

SYNOPSIS REPORT¹

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)

1. Introduction

The aim of consultation on RFD 2010/65/EU and VTMIS 2002/59/EC 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 (MS), 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 MSs. EMSA is the European Agency responsible for hosting and managing the central (European) SafeSeaNet (SSN) system, and for managing operational, digital and technical aspects.

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

¹ Version 26 October 2017; revised (see corrigendum in Annex)

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 VTMS 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 VTMS 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 Companies², 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 23rd December 2016 until 7th 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 VTMS 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 system³. It ran for a period of five weeks between 21st February 2017 and 29th March 2017, and focused primarily on the VTMS Directive.

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 MSs, 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. MS 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:

² Including Shipmasters

³ Given that the VTMS 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).

- *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 HC⁴.
- *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.

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 surveys can either include responses from all survey 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 MS, and two non-EU countries,

⁴ The evaluation covers 23 coastal EU MS, plus Norway(NO) and Iceland(IS)

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 VTMISS-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 VTMISS 2002/59/EC

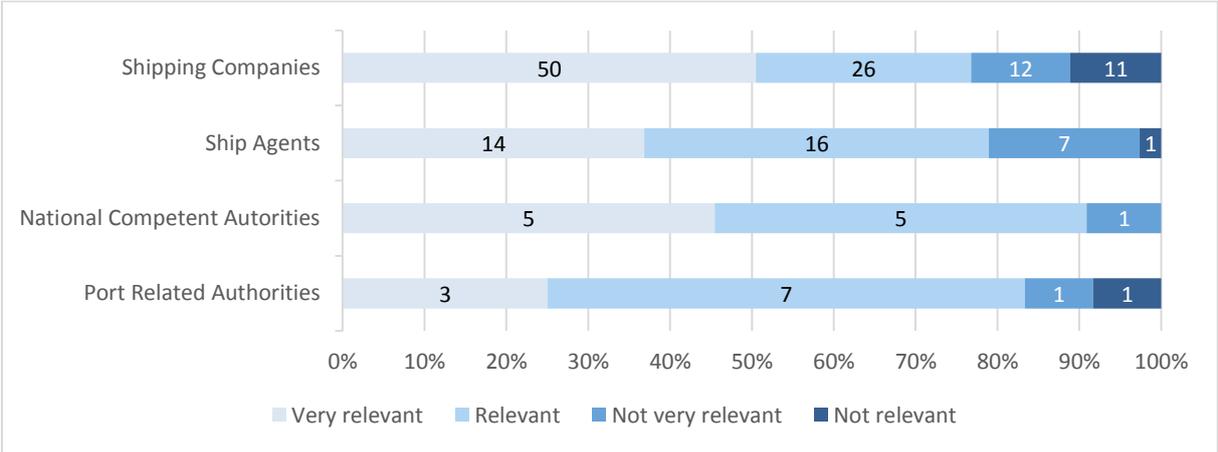
Consultation results are presented under the headings: relevance, effectiveness, efficiency, coherence and EU added value. Results for the two Directives are presented together because they share common goals in terms of maritime transport facilitation and because of the closely-connected SafeSeaNet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

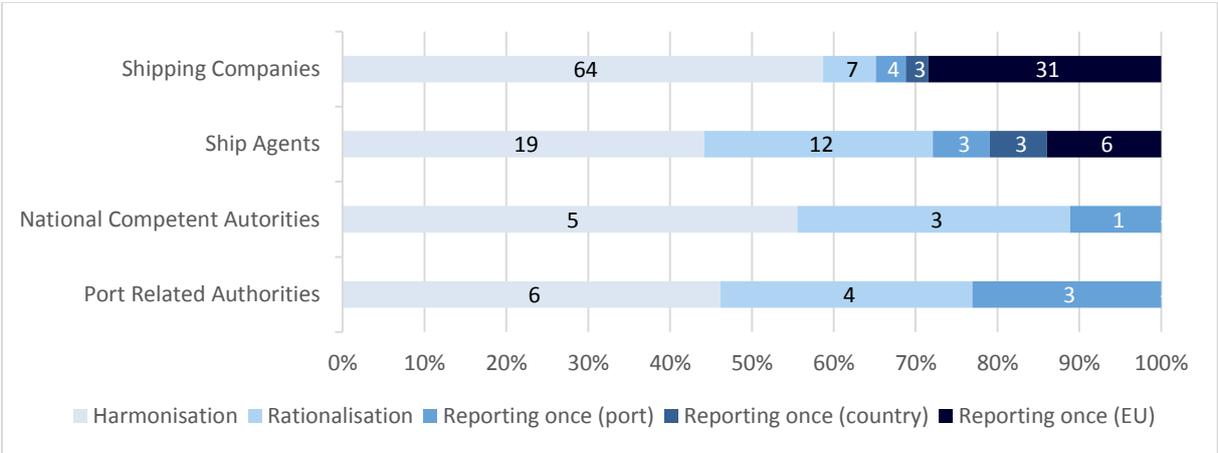


Source: Targeted consultations 2017; Evaluation study by Panteia and PwC, p.53

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 were 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 VTMS Directive’s objectives

The objective of the VTMS 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 VTMS) but also, importantly in this context, for the efficiency of maritime traffic and maritime transport (hence for VTMS 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 MSs co-operating around a common, connected platform, was the correct approach. One MS, 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

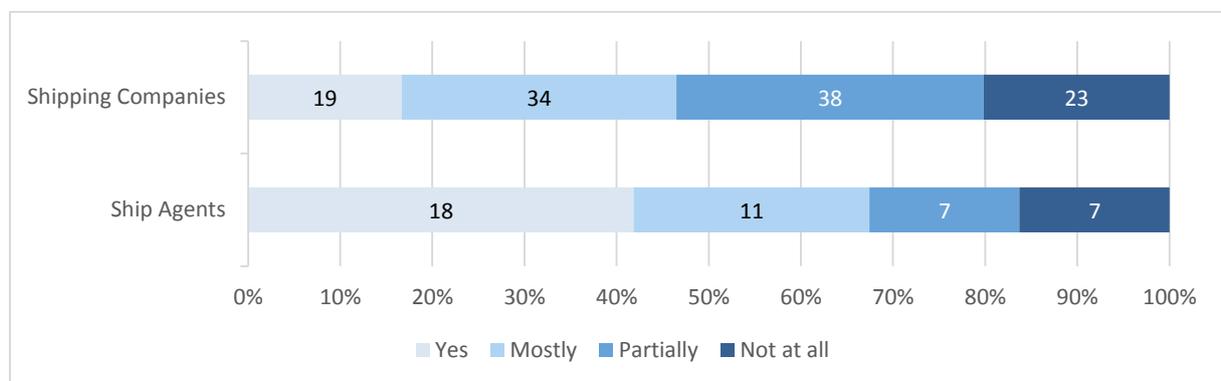
3.2.1 Digitalisation

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 electronic⁵ transmission of information, whereas in the context of the VTMS Directive, it relates to exchange of data.

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 A⁶ and B⁷ 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

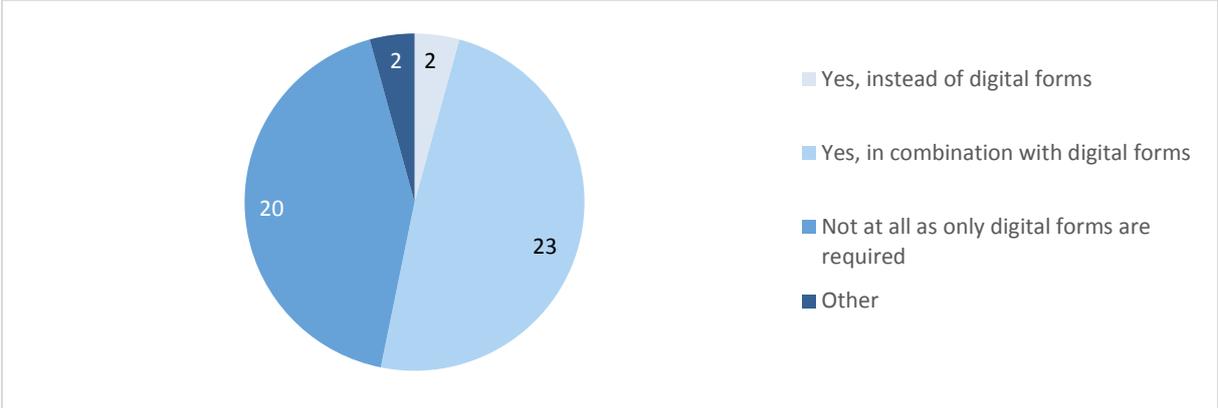
Ship Agents were also asked if paper and PDF forms were still required.

⁵ 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.

⁶ Part A: Reporting formalities resulting from legal acts of the Union.

⁷ Part B: FAL forms and formalities resulting from international legal instruments.

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



Source: Targeted consultations 2017, ship agent questionnaire replies

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

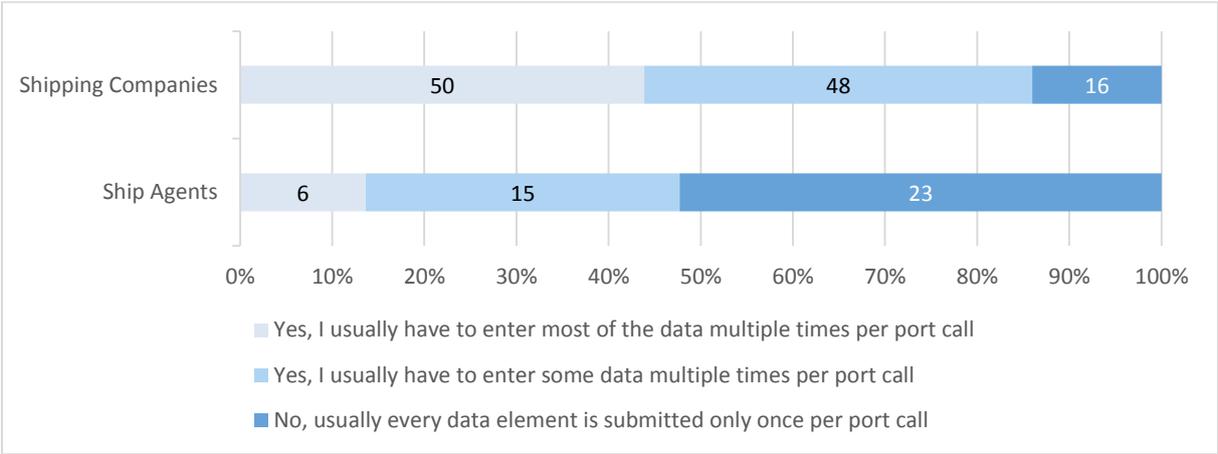
The majority of HLSG respondents were in favour of data sharing between different maritime authorities, with other public sector users (e.g. law enforcement) and for statistical purposes (see paragraph 0). However, there is no real consensus on providing limited access to private sector stakeholders. 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 MS 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

Redundancy in data and information requests

Shipping Companies and Ship Agents were asked about the level of rationalisation 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.

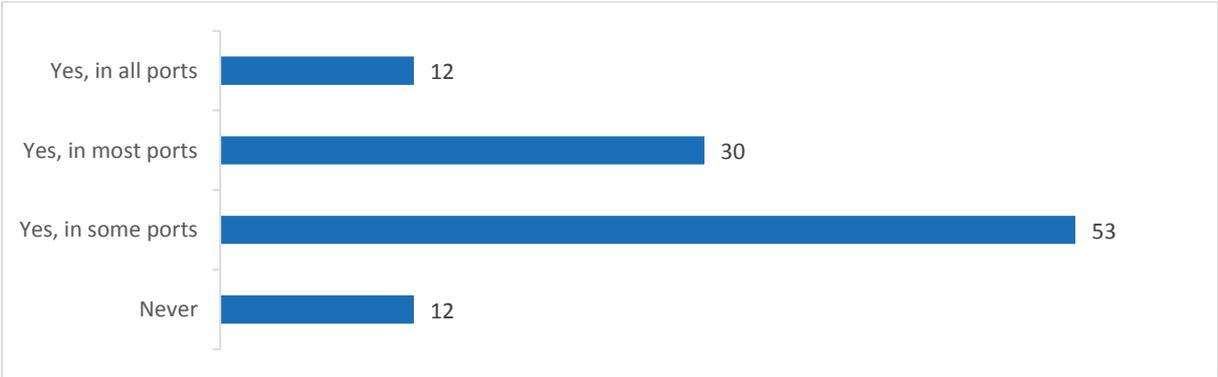
3.2.3 Reporting Once

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 MS to another⁸. 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 MSs. 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

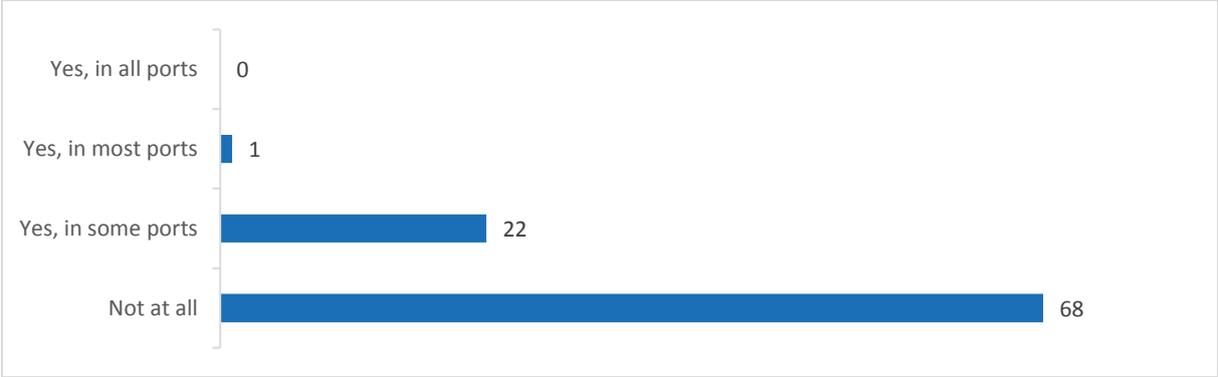
⁸ It should in this context be noted that e.g. requests for information about dangerous goods on board is not a constant one, as not all vessels carry dangerous goods. Furthermore, information on customs or border control is not supposed to be shared via SSN.

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

FAL⁹ 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.

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 MSs 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 lines¹⁰.

Two MSs 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.

⁹ List of documents which public authorities can demand of a ship according to the Convention on Facilitation of International Maritime Traffic (FAL Convention)

¹⁰ See also footnote 5.

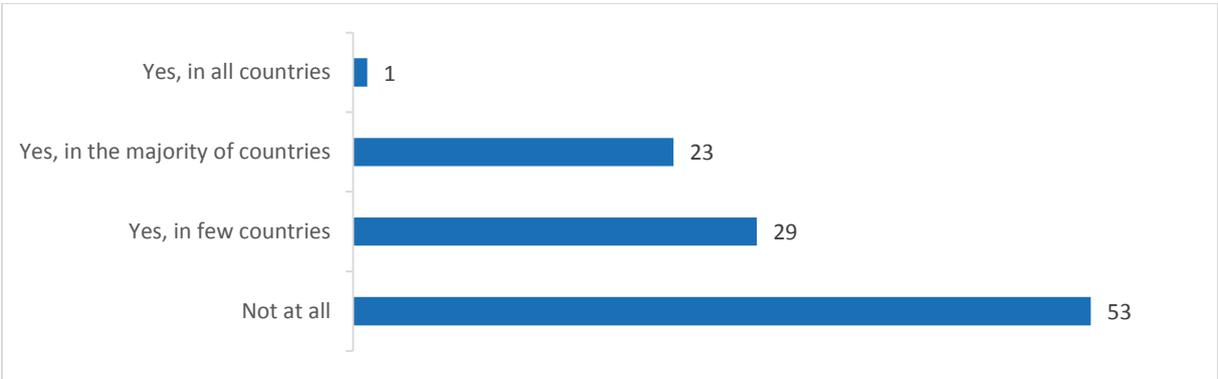
On the other hand, one argued that by enhancing the sharing options (e.g. push-pull of information) burden could be reduced. Another MS argued that re-using departure data (HAZMAT and the security message) for ships operating between EU ports to reduce reporting on arrival (and in Mandatory Reporting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

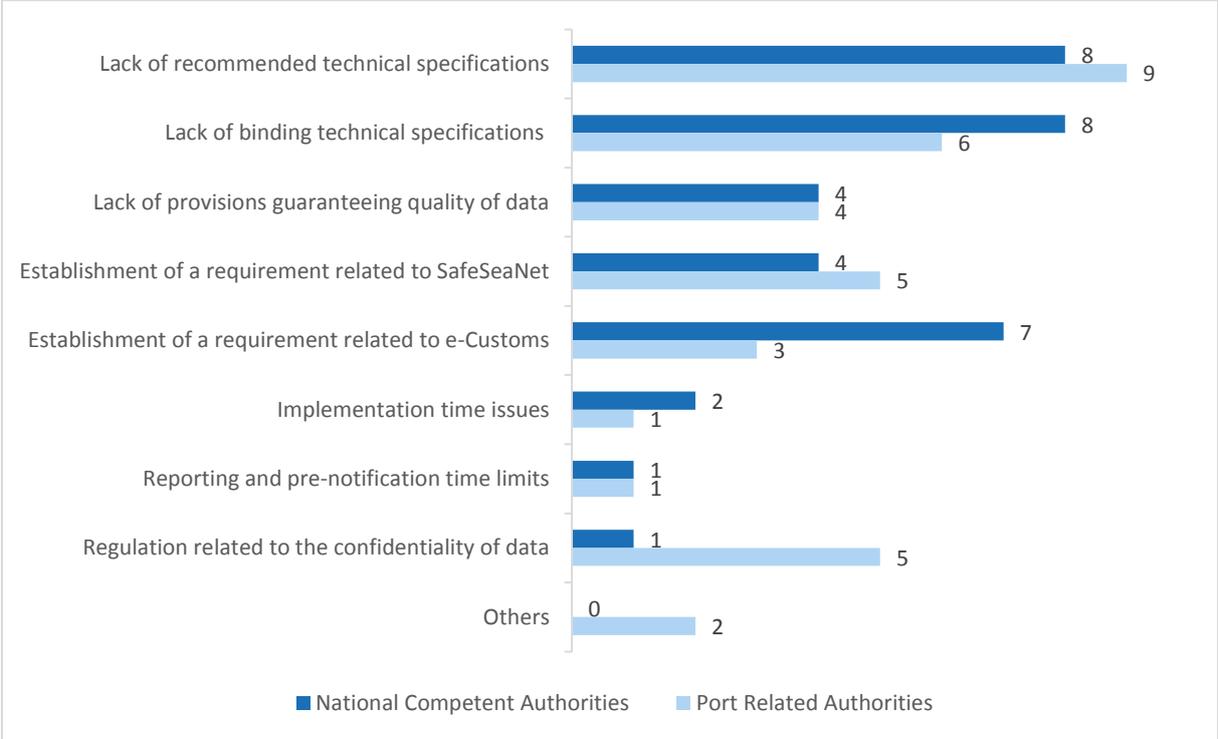
In the HC, when asked about ways to reduce reporting burdens on industry, many respondents (12 out of 21 responses to this issue) commented on the lack of harmonised data standards for data collection via the NSW.

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 MSs 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 VTMS Directive

VTMS 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.

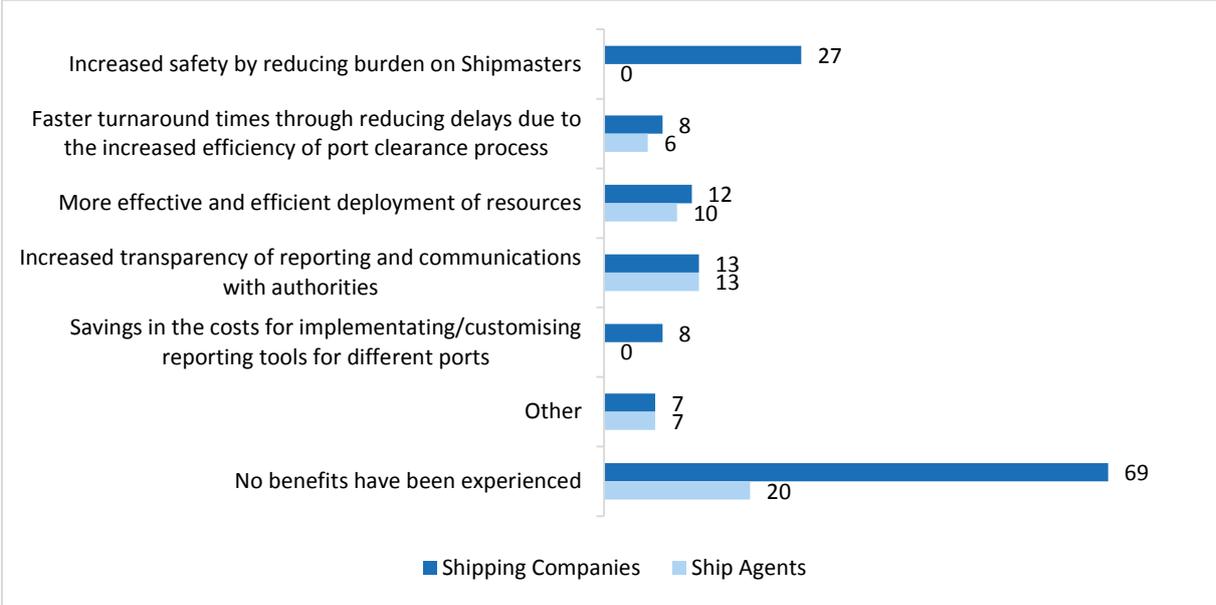
In their comments, some NCAs and Port-related Authorities argued, on one hand, that SSN was (or could potentially be) a good tool for exchanging information, but on the other hand, that SSN had been set up primarily as an incident response system rather than a general information exchange. It was a tool 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

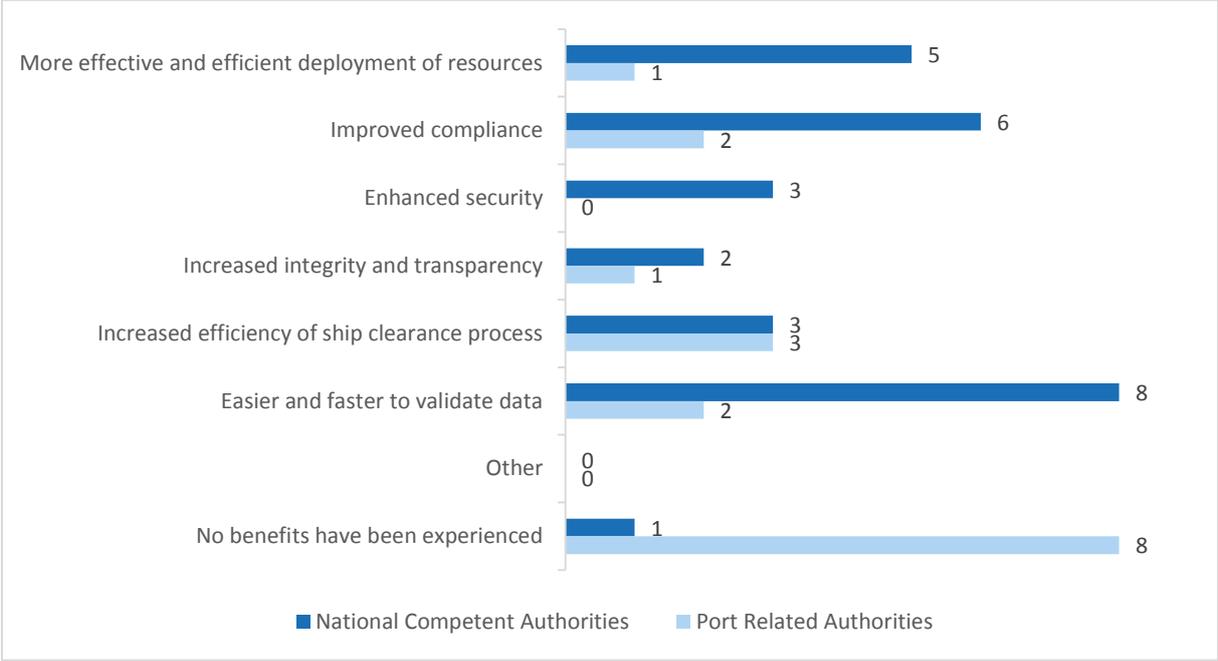
The majority of Shipping Companies (69 out of 113), as well as two national Ship-owners’ Associations, responded that no benefits have been experienced. This was also the most frequent response from Ships Agents (20 of 48). Some of the respondents who reported “Other” indicated that the administrative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

NCA 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 NCA (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.

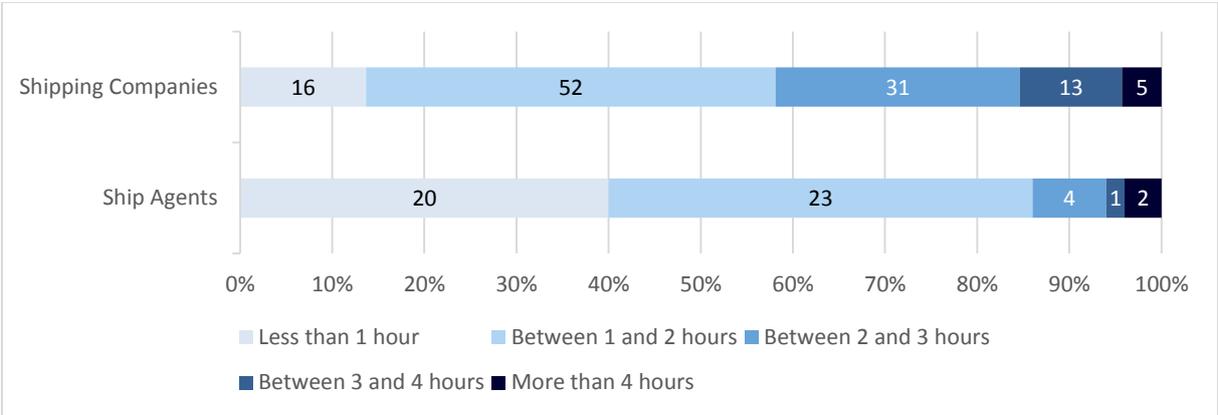
However, other Port-related Authorities reported that they have experienced benefits following the implementation of the system. For instance it was pointed out by 3 out of 13 Port-related Authorities that the ship clearance process has improved as a result of better compliance with regard to the reporting 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.¹¹

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.

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

¹¹ 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”.

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).

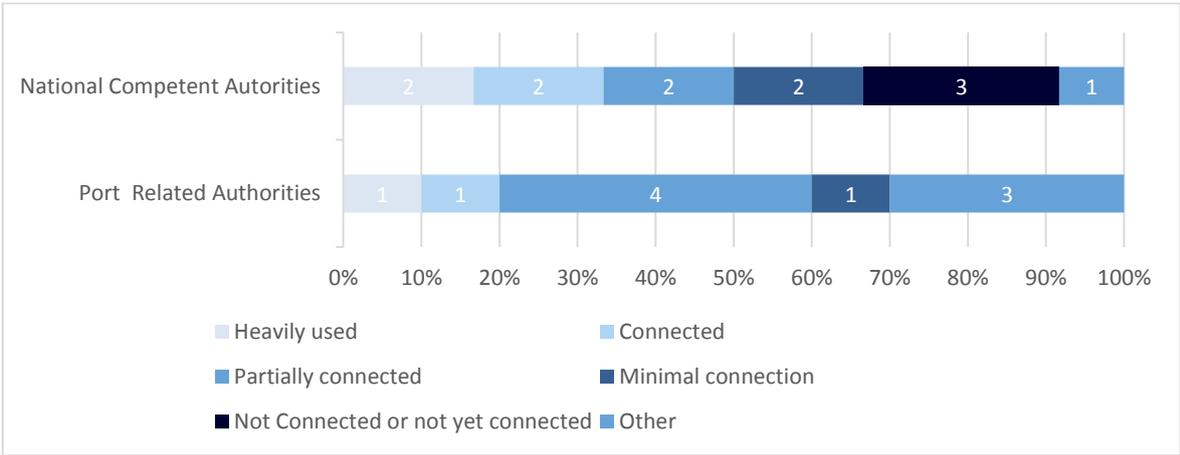
Most of the NCAs were of the opinion that the implementation of the NSW made the reporting process simpler. Half of them (6 out of 11) mentioned the digitalisation of reporting formalities as the main achievement of implementing the RFD and the NSW.

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

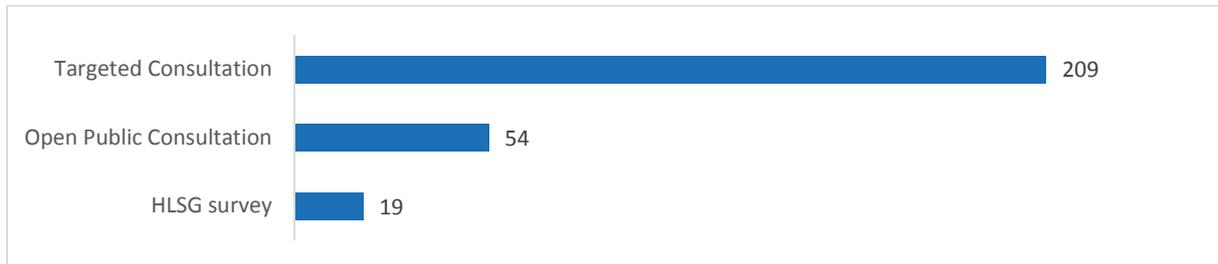
Given that the majority of ships calling in European ports call in multiple European countries, and that the Member States all request similar information content, arising from international (IMO) and European obligations, there is clear potential for generating European added value by harmonising the 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 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.

Annex 1 - Number of respondents and geographical distribution

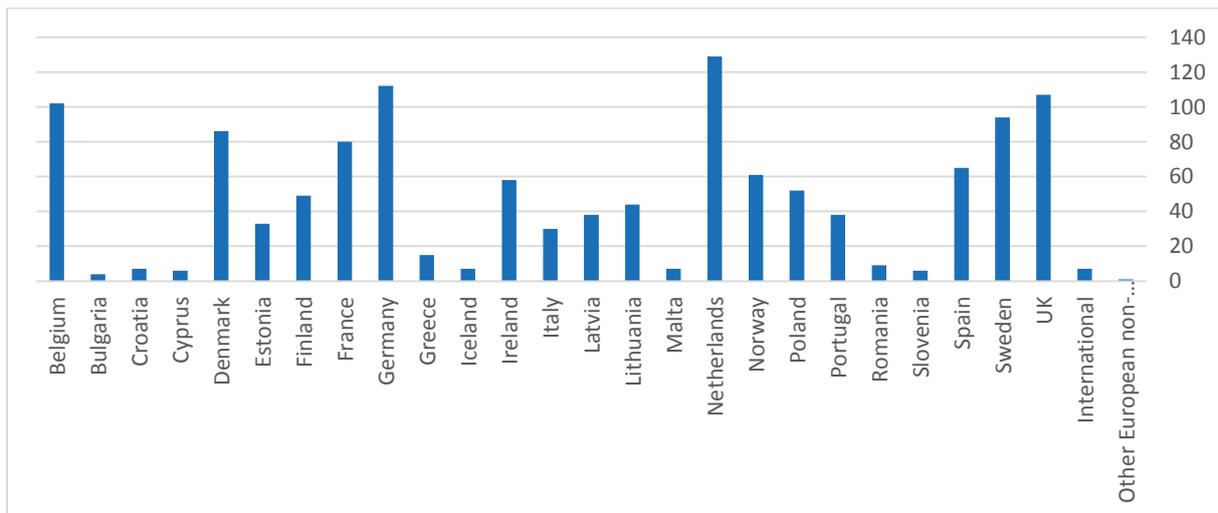
Overall, 282 responses were collected throughout separate consultation tools as presented in the chart below.

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 MSs have been well represented. BE, DE, NL, and the UK are the most represented countries in terms of number of respondents.

Annex 2: Corrigendum 2017-10-26

- P. 3, section 2.3: clarification added on the OPC respondent categories.
“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”
- Text restructuring under chapter 3 (p.4-17): changing order of sub-chapters to present evaluation questions in same order as in the roadmap: relevance, effectiveness, efficiency, coherence and EU added value.
- Figures 1-10: Source references added.
- P. 9, section *FAL form exemptions*: Information added on replies by ship agents.
“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.”
- P.10, section *Harmonisation at country level*: information added to explain why the question was put to shipping companies and not to ship agents.
“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.”
- P. 17, section 3.5 *EU-Added Value* was added to the report.

“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.

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