real consensus on providing limited access to private sector stakeholders. A total of 13 out of 19 HLSG respondents who answered the question on private sector access to data agreed that some form of controlled or limited access to data was feasible. Some saw no barrier in principle to granting limited access (e.g. giving private sector organisations access to their own data), and one Member State already allows access to own data for re-use, but for others, private sector access is either seen as undesirable or offering no net benefits. It was felt that before any further steps are taken to open up the system towards industry, that user needs should be more thoroughly examined and elaborated.

3.2.2 Rationalisation

Shipping Companies and Ship Agents were asked about the level of rationalisation (redundancy in data and information requests) of the reporting process in European ports.

Figure 5: Are data entered more than once per port call?



Source: Targeted consultations 2017, shipping companies and ship agents questionnaire replies

The majority of the Shipping Companies (98 of 144) reported that some or most of the data must be submitted multiple times, while just less than half of the Ship Agents (21 of 44) share the same view.

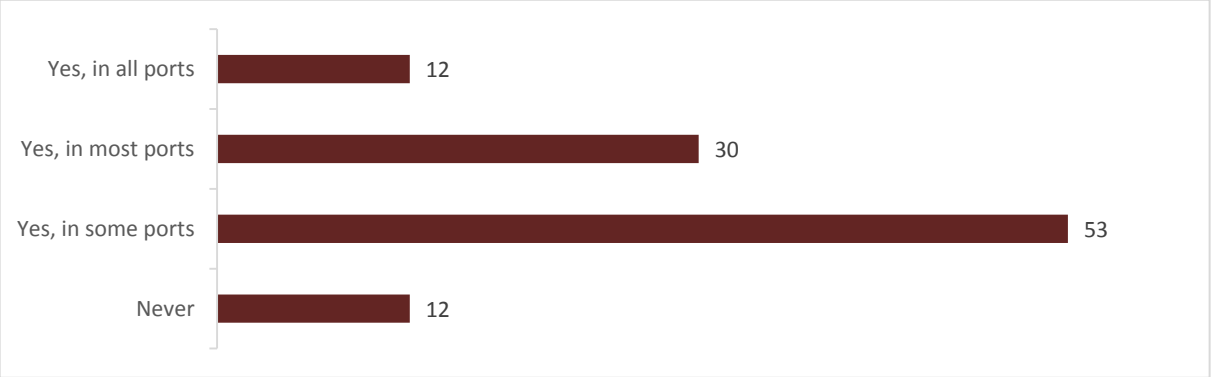
3.2.3 Reporting Once

The principle of 'reporting once' is an important cross-linkage between the two Directives. SSN, as a network of connected national reporting systems aims to support the cross-border 'reporting-once' principle by allowing information reported in the NSW and linked with the n-SSN to be requested via the central SSN from one Member State to another[112]. RFD makes clear that the NSW (linked to SSN, e-Customs and others) shall be the place where information is reported once and made available to competent authorities and Member States. Both Directives also include the concept of exemptions.

Reporting once at port level

The reporting once requirement implies that all the formalities per a port call can be submitted only once through the same system. Hence, Shipping Companies were asked whether they are required to submit the same formalities to several authorities during the same port of call.

Figure 6: Do you have to submit the same information separately to several authorities per port call?



Source: Targeted consultations 2017, Evaluation study by Panteia and PwC, p. 51

Nearly half of Shipping Companies (53 out of 107) along with two Ship-owners' Associations reported that in some EU ports they are still required to report information to several authorities separately. 30 out of 107 respondents were of the view that this is still the case in most EU ports. Twelve out of 107 Shipping Companies reported that they are always requested to report the same information to several authorities during the same port of call. At the other end of the spectrum, twelve respondents reported that they are never required to report the same information separately to different authorities when calling a port.

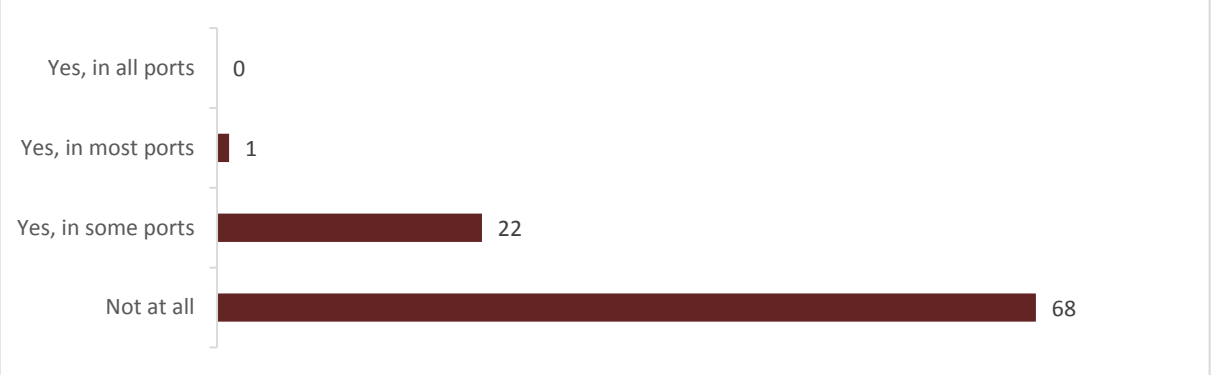
FAL[113] form exemptions

Shipping Companies and Ship Agents were asked to report if they are effectively exempted from the re-submission of FAL forms under the conditions determined by the RFD.

[112] It should in this context be noted that e.g. requests for information about dangerous goods on board is not a constant one, as not all vessels carry dangerous goods. Furthermore, information on customs or border control is not supposed to be shared via SSN.

[113] List of documents which public authorities can demand of a ship according to the Convention on Facilitation of International Maritime Traffic (FAL Convention)

Figure 7: Are you exempted from re-submission of FAL forms?



Source: Targeted consultations 2017, shipping companies and ship agents questionnaire replies; see also Evaluation study by Panteia and PwC, p. 36

The majority of Shipping Companies (68 of 91) and one Ship-owners' Association report that in their experience ships are never exempted from submitting FAL forms when calling at subsequent EU ports. However, some respondents (22 out of 91) and ECSA recognise that sometimes exemptions are permitted.

The majority of the Ship Agents are generally of the same opinion, replying that ships are not exempted from submitting any FAL formalities when they call between two EU ports.

Reduction of cross-border duplicated reporting by re-use in SSN

The HC showed that Member States primarily depended on their national SSN systems for their daily responsibilities and for handling the data required by the VTMIS Directive. They tend to use the central SSN system (exchange of data) for incident reporting, i.e. in more exceptional circumstances, and not specifically as a way to reduce the volume of multiple reporting by shipping lines[114].

Two Member States commented that re-use of SSN data is only partially possible, and thus not very useful. Another felt re-use was not a good idea because it shifts responsibility from the declarant to another system.

On the other hand, one argued that by enhancing the sharing options (e.g. push-pull of information) burden could be reduced. Another Member State argued that re-using departure data (HAZMAT and the security message) for ships operating between EU ports to reduce reporting on arrival (and in Mandatory Reporting Systems) would definitely reduce the reporting burdens for the data providers.

3.2.4 Harmonisation of Reporting Formalities

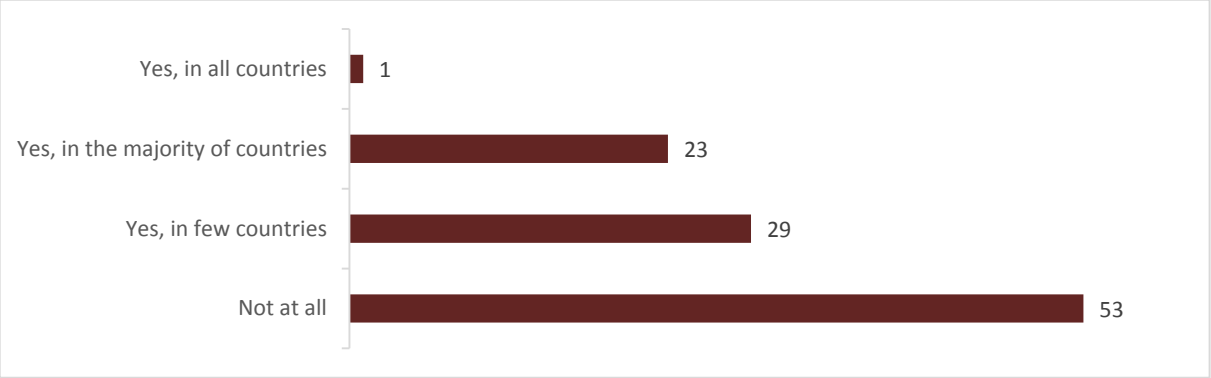
Harmonisation at country level

Shipping Companies were asked to report their opinions on the actual implementation of the RFD's national harmonisation provision in the EU countries (since the application of

[114] See also footnote 5.

the NSW requirement on 1 June 2015). Shipping companies are the stakeholders most likely to notice differences between port reporting procedures as they are exposed to the comparison whereas national authorities and ship agents normally are mostly aware about the system in one single port.

Figure 8: Has harmonisation of reporting formalities at national level been achieved?



Source: Targeted consultations 2017, Evaluation study by Panteia and PwC, p. 29

According to Shipping Companies, the harmonisation of formalities at national level has not been achieved yet in most of EU Member States. Half of respondents (53 out of 106) were of the view that national harmonisation has not been achieved in any EU country. The other half (52) along with two Ship-owners' Associations were of the view that harmonisation has been implemented partially in some or the majority of countries.

Harmonisation at EU level

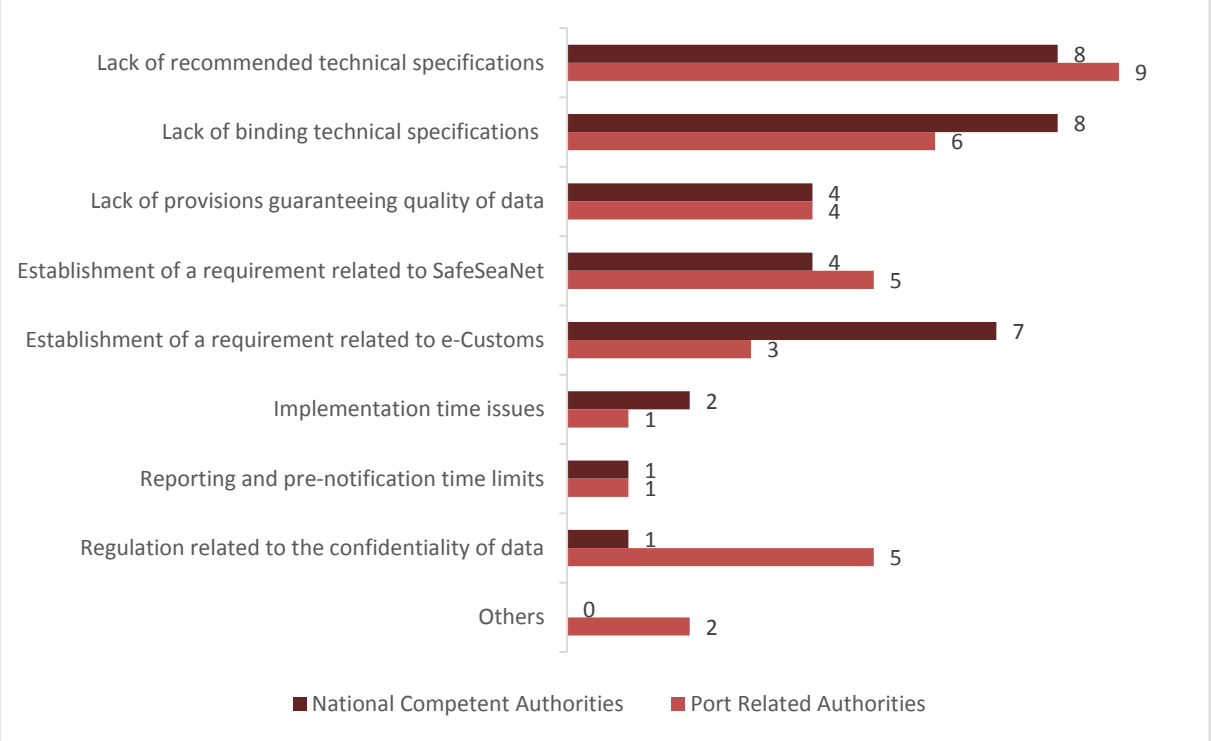
In the HC, when asked about ways to reduce reporting burdens on industry, many respondents (12 out of 21 responses to this issue) commented on the lack of harmonised data standards for data collection via the NSW.

One HLSG member commented that more should have been done to ensure standard methods of data collection, as many data providers have expressed frustration that each EU country has different methods for collecting the same information. A second respondent pointed to the fact that maritime administration practices across the EU Member States are so different one from another. He argued that it would be best to have a legislative act that will align and harmonise the practices across the EU, and that only then will the industry realise transport facilitation effects.

Provisions and instruments that hampered the implementation of the NSW

In order to identify the provisions and instruments that have negatively affected the implementation of the NSW, NCAs and Port-related Authorities were invited to indicate what have hampered the full realisation of benefits.

Figure 9: Factors (connected to NSW) which have hampered the full realisation of benefits



Source: Targeted consultations 2017, Evaluation study by Panteia and PwC, p. 47

The lack of recommended and/or binding technical specifications has been identified as the biggest issue by both stakeholder groups. Also, the complexity of linking the NSW to the Customs' system has been singled out by many NCAs as an issue during the implementation of the NSW. Customs authorities had already developed electronic systems and established procedures for reporting of the Entry Summary Declaration. One Port related Authority commented that the establishment of a requirement on coordination with e-Customs is necessary to lead to better co-ordination and harmonisation for cargo formalities. The lack of an early agreement on EU NSW guidelines was also commented as a major problem by NCAs which could not base their developments on harmonised standards.

Implementation of VTMIS Directive

VTMIS Directive has been in operation since 2009, and its implementation history is recorded in depth by a number of statistical studies produced by EMSA. However, with the HC it was possible to gather individual views of the NCAs using the system, in order to have a present-day cross section of opinions, to give context to the available statistics.

Results from the HC show that the national SSN authorities all agree that the Directive has met its objectives in terms of safety and pollution control, and especially with regard to emergency procedures. They point to aspects such as the ability to trace a ship's past record for pollution incidents, the way that the system has led to centralisation of all relevant information, the ability to have a global view for monitoring traffic, and through the establishment of common and transparent EU procedures.

In the OPC the majority of Shipping Companies responding (4 out of 5) and NCAs (9 out of 10) were of the view that the SSN facilitates monitoring of maritime traffic to a great extent or to some extent. The three Port related Authorities who responded were also of the view that SSN facilitates the monitoring of maritime transport and traffic, but only to a limited extent.

Regarding the question of whether the Directive has been effective in achieving its efficiency objective, stakeholders are generally more cautious. Within the HC, some NCAs indicate that the national SSN, by centralising information, is assisting efficiency by reducing the complexity of administrative procedures. However, several others point out that maritime transport efficiency objectives have not been fully realised, and that there is still untapped potential. For instance, one NCA raised the point that inconsistent data quality is still a barrier. A second NCA observed that frequent technical changes being made to the system, were hindering the process of achieving full integration with the system, and therefore hindering the process of improving efficiency.

In the TC, responses by NCAs and Port-related Authorities, were generally positive to the question of whether sharing information through SSN has improved efficiency. For most of the activities listed in the survey (i.e. Port State Control, Pollution preparedness and response, Emergency/ incident management, Port operations, Coastal monitoring, Risk analysis and control, Statistics, Waste control, Security monitoring), NCAs were of the view that there had been gains in efficiency due to the sharing of data through SSN. These NCA stakeholders were generally more likely to indicate that benefits were to 'some' or to a 'great' extent than the Port-related Authorities.

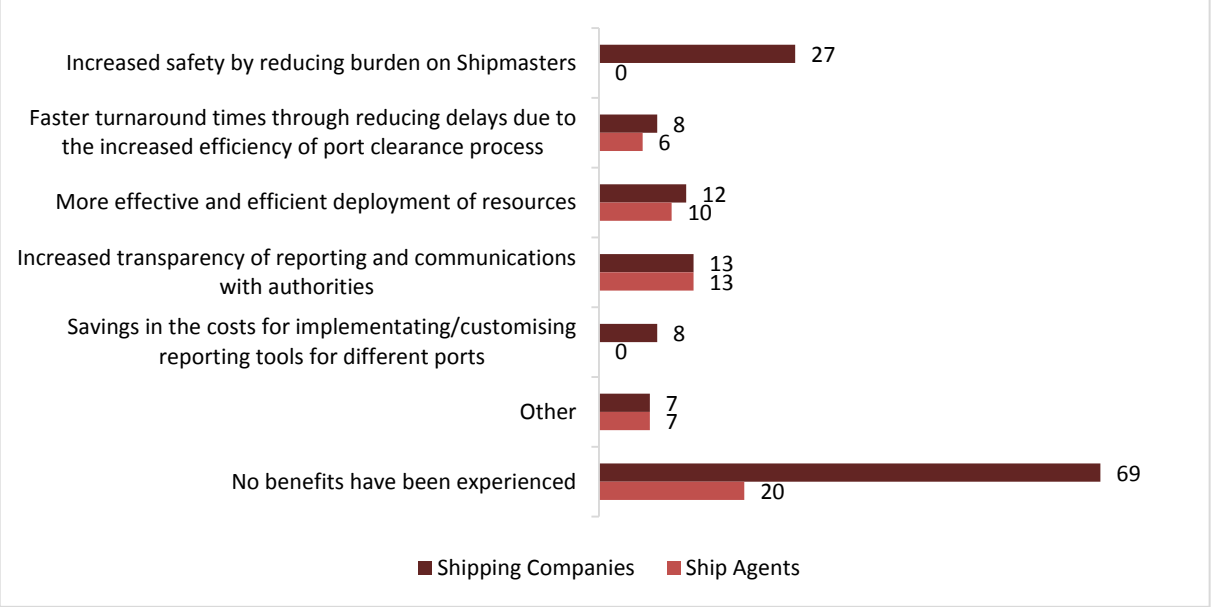
In their comments, some NCAs and Port-related Authorities argued, on one hand, that SSN was (or could potentially be) a good tool for exchanging information, but on the other hand, that SSN had been set up primarily as an incident response system rather than a general information exchange. It was a tool for improving maritime safety, but for some users, it is not contributing towards efficiency.

3.3 Efficiency

Benefits for the Shipping Industry

In order to identify any benefits or cost savings experienced by the shipping industry, following the implementation of the NSW, Shipping Companies and Ship Agents were presented with a multiple choice question where they could select more than one option.

Figure 10: Benefits identified for the Shipping Industry



Source: Targeted consultations 2017, shipping companies and ship agents questionnaire replies

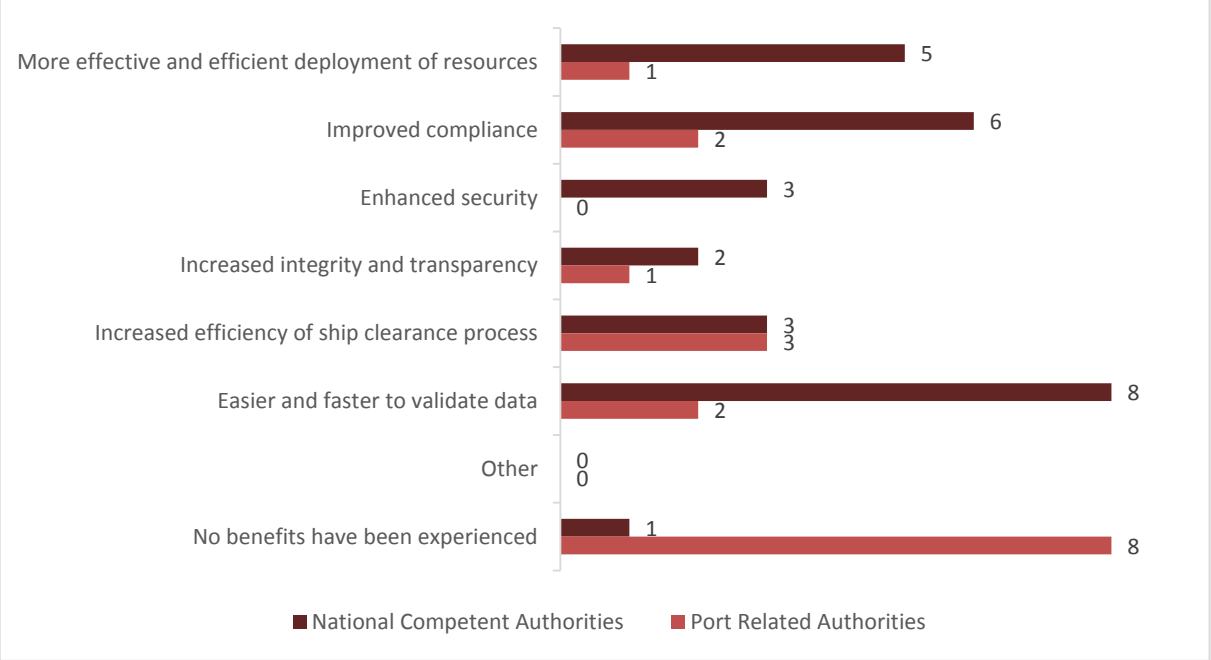
The majority of Shipping Companies (69 out of 113), as well as two national Ship-owners' Associations, responded that no benefits have been experienced. This was also the most frequent response from Ships Agents (20 of 48). Some of the respondents who reported "Other" indicated that the administrative burden and the workload have also increased.

However, it is relevant to note that several Shipping Companies believe that safety was increased through the reduction of burdens on Shipmasters following the implementation of the RFD (27 out of 113). Also some Ship Agents experienced benefits: one fourth (13 out of 48) noted that the adoption of NSW increased transparency of reporting and communications with authorities.

Benefits for the Authorities

A similar question, as above, was posed also to NCAs and Port-related Authorities, although the available options to select were different. They were invited to select one or more options.

Figure 11: Benefits identified for the Authorities



Source: Targeted consultations 2017, national competent and other authorities questionnaire replies

NCAs were of the view that the implementation of the NSW and other provisions of the RFD have generated benefit to them. Only one respondent in this group reported no benefits occurring as a result of the implementation of the NSW.

A considerable share of NCAs (8 out of 11) reported that the implementation of the NSW simplified the validation data process and improved compliance of the submissions. According to their comments, the implementation of RFD has helped the establishment of common understandings between authorities at national level and to combine and simplify the existing processes, digitalisation has facilitated authorities in their activities of storing, elaborating and quickly validating the information received. In addition, harmonised and structured formalities allow authorities to process the information in their systems faster and more efficiently, involving less human resources.

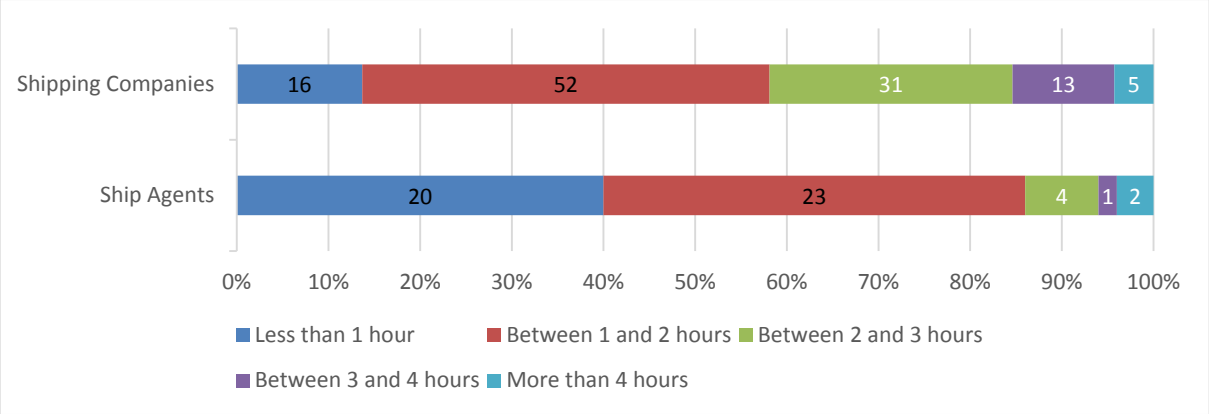
The majority of Port-related Authorities however (8 out of 13) reported no benefit occurring from the implementation of the NSW. One respondent reported that the volume of information that is requested from data providers has increased, but the information that is shared with the other authorities has not. Another respondent commented that there is a lack of exchange of information which results in unreliability of the new process for collecting the information.

However, other Port-related Authorities reported that they have experienced benefits following the implementation of the system. For instance it was pointed out by 3 out of 13 Port-related Authorities that the ship clearance process has improved as a result of better compliance with regard to the reporting requirements.

Time spent on preparation of reporting formalities

Estimating the time spent on the completion of reporting formalities is essential to consider the effective administrative burden that impacts on stakeholders and to identify which specific issue is the most burdensome. For this reason, Shipping Companies and Ship Agents were asked to indicate the average time spent on the whole reporting process per port call (therefore both arrival and departure).

Figure 12: Time spent on preparing reporting formalities



Source: Targeted consultations 2017, shipping companies and ship agents questionnaire replies; see also Evaluation study by Panteia and PwC, p. 41

Responses from the two stakeholder groups have a similar distribution: 52 out of 117 Shipping Companies and 23 out of 50 of Ships Agents reported that between one and two hours is spent on the reporting process per port call.[115]

The average time spent on reporting by Ship Agents is lower (i.e. 1 hour 19 minutes) than the average time spent on reporting by Shipping Companies which is almost two hours.

The diverging perceptions are coherent with the different roles of each stakeholder in the reporting formalities process. The majority of Shipping Companies (81 out of 121) reported that the lack of harmonisation between formalities/forms is the most time-consuming issue. When ships go from port to port the low degree of harmonisation at EU level makes the reporting process different in each port, in turn making the reporting process more time consuming.

On the other hand, Ship Agents indicated operational issues (digitalisation, the functioning of the NSW, etc.) as the most burdensome. The main problem is the fact that the Excel files used for reporting information are frequently so rigidly structured.

Almost 90% of all stakeholders replied in the open public consultation that the reporting process could be further simplified to a great or a significant extent.

[115] Some necessary assumptions have been made in order to calculate the average time per stakeholder. A value of 0.5 hours has been assigned to the range "Less than one hour". A value of 1.5 hours has been assigned to the range "Between one and two hours". A value of 2.5 hours has been assigned to the range "Between two and three hours. A value of 3.5 hours has been assigned to the range "Between three and four hours. A value of 4.5 hours has been assigned to the range "More than four hours".

Changes in the reporting process

All stakeholder groups were asked to provide their opinions on how the reporting process has changed following the implementation of the RFD and the NSW since 1 June 2015. The question offered a multiple choice, where respondents could choose and specify if the RFD made the reporting process better or worse and for what reason.

Shipping Companies and two Ship-owners' Association were of the opinion that the implementation of the RFD 2010/65/EU made the reporting process more difficult. They complained in particular with the lack of harmonisation of NSW across Europe (70 out of 125) and that reporting has worsened because now in several places there is an obligation to report both digitally and on paper/pdf (69 out of 125).

A small majority of the Ship Agents' responses indicated that the implementation of the RFD made the reporting formalities more difficult, however the remaining Ship Agents and two national Ship Agents associations reported overall improvements or no changes. On one side, those that believe that the reporting process was worsened identify the lack of harmonisation of NSW across Europe (21 out of 60) as the main reason. On the other side, those of the view that the reporting process has been improved indicated the digitalisation and the possibility of reporting once (17 out of 60).

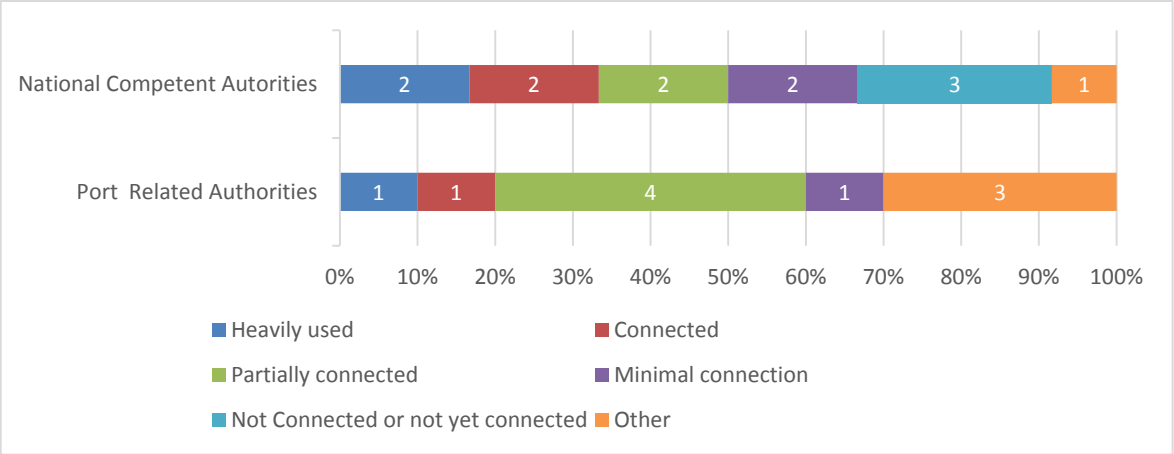
Most of the NCAs were of the opinion that the implementation of the NSW made the reporting process simpler. Half of them (6 out of 11) mentioned the digitalisation of reporting formalities as the main achievement of implementing the RFD and the NSW.

Finally, there is not a prevalent view among Port related Authorities on how the collection of reporting formalities is changed following the implementation of the NSW. Some (6 out of 13) reported that the collection of formalities has been simplified thanks to the reporting once provisions, however four other respondents claimed that their activities become more difficult because of the same reporting once provision.

3.4 Coherence

In the Targeted Consultation, National Competent Authorities and Port-related Authorities were asked whether the NSW was connected to the national SSN for the exchange of information between various competent authorities and Member States.

Figure 10 Is the NSW connected to the nSSN?



Source: Targeted consultations 2017, national competent and other authorities questionnaire replies; see also Evaluation study by Panteia and PwC, p. 58-59

National Competent Authorities and Port-related Authorities provided similar responses. The results are evenly spread across all categories, indicating that circumstances differ significantly between different Member States. As a general rule, the more positive responses ('heavily used', and 'connected') came from authorities located in smaller maritime countries.

The HLSG survey provided similar outcomes: in some cases (e.g. ES, HR, RO and SI) the NSW and SSN are essentially the same system, or systems maintained by the same authority (e.g. IT) so all the information collected in the NSW is available in the nSSN by definition. Others (e.g. BE, FR, LT) have implemented messaging connections between the NSW and SSN systems, and others (e.g. UK) are in the process implementing such connections, and others (e.g. EL) are planning to implement connections in the future.

3.5 EU-Added Value

Given that the majority of ships calling in European ports call in multiple European countries, and that the Member States all request similar information content, arising from international (IMO) and European obligations, there is clear potential for generating European added value by harmonising the reporting process. However, this potential has not been realised due to the limited implementation of the provisions within RFD 2010/65/EU.

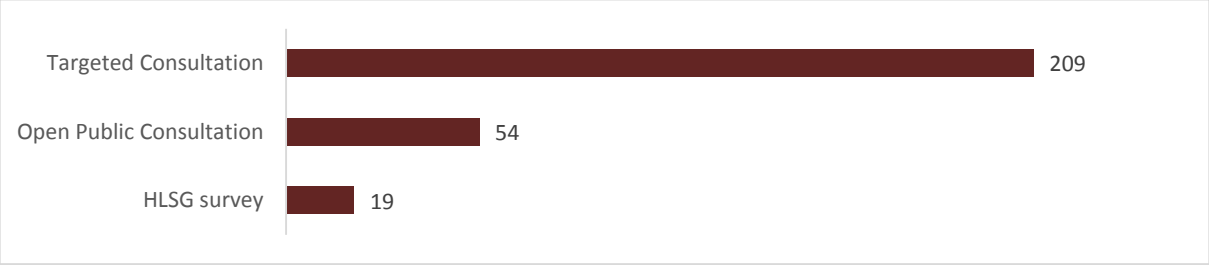
Notably, the majority of Shipping Companies (59 out of 104) reported in the targeted consultations that ships are never exempted from providing the same information in a second port of the same country and another 34 of the 104 respondents replied that only in *some* ports could they be exempted from re-reporting the same data. The majority of all respondents in OPC and TC also conclude that harmonisation of reporting at EU level has not been achieved. Findings from the OPC and Targeted Consultation confirm that digital formats are used in about half of the countries (either in combination with paper

copies or in alternative to those). The majority of shipping companies (84%) and of national competent authorities (77%) replied in the open public consultation that the scope of the RFD should be extended to cover more or all reporting formalities. Overall, this was the view of 72% of those who replied to the question; with 10% replying that the scope should be limited and 17% considering the current scope adequate.

Synopsis Report Annex - Number of respondents and geographical distribution

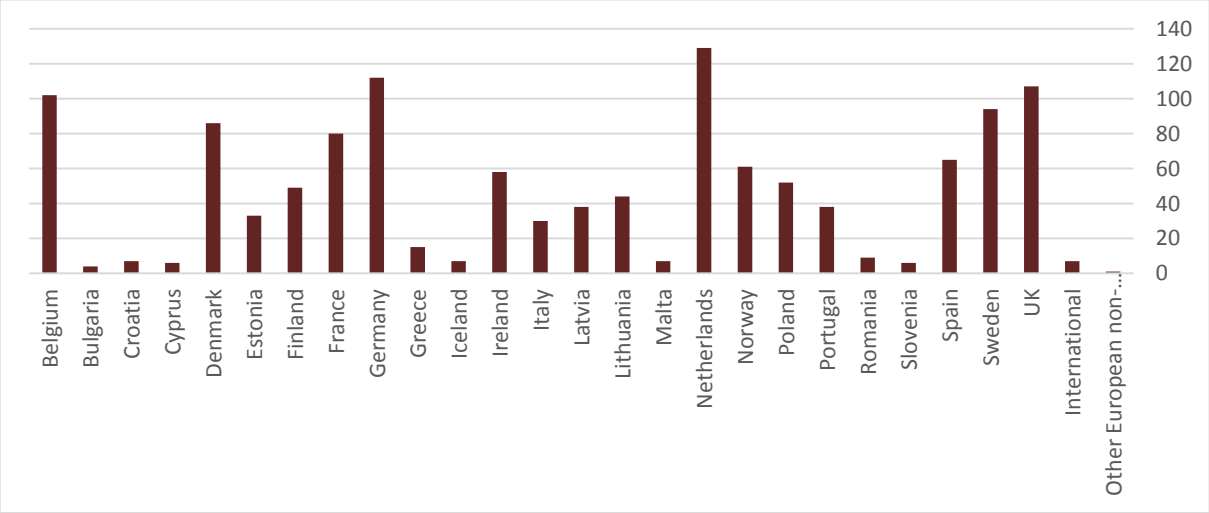
Overall, 282 responses were collected throughout separate consultation tools as presented in the chart below.

Figure 13: Number of responses collected by consultation tool



The Figure below depicts the number of responses collected per country of residence/operation. The chart consolidates responses collected throughout the different consultation tools. It should be noted that respondents from the Shipping Companies group were able to indicate multiple countries of operation.

Figure 14: Number of responses collected per country of residence/operation



The geographical coverage is satisfactory, as all EU Member States have been well represented. BE, DE, NL, and the UK are the most represented countries in terms of number of respondents.

ANNEX 3: EVALUATION QUESTIONS

Effectiveness:

- To what extent have the objectives of the directives been achieved?
- To what extent have the measures adopted in the RFD ensured harmonisation of reporting obligations at national level?
- To what extent have the measures adopted in the RFD contributed to the harmonisation of reporting obligations at EU level?
- Which main factors (e.g. implementation by Member States, action by stakeholders) have contributed to or stood in the way of achieving the objectives?
- Have the directives lead to any positive or negative unexpected effects?

Efficiency:

- Do the costs of the measures in the Directives remain reasonable and proportionate in relation to the benefits?
- What, if any, specific provisions in these instruments can be identified that make a cost-effective implementation more difficult and hamper the maximisation of the benefits? In particular, what is the (unnecessary/cumulative) regulatory burden identified?
- Could the harmonisation and simplification of the reporting be achieved better through a European Single Window?
- Are the reporting requirements efficient? (To what extent) are there overlaps or double reporting?

Relevance:

- To what extent are the objectives of these acts still relevant today?
- To what extent is the current scope of application of the RFD (i.e. EU legal acts and international agreements) adequate for the attainment of the objectives and catering to the needs of the sector?

Coherence:

- To what extent does the Directive fit in well within the framework of the EU maritime transport policy and, more specifically, within the Union's approach to reduce administrative burden? Are there any overlaps, gaps or inconsistencies?
- Are the objectives of the Directives (still) coherent with the EU Transport policy, notably the White Paper on Transport and Maritime Transport Strategy and ten policy areas that are set as priorities by the current European Commission (as announced in July 2014)?

- To what extent is the existing 'linking' between the RFD and the VTMIS, in using the NSW system, coherent with the overall policy objectives? Are the instruments coherent with each other?

European Added Value:

- What added value compared to the international and national regimes on reporting formalities has the RFD introduced?
- What has been the EU added value of this instrument in the context of national horizontal and sector-specific regulations?

ANNEX 4: REVIEW OF ONLINE INFORMATION ON 40 PORTS

A review and analysis of available information online regarding reporting formalities processes in the 40 ports selected as part of the benchmarking exercise was undertaken by PwC and Panteia as part of the external study.

This analysis was based solely on the online information, and it was set to evaluate if the necessary information to fulfil the reporting formalities would be available and accessible. This exercise allowed an assessment of whether a Shipmaster (or any data provider) would be able to do the reporting formalities digitally without the use of local support, or even if he could understand what the process is based on the information available online. Moreover, the presented information was focused on the reporting formalities in each chosen port, and not on the reporting formalities at national level. This approach allowed for verifying the state of play of the National Single Windows in Europe, as well as the differences in reporting between ports of different sizes within the same Member State.

The information presented in the table overleaf was collected from online websites in the period between 24th October 2016 and 18th November 2016.

Port	Country	Does a NSW exist?	Is the NSW Centralised?	Does a communication website exist to explain how the NSW works?	Is the relevant information available in English?	Is the reporting portal accessible via online registration	What formalities can be submitted in the NSW (either centralised or not)?	Where is the additional information reported?
Antwerpen	Belgium	YES, MSW	NO	YES	YES	information not available	FAL1, 5, 6, ISPS and Health	Fal 2 has to be sent to Customs directly, the rest in reported within the PCS
Zeebrugge	Belgium	YES, MSW	NO	YES	YES	information not available	FAL1, 2, 5, 6, ISPS and Health	Information not available
Rijeka	Croatia	YES, CIMIS	YES	YES	NO	NO	All reporting formalities but ENS	Croatian eCustoms system
Split	Croatia	YES, CIMIS	YES	YES PARTIALLY, information on where to do reporting is not available	NO	NO	All reporting formalities but ENS	Croatian eCustoms system
Københavns Havn	Denmark	YES, NSW	YES	YES PARTIALLY, only available for SSN	UNKNOWN	information not available	information not available	Information not available
Esbjerg	Denmark	YES, NSW	YES	YES PARTIALLY, only available for SSN	UNKNOWN	information not available	information not available	Information not available
Grenå	Denmark	YES, NSW	YES	YES PARTIALLY, only available for SSN	UNKNOWN	information not available	information not available	Information not available
Pietarsaari	Finland	YES PORTNET	YES	YES	YES PARTIALLY, information less complete than in Finnish	The authorities need to be contacted in order to get the credentials	All reporting formalities but ENS	ENS is handled in national ICS – system, AREX, operated by Finnish Customs

Port	Country	Does a NSW exist?	Is the NSW Centralised?	Does a communication website exist to explain how the NSW works?	Is the relevant information available in English?	Is the reporting portal accessible via online registration	What formalities can be submitted in the NSW (either centralised or not)?	Where is the additional information reported?
Rauma	Finland	YES PORTNET	YES	YES	YES PARTIALLY, information less complete than in Finnish	The authorities need to be contacted in order to get the credentials	All reporting formalities but ENS	ENS is handled in national ICS – system, AREX, operated by Finnish Customs
Le Havre	France	YES, TRAFFIC2000	NO	NO	NO	NO	information not available	Information not available
Bayonne	France	YES, TRAFFIC2001	NO	NO	NO	NO	information not available	Information not available
Marseille	France	YES, TRAFFIC2002	NO	NO	NO	NO	FAL 5, 6, ISPS	Information not available
Cuxhaven	Germany	YES, NSW	MIXED	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	PARTIALLY, Information is in English, site is in German	The authorities need to be contacted in order to get the credentials	FAL1, 5, 6, 7 and Health	Information not available
Hamburg	Germany	YES, NSW	MIXED	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	PARTIALLY, Information is in English, site is in German	The authorities need to be contacted in order to get the credentials	information not available	Information not available
Kiel	Germany	YES, NSW	MIXED	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	PARTIALLY, Information is in English, site is in German	The authorities need to be contacted in order to get the credentials	FAL1, 5, 6, 7 and Health	Information not available
Volos	Greece	NO	N/A	NO	N/A	N/A	N/A	Information not available

Port	Country	Does a NSW exist?	Is the NSW Centralised?	Does a communication website exist to explain how the NSW works?	Is the relevant information available in English?	Is the reporting portal accessible via online registration	What formalities can be submitted in the NSW (either centralised or not)?	Where is the additional information reported?
Peiraias	Greece	NO	N/A	NO	N/A	N/A	N/A	Information not available
Lavrio	Greece	NO	N/A	NO	N/A	N/A	N/A	Information not available
Dublin	Ireland	YES SafeSeasIreland	YES	YES PARTIALLY, no information on the reporting formalities requested	YES	The authorities need to be contacted in order to get the credentials	information not available	Information not available
Cork	Ireland	YES SafeSeasIreland	YES	YES PARTIALLY, no information on the reporting formalities requested	YES	The authorities need to be contacted in order to get the credentials	information not available	Information not available
Civitavecchia	Italy	YES, PMIS	YES	YES PARTIALLY, limited information on the reporting formalities requested	NO	Data providers do not have access to the NSW directly	All but health declaration	Information not available
Genova	Italy	YES, PMIS	YES	YES PARTIALLY, limited information on the reporting formalities requested	NO	Data providers do not have access to the NSW directly	All but health declaration	Information not available
Monfalcone	Italy	YES, PMIS locale	MIXED	YES PARTIALLY, limited information on the reporting formalities requested	NO	Data providers do not have access to the NSW directly	information not available	Information not available
Delfzijl	Netherlands	YES, unknown if linked to this port	MIXED	YES PARTIALLY, only country information, nothing on this specific port	YES	information not available	information not available	Information not available
Vlissingen	Netherlands	YES, unknown if linked to this port	MIXED	YES PARTIALLY, only country information, nothing on this specific port	YES	information not available	information not available	Information not available

Port	Country	Does a NSW exist?	Is the NSW Centralised?	Does a communication website exist to explain how the NSW works?	Is the relevant information available in English?	Is the reporting portal accessible via online registration	What formalities can be submitted in the NSW (either centralised or not)?	Where is the additional information reported?
Rotterdam	Netherlands	YES, MSW	MIXED	YES	YES	information not available	PAXLIST, all formalities for Customs processesse of entry, exit and provisionsing, ship store statement	Information not available
Gdynia	Poland	YES, unknown if linked to this port	MIXED	information not available	UNKNOWN	information not available	Information not available	Information not available
Szczecin	Poland	YES, unknown if linked to this port	MIXED	information not available	UNKNOWN	information not available	Information not available	Information not available
Sines	Portugal	NO	N/A	NO	YES PARTIALLY, information less complete than in Portuguese	N/A	N/A	Information not available
Lisboa	Portugal	NO	N/A	NO	YES PARTIALLY, information less complete than in Portuguese	N/A	N/A	Information not available
Constanta	Romania	YES, MSW	YES	YES PARTIALLY, very limited information	YES PARTIALLY, information less complete than in Romanian	information not available	All reporting formalities but ENS	Information not available
Galati	Romania	YES, MSW	YES	YES PARTIALLY, very limited information	YES PARTIALLY, information less complete than in Romanian	information not available	All reporting formalities but ENS	Information not available

Port	Country	Does a NSW exist?	Is the NSW Centralised?	Does a communication website exist to explain how the NSW works?	Is the relevant information available in English?	Is the reporting portal accessible via online registration	What formalities can be submitted in the NSW (either centralised or not)?	Where is the additional information reported?
Santander	Spain	YES, DUEPORT	NO	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	YES	NO, accreditation to each decentralised PCS is required and data providers need to contact port authorities	BERMAN, WASDIS, HAZMAT, PAXLIST	Information not available
Barcelona	Spain	YES, DUEPORT	NO	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	YES	NO, accreditation to each decentralised PCS is required and data providers need to contact port authorities	BERMAN, WASDIS, HAZMAT, PAXLIST	Information not available
Castellòn	Spain	YES, DUEPORT	NO	YES PARTIALLY, only at national level whilst the system is decentralised and disharmonised interface	YES	NO, accreditation to each decentralised PCS is required and data providers need to contact port authorities	BERMAN, WASDIS, HAZMAT, PAXLIST	Information not available
Södertälje	Sweden	YES, unknown if linked to this port	YES	YES PARTIALLY, only country information, nothing on this specific port	N/A	N/A	N/A	Information not available
Göteborg	Sweden	YES, MSW	YES	YES	YES	YES	ALL FORMALITIES + SOME UNDER PART C	Information not available
Liverpool	UK	YES, but not operational	YES	YES	YES	Data providers do not have access to the NSW directly	FAL 1, 5, 6	PCS / CERS
Dundee	UK	YES, but not operational	YES	YES	YES	Data providers do not have access to the NSW directly	FAL 1, 5, 6	PCS / CERS
Tyne	UK	YES, but not operational	YES	YES	YES	Data providers do not have access to the NSW directly	FAL 1, 5, 6	PCS / CERS

ANNEX 5: PORT BENCHMARK ANALYSIS – SUMMARY OF FINDINGS

Country	Port d	NSW is present	Removing Redundancies	Once Reporting locally	Once Reporting nationally	Reporting once EU	Digitalisation	Single entry point	Technical Standards	Common procedures	System-to-System?	GUI?	Excel Files?	Could SSN be used for reporting before?	FAL exemptions	Rationalisation	Simplification	Harmonisation	NSW model
BE	Zeebrugge	Yes	Yes	Yes	No	No	Yes	No	Parti-	No	Yes	Yes	Yes	Yes	No	Yes	**No**	**No**	Decentralis
BE	Antwerpen	Yes	Yes	Yes	No	No	Yes	No	Parti-	No	Yes	Yes	Yes	Yes	No	Yes	**No**	**No**	Decentralis
H	Split	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	**Yes**	**Yes**	Centralised
H	Rijeka	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	**Yes**	**Yes**	Centralised
DK	Copenhagen	Yes	Yes	Parti-ally	No	No	Parti-ally	yes	Yes	Parti-ally	Yes	Yes	Yes	Yes	No	Parti-ally	Parti-ally	Parti-ally	Centralised
D	Grenaa	Yes	Yes	Parti-	No	No	Parti-	Yes	Yes	Parti-	Yes	Yes	Yes	Yes	No	Parti-	Parti-	Parti-	Centralised
D	Esjberg	Yes	Yes	Parti-	No	No	Parti-	Yes	Yes	Parti-	Yes	Yes	Yes	Yes	No	Parti-	Parti-	Parti-	Centralised
FI	Rauma	Yes	Yes	Parti-	No	No	Yes	Parti-	Yes	Yes	No	Yes	Yes	Yes	No	Parti-	Parti-	**Yes**	Centralised
FI	Pietarsaari	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Partiall	No	Yes	Yes	Yes	No	Yes	**Yes**	Parti-	Centralised
FR	Le Havre	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes	Yes	Parti-	No	**No**	**No**	Decentralis
FR	Marseille	Yes	Yes	Yes	No	No	Yes	No	No	No	Yes	No	Yes	Yes	Parti-	Yes	**No**	**No**	Decentralis
FR	Brest	Yes	Yes	Yes	No	No	No	No	No	No	No	No	Yes	Yes	Parti-	Yes	**No**	**No**	Decentralis
DE	Hamburg	Yes	Yes	Yes	No	No	Parti-	No	Parti-	No	Yes	Yes	Yes	Yes	No	Yes	**No**	**No**	Mixed
DE	Kiel	Yes	Yes	No	No	No	Parti-	No	Parti-	No	Yes	Yes	Yes	Yes	No	No	**No**	**No**	Mixed
DE	Cuxhaven	Yes	Yes	No	No	No	Parti-	No	Parti-	No	Yes	Yes	Yes	Yes	No	No	**No**	**No**	Mixed
EL	Peiraias	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	**No**	**No**	NA
EL	Lavrio	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	**No**	**No**	NA
EL	Volos	No	No	No	No	No	No	No	No	No	No	No	No	Yes	No	No	**No**	**No**	NA
IE	Cork	Yes	No	No	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No	**No**	**No**	Centralised
IE	Dublin	Yes	No	No	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	No	No	**No**	**No**	Centralised
IT	Genova	Yes	Yes	No	No	No	No	No	Yes	No	Yes	Yes	Yes	No	No	No	**No**	**No**	Centralised

IT	Civitavecchia	Yes	Yes	No	No	No	No	No	Yes	No	Yes	Yes	Yes	No	No	No	**No**	**No**	Centralised
IT	Monfalcone	Yes	Yes	No	No	No	No	No	Yes	No	Yes	Yes	Yes	Yes	No	No	**No**	**No**	Centralised
NL	Rotterdam	Yes	Yes	Parti-	Parti-	No	Parti-	No	Parti-	No	No	No	Yes	Yes	No	Parti-	**No**	**No**	Mixed
NL	Delfzijl	Yes	Yes	Parti-	Parti-	No	Parti-	No	Parti-	No	No	No	Yes	Yes	No	Parti-	**No**	**No**	Mixed
NL	Vlissingen	Yes	Yes	Parti-	Parti-	No	Parti-	No	Parti-	No	No	No	Yes	Yes	No	Parti-	**No**	**No**	Mixed
PL	Gdynia	Yes	Yes	Parti-	No	No	No	Parti-	Yes	No	Yes	Yes	Yes	Yes	Parti-	Parti-	**No**	**No**	Centralised
PL	Szczecin	Yes	Yes	Parti-	No	No	No	Parti-	Yes	No	Yes	Yes	Yes	Yes	Parti-	Parti-	**No**	**No**	Centralised
PT	Lisboa	No	Yes	Yes	No	No	Yes	No	No	No	No	No	No	No	No	Yes	**No**	**No**	NA
PT	Sines	No	Yes	Yes	No	No	Yes	No	No	No	No	No	No	No	No	Yes	**No**	**No**	NA
R	Costanta	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No	No	No	**No**	**No**	Centralised
R	Galati	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	No	No	No	**No**	**No**	Centralised
ES	Barcelona	Yes	No	No	No	No	Parti-	No	No	No	No	Yes	Parti-	No	No	No	**No**	**No**	Decentralis
ES	Castellon	Yes	No	No	No	No	Yes	No	No	No	No	No	Parti-	Yes	No	No	**No**	**No**	Decentralis
ES	Santander	Yes	No	No	No	No	Parti-	No	No	No	No	No	Parti-	No	No	No	**No**	**No**	Decentralis
SE	Gothenburg	Yes	Yes	Yes	No	No	yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Parti-ally	Yes	**Yes**	**No**	Centralised
SE	Sodertalje	Yes	Yes	Parti-	No	No	No	Parti-	Yes	No	Yes	Yes	Yes	Yes	Parti-	Parti-	**No**	**No**	Mixed
U	Dundee	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	Yes	Parti-	No	**No**	**No**	Mixed
U	Tyne	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	Yes	Parti-	No	**No**	**No**	Mixed
UK	Liverpool	Yes	Yes	No	No	No	No	No	Yes	No	No	Yes	Yes	Yes	Parti-ally	No	**No**	**No**	Mixed

ANNEX 6: SUMMARY OF COSTS AND BENEFITS IDENTIFIED

		Citizens/Consumers		Businesses		Administrations	
		Qualitative	Quantitative	Qualitative	Quantitative / monetary	Qualitative	Quantitative / monetary
Administrative burden from reporting	**Economic and recurring cost for shipping industry** Expected to have been further reduced	Negligible (impact primarily on shipping operators)	No quantitative impact	Negative impact on job quality and attractiveness of the profession[116]	Per year, around 4.6 million staff hours spent on reporting; equivalent to a value of around EUR 176 million per year[117]	Negligible (impact primarily on shipping operators)	No quantitative impact
IT costs for digital reporting	**Economic costs (one-off and annual maintenance/operations)** Expected and unavoidable	Negligible (impact primarily on Member States)	No quantitative impact	No qualitative impact	Costs for adapting IT systems vary extremely between shipping operators, e.g. due to how many and which MS they traffic; what format for reporting they mainly use (e.g. machine-to-machine, spreadsheets or Graphic User Interface), size and type of company, etc. Costs for shipping operators' adaptation of IT systems have not been possible to quantify	No qualitative impact	Annual costs of average around EUR 200 000 per Member State and year for maintenance, updates and operation of the National Single Windows. One-off investments in the National Single Windows are reported to range between EUR 300 000 – EUR 12 million (high variation among Member States) [118]
Social costs and benefits		Negligible (impact primarily on shipping operators)	No quantitative impact	Negative impact on job quality and attractiveness of the profession (ship masters)[119]	Impact not quantifiable in detail; problem potentially affecting the 11 000 maritime transport enterprises in the EU; with administrative burden from reporting at 2.2 million port calls per year.[120]	Negligible (impact primarily on shipping operators)	No quantitative impact

[116] Consultations outcome
[117] See section 5.2 on *Efficiency* and *Support study for impact assessment on European Maritime Single Window environment*
[118] See section 5.2 on *Efficiency*
[119] Consultations outcome
[120] Eurostat; *Statistical pocketbook: EU transport in figures 2017*