



**DIRECTIVE 2010/65/EU OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

of 20 October 2010

**on reporting formalities for ships arriving in and/or departing from
ports of the Member States and repealing Directive 2002/6/EC**

(Text with EEA relevance)

Article 1

Subject matter and scope

1. The purpose of this Directive is to simplify and harmonise the administrative procedures applied to maritime transport by making the electronic transmission of information standard and by rationalising reporting formalities.
2. This Directive shall apply to the reporting formalities applicable to maritime transport for ships arriving in and ships departing from ports situated in Member States.
3. This Directive shall not apply to ships exempted from reporting formalities.

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (a) ‘reporting formalities’ means the information set out in the Annex which, in accordance with the legislation applicable in a Member State, must be provided for administrative and procedural purposes when a ship arrives in or departs from a port in that Member State;
- (b) ‘FAL Convention’ means the IMO Convention on Facilitation of International Maritime Traffic, adopted on 9 April 1965, as amended;
- (c) ‘FAL forms’ means the standardised forms, as provided for in the FAL Convention;
- (d) ‘ship’ means any seagoing vessel or craft;
- (e) ‘SafeSeaNet’ means the Union maritime information exchange system as defined in Directive 2002/59/EC;
- (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.

Article 3

Harmonisation and coordination of reporting formalities

1. Each Member State shall take measures to ensure that the reporting formalities are requested in a harmonised and coordinated manner within that Member State.

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2. The Commission shall, in cooperation with the Member States, develop mechanisms for the harmonisation and coordination of reporting formalities within the Union.

*Article 4***Notification prior to arrival into ports**

Subject to specific provisions on notification provided for in the applicable legal acts of the Union or under international legal instruments applicable to maritime transport and binding on the Member States, including provisions on control of persons and goods, Member States shall ensure that the master or any other person duly authorised by the operator of the ship provides notification, prior to arriving in a port situated in a Member State, of the information required under the reporting formalities to the competent authority designated by that Member State:

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

*Article 5***Electronic transmission of data**

1. Member States shall accept the fulfilment of reporting formalities in electronic format and their transmission via a single window as soon as possible and in any case no later than 1 June 2015.

This single window, linking SafeSeaNet, e-Customs and other electronic systems, shall be the place where, in accordance with this Directive, all information is reported once and made available to various competent authorities and the Member States.

2. Without prejudice to the relevant format set out in the FAL Convention, the format referred to in paragraph 1 shall comply with Article 6.

3. Where reporting formalities are required by legal acts of the Union and to the extent necessary for the good functioning of the single window established pursuant to paragraph 1, the electronic systems referred to in paragraph 1 must be interoperable, accessible and compatible with the SafeSeaNet system established in accordance with Directive 2002/59/EC and, where applicable, with the computer systems stipulated in Decision No 70/2008/EC of the European Parliament and of the Council of 15 January 2008 on a paperless environment for customs and trade⁽¹⁾.

⁽¹⁾ OJ L 23, 26.1.2008, p. 21.

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4. Without prejudice to specific provisions on customs and border control set out in Regulation (EEC) No 2913/92 and Regulation (EC) No 562/2006, Member States shall consult economic operators and inform the Commission of progress made using the methods stipulated in Decision No 70/2008/EC.

*Article 6***Exchange of data**

1. Member States shall ensure that information received in accordance with the reporting formalities provided in a legal act of the Union is made available in their national SafeSeaNet systems and shall make relevant parts of such information available to other Member States via the SafeSeaNet system. Unless otherwise provided by a Member State, this shall not apply to information received pursuant to Regulation (EEC) No 2913/92, Regulation (EEC) No 2454/93, Regulation (EC) No 562/2006 and Regulation (EC) No 450/2008.

2. Member States shall ensure that the information received in accordance with paragraph 1 is accessible, upon request, to the relevant national authorities.

3. The underlying digital format of the messages to be used within national SafeSeaNet systems in accordance with paragraph 1 shall be established in accordance with Article 22a of Directive 2002/59/EC.

4. Member States may provide relevant access to the information referred to in paragraph 1 either through a national single window via an electronic data exchange system or through the national SafeSeaNet systems.

*Article 7***Information in FAL forms**

Member States shall accept FAL forms for the fulfilment of reporting formalities. Member States may accept that information required in accordance with a legal act of the Union is provided in a paper format until 1 June 2015 only.

*Article 8***Confidentiality**

1. Member States shall, in accordance with the applicable legal acts of the Union or national legislation, take the necessary measures to ensure the confidentiality of commercial and other confidential information exchanged in accordance with this Directive.

2. Member States shall take particular care to protect commercial data collected under this Directive. In respect of personal data, Member States shall ensure that they comply with Directive 95/46/EC. The Union institutions and bodies shall ensure that they comply with Regulation (EC) No 45/2001.

*Article 9***Exemptions**

Member States shall ensure that ships falling within the scope of Directive 2002/59/EC and operating between ports situated in the customs territory of the Union, but which do not come from, call at or are headed towards a port situated outside that territory or a free zone subject to type I controls under customs legislation, are exempt from the obligation to send the information referred to in the FAL forms, without prejudice to the applicable legal acts of the Union and the possibility that Member States may request information in the FAL forms referred to in points 1 to 6 of Part B of the Annex to this Directive which is necessary to protect internal order and security and to enforce customs, fiscal, immigration, environmental or sanitary laws.

*Article 10***Amendment procedure**

1. The Commission may adopt delegated acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union, as regards the Annex to this Directive, so as to ensure that account is taken of any relevant changes to the FAL forms introduced by the IMO. These amendments shall not have the effect of widening the scope of this Directive.

2. For the delegated acts referred to in this Article, the procedures set out in Articles 11, 12 and 13 shall apply.

*Article 11***Exercise of the delegation**

1. The power to adopt the delegated acts referred to in Article 10 shall be conferred on the Commission for a period of 5 years from 18 November 2010. The Commission shall make a report in respect of the delegated powers at the latest 6 months before the end of the 5-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 12.

2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 12 and 13.

*Article 12***Revocation of the delegation**

1. The delegation of powers referred to in Article 10 may be revoked by the European Parliament or by the Council at any time.

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2. The institution which has commenced an internal procedure for deciding whether to revoke the delegation of powers shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated powers which could be subject to revocation and possible reasons for a revocation.

3. The decision of revocation shall put an end to the delegation of the powers specified in that decision. It shall take effect immediately or at a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

*Article 13***Objections to delegated acts**

1. The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification.

At the initiative of the European Parliament or the Council that period shall be extended by 2 months.

2. Where, on expiry of the initial 2-month period or, if applicable, the extended period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and enter into force on the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of the initial 2-month period or, if applicable, the extended period where the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3. Where the European Parliament or the Council objects to a delegated act, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

*Article 14***Transposition**

1. Member States shall adopt and publish, by 19 May 2012 the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 19 May 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 15***Report**

The Commission shall report to the European Parliament and the Council, by 19 November 2013, on the functioning of this Directive, including on the:

- (a) possibility of extending the simplification introduced by this Directive to cover inland waterway transport;
- (b) compatibility of the River Information Services with the electronic data transmission process referred to in this Directive;
- (c) progress towards harmonisation and coordination of reporting formalities that has been achieved under Article 3;
- (d) feasibility of avoiding or simplifying formalities for ships that have called at a port in a third country or free zone;
- (e) available data concerning ship traffic/movement within the Union, and/or calling at third country ports or in free zones.

The report shall, if appropriate, be accompanied by a legislative proposal.

*Article 16***Repeal of Directive 2002/6/EC**

Directive 2002/6/EC shall be repealed as of 19 May 2012. Any references to the repealed Directive shall be construed as references to this Directive.

*Article 17***Addressees**

This Directive is addressed to the Member States.

▼B*ANNEX***LIST OF REPORTING FORMALITIES REFERRED TO IN THIS DIRECTIVE****A. Reporting formalities resulting from legal acts of the Union**

This category of reporting formalities includes the information which shall be provided in accordance with the following provisions:

1. Notification for ships arriving in and departing from ports of the Member States

Article 4 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p. 10).

2. Border checks on persons

Article 7 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1).

3. Notification of dangerous or polluting goods carried on board

Article 13 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system.

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4. Notification of waste from ships, including residues

Articles 6, 7 and 9 of Directive (EU) 2019/883 of the European Parliament and the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116).

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5. Notification of security information

Article 6 of Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).

Until the adoption of a harmonised form at international level, the form set out in the Appendix to this Annex shall be used for the transmission of information required under Article 6 of Regulation (EC) No 725/2004. The form can be transmitted electronically.

6. Entry summary declaration

Article 36a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1) and Article 87 of Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code) (OJ L 145, 4.6.2008, p. 1).

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7. Information on persons on board

Articles 4(2) and 5(2) of Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).

▼ B**B. FAL forms and formalities resulting from international legal instruments**

This category of reporting formalities includes the information which shall be provided in accordance with the FAL Convention and other relevant international legal instruments.

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

C. Any relevant national legislation

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



Appendix

SHIP PRE-ARRIVAL SECURITY INFORMATION FORM FOR ALL SHIPS PRIOR TO ENTRY INTO THE PORT OF AN EU MEMBER STATE

(1974 International Convention for the Safety of Life at Sea (SOLAS) Regulation 9 of Chapter XI-2 and Article 6(3) of Regulation (EC) No 725/2004)

Particulars of the ship and contact details

IMO number		Name of ship	
Port of registry		Flag State	
Type of ship		Call sign	
Gross tonnage		Inmarsat call numbers (if available)	
Name of company and company identification number		CSO name and 24 hour contact details	
Port of arrival		Port facility of arrival (if known)	

Port and port facility information

Expected date and time of arrival of the ship in port (ETA)	
Primary purpose of call	

Information required by SOLAS Regulation 9.2.1 of Chapter XI-2

Does the ship have a valid International Ship Security Certificate (ISSC)?	YES	ISSC	NO — why not?	Issued by (name of Administration or RSO)	Expiry date (dd/mm/yyyy)	
Does the ship have an approved SSP on board?	YES	NO	Security level at which the ship is currently operating?	Security Level 1	Security Level 2	Security Level 3
Location of ship at the time this report is made						

List the last 10 calls at port facilities in chronological order (most recent call first):

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No	Date from (dd/mm/ yyyy)	Date to (dd/ mm/yyyy)	Port	Country	UN/LOCODE (if available)	Port facility	Security level
1							SL =
2							SL =
3							SL =
4							SL =
5							SL =
6							SL =
7							SL =
8							SL =
9							SL =
10							SL =

Did the ship take any special or additional security measures, beyond those in the approved SSP?
If the answer is YES, indicate below the special or additional security measures taken by the ship.

YES	NO
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No (as above)	Special or additional security measures taken by the ship
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

List the ship-to-ship activities, in chronological order (most recent first), which were carried out during the last 10 calls at port facilities listed above. Expand table below or continue on separate page if necessary — insert total number of ship-to-ship activities:

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Were the ship security procedures specified in the approved SSP maintained during each of these ship-to-ship activities? If NO, provide details of the security measures applied in lieu in the final column below.						YES	NO	
No	Date from (dd/mm/yyyy)	Date to (dd/mm/yyyy)	Location or longitude and latitude	Ship-to-ship activity	Security measures applied in lieu			
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
General description of the cargo aboard the ship								
Is the ship carrying any dangerous substances as cargo covered by any of Classes 1, 2.1, 2.3, 3, 4.1, 5.1, 6.1, 6.2, 7 or 8 of the IMDG Code?				YES	NO	If YES, confirm Dangerous Goods Manifest (or relevant extract) is attached		
Confirm a copy of the ship's crew list is attached				YES	Confirm a copy of the ship's passenger list is attached		YES	
Other security-related information								
Is there any security-related matter you wish to report?				YES	Provide details:			NO
Agent of ship at intended port of arrival								
Name:				Contact details (Tel. No):				
Identification of person providing the information								
Title or Position (delete as appropriate): Master/SSO/CSO/Ship's agent (as above)				Name:		Signature:		
Date/time/place of completion of report								