

Opinion of the European Economic and Social Committee on ‘Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU’

(COM(2018) 278 *final* — 2018/0139 (COD))

and on ‘Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information’

(COM(2018) 279 *final* — 2018/0140 (COD))

(2019/C 62/41)

Rapporteur: **Stefan BACK**

Referral	European Parliament, 11.6.2018 Council, 14-15.6.2018
Legal basis	Article 91, 100(2), 192(1), 304 of the Treaty on the Functioning of the European Union
Section responsible	Section for Transport, Energy, Infrastructure and the Information Society
Adopted in section	4.10.2018
Adopted at plenary	17.10.2018
Plenary session No	538
Outcome of vote (for/against/abstentions)	210/2/2

1. Conclusions and recommendations

1.1. The EESC welcomes both proposals as important steps toward the digitalisation of transport, which is one of the aims of the 2011 White Paper on transport policy and a step in the implementation of the new industrial strategy presented by the Commission in October 2017, as well as the 5 December 2017 conclusions of the Council of Ministers on the digitalisation of transport and the Digital Transport Days Declaration signed in Tallinn on 10 November 2017.

1.2. The EESC supports the form of legislative act chosen; experience shows that clear and mandatory obligations on Member States are a necessity if an electronic information system is to work adequately across the European Union.

1.3. Each proposal aims at an adequate degree of harmonisation considering the tasks to be fulfilled.

1.4. The EESC underlines that the adequacy of the standard and certification requirements to be defined by the Commission in delegated or implementing acts will be of key importance to the correct operation of the planned concepts and to the confidence of users in digital solutions. With regard to the freight information proposal, this could be key to the possibilities of making this system mandatory, not only for authorities, but also for users.

1.5. The EESC believes that flawless functioning of the systems, ensuring security, integrity of communications, privacy and confidentiality of commercial and, as appropriate, other sensitive information, are key elements for creating confidence. The EESC draws attention to the ongoing work in the Economic Commission for Europe (UNECE) of the UN Economic and Social Council to ensure high and universal standards in this regard.

1.6. The EESC would like to see the rapid development of the Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information [COM(2018)279] (the Freight Information proposal) into a system that is also mandatory for users in order to optimise efficiency gains, cost reductions and environmental added value. A suitable occasion to do this could be the review of the Regulation provided for in Article 15 of the proposal.

1.7. The EESC also regrets that the scope of the Freight Information proposal appears to be limited to information requirements set out in Union acts regarding the conditions under which transport may be performed under the Chapter on transport in the TFEU. The EESC takes the view that the benefits of digitalisation should also apply to other administrative requirements regarding such transport operations. Point 3.8 below contains a drafting suggestion. It is important to send a general signal in this sense, without prejudice to existing or future dedicated provisions.

1.8. The EESC also draws attention to the potential added value of being able to submit electronic information to authorities worldwide in accordance with harmonised standards such as those being developed by UNECE.

1.9. Specifically, regarding the Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU [COM(2018) 278] (the Maritime Single Window proposal), the EESC is concerned that the option left open for specific national requirements could easily turn into an obstacle to the smooth functioning of the internal market. The EESC expects that the implementation of this option will be closely monitored by the Commission and that a continuous dialogue between the Commission and the Member States will help to limit specific national requirements.

1.10. The EESC points to the importance of addressing the social effects of digitalisation in this context too. This includes providing early information, establishing a dialogue, addressing the changing character of jobs and the need to develop new skills, and enabling the workforce to adapt to the new context. In the opinion of the EESC, digitalisation of the transport sector may make it more attractive as a workplace and therefore help to resolve current recruitment problems in the sector.

2. The Commission Proposals

2.1. The Commission has submitted two connected proposals, namely the:

- Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU [COM(2018) 278] (the Maritime Single Window proposal); and the
- Proposal for a Regulation of the European Parliament and of the Council on electronic freight transport information [COM(2018) 279] (the Freight Information proposal).

2.2. Both proposals are functionally interlinked, since they both establish a system for electronic communication between companies and public authorities to facilitate control of compliance with a number of legal obligations through a system that guarantees the authentic character of the information provided as well as the integrity of the information provided and respect of privacy requirements.

2.3. The Maritime Single Window proposal is to replace Directive 2010/65/EU, which had a similar objective but which has proven inefficient because it gave Member States too much leeway in implementation, leading to varying standards, routines and coverage of digitised notification, and resulting in an increased administrative burden for shipping and a residue of administrative routines to be accomplished manually.

2.4. It appears that the Maritime Single Window system as such is open to all ships legally subject to reporting obligations when entering ports of the Member States.

2.5. The Freight Information proposal is aimed at establishing an obligation on Member State authorities to accept electronic documentation for the purpose of complying with the obligation on businesses to submit documents to prove compliance with requirements under a number of EU legislative acts concerning the transport of goods as well as the conditions for the shipment of waste. To this end, the Freight Information proposal creates an electronic freight transport information (eFTI) system consisting of a service provision framework including a common data set, procedures and access rules, requirements for eFTI platforms and services and a certification system.

2.6. The option provided for in the Freight Information proposal is available to operators subject to the legal information or documentation obligations set out in the proposal.

3. General comments

3.1. The EESC welcomes both proposals, which pursue the general aim of digitising transport set out originally in the 2011 transport policy White Paper and thereafter pursued in, for instance, the Digital Single Market strategy and the new industrial strategy presented by the Commission in October 2017, as well as the 5 December 2017 conclusions of the Council of Ministers on the digitalisation of transport as a follow-up to the Digital Transport Days Declaration signed in Tallinn on 10 November 2017.

3.2. The EESC reiterates its support for innovative solutions and supports the form of legislative act chosen, considering that clear and mandatory obligations on Member States are a necessity if an electronic information system is to work adequately across the European Union.

3.3. In this context, the EESC calls to mind its warnings about problematic implementation — because its substance is predominantly non-mandatory — of the directive that the Maritime Single Windows proposal would, if adopted, repeal.

3.4. That said, the EESC agrees that it may be necessary to strike a balance between full harmonisation and interoperability. Clearly, there is a need for far-reaching harmonisation in the context of a system that is to facilitate clearance of ships arriving at and leaving EU ports, which will for instance require a flawlessly functioning interface between ship and shore with harmonised standards and procedures. A lesser degree of harmonisation may be accepted in a system that basically serves to ensure adequate and secure procedures for making available to public authorities the documents needed to ensure compliance with EU legislation.

3.5. Against this background, the EESC considers that each of the two proposals seeks the right level of harmonisation.

3.6. The EESC takes note of the fact that the Freight Information proposal essentially creates an option, not an obligation, to enable the submission of documents in electronic form. The EESC accepts the reasons for this choice at this point in time but would nevertheless like to see a rapid evolution towards a mandatory system, considering the facilitation of compliance monitoring at all times that this would entail, and the reduced volumes of paper it would mean, particularly for operational staff such as lorry drivers. A suitable occasion to address this issue could be the review of the Regulation provided for in Article 15 of the proposal.

3.7. The Freight Information proposal, according to its Article 1(2), applies to 'regulatory information requirements set out in Union acts laying down the conditions for the transport of goods on the territory of the Union in accordance with Title VI of Part Three of the Treaty or laying down the conditions for the shipments of waste'. The EESC wonders whether this does not excessively circumscribe the right to submit information and documents in electronic form. The Union acts enumerated in Annex I to the Freight Information proposal only appear to be those directly addressing market access conditions.

3.8. The EESC considers that other administrative documentation or information requirements could also benefit from the right of submission in electronic form. Examples of this are for instance posting notifications and information to be provided in the context of posting of workers, or information provided to prove compliance with the provisions on driving and resting time. In the EESC's view, the scope of the proposal could be widened by adding the words 'and other provisions concerning' between the words 'conditions for' and 'the transport of goods' in Article 1(2). The EESC considers that it is important to send a general signal in this sense, without prejudice to existing or future dedicated provisions.

3.9. The EESC also points to the sustainability aspect of reducing the volumes of printed paper, as also mentioned in the Freight Information proposal.

3.10. The EESC takes note of the specific provisions in both proposals to ensure confidentiality of commercial and, in the case of the Maritime Single Window, other sensitive information. Furthermore, the EESC would like to draw attention to the high levels of security against tampering and the high level of protection of privacy inherent in a well-conceived and well-managed Pipeline Data Exchange Structure.

3.11. The EESC points out the importance of the ongoing work in UNECE on the issues set out in point 3.10 above, and in particular its White Paper on a Data Pipeline Concept for Improving Data Quality in the Supply Chain. In the opinion of the EESC, this is a further argument for making electronic documentation mandatory to the widest extent possible.

3.12. The EESC draws attention here to the potential added value of being able to submit electronic information to authorities worldwide in accordance with harmonised standards such as those being developed by UNECE.

3.13. With respect to both proposals, the Commission has a vital task in developing standards and certification criteria. The EESC underlines that a framework that inspires confidence and that works well without unnecessary complexity is essential for the proposed systems to work well and deliver the planned added value. It is also an essential element in creating confidence in digital solutions over the entire transport sector.

3.14. The EESC points to the need to address the social aspects of digitalisation in this context too. Clearly digitalisation will change the working environment, create new jobs and require new skills; it is important to address in good time the need to enable the workforce to adapt to the new context. The EESC also underlines the importance of providing early information and enabling a dialogue on changes to come. In the EESC's view, digitalisation of the transport sector may make it more attractive as a future workplace and therefore help to resolve the current recruitment problems in the sector.

4. Specific comments

4.1. *The Maritime Single Windows proposal*

4.1.1. Compared to Directive 2010/65/EU, the Maritime Single Window proposal is very complete. It appears to provide an adequate framework to facilitate arrival and departure formalities and therefore seems to have eliminated the missing elements and the lack of harmonisation that produced adverse effects for users in the implementation of Directive 2010/65/EU.

4.1.2. The EESC agrees with the choice of the Commission not to propose an EU Single Window, but rather, National Single Windows. Although there are strong reasons in favour of an EU-level Single Window, a solution built on National Single Windows will avoid sunk costs arising from national-level investments already made, and allow for such specific national administrative requirements as may be necessary.

4.1.3. The EESC underscores that harmonisation aimed at facilitating the smooth operation of the internal market is a key element in the proposal and that it is important to ensure that this is not lost.

4.1.4. The EESC therefore has some misgivings about the option left open for specific national requirements, which could easily turn into obstacles to the smooth functioning of the internal market. The EESC therefore calls on the Commission to closely monitor specific national requirements from an internal market perspective and pursue a continuous dialogue with Member States in order to limit specific national requirements as far as possible.

4.2. *The Freight Information proposal*

4.2.1. The EESC takes particular note of the significant role that will be played by the implementing and delegated acts to be adopted by the Commission under this proposal and stresses the importance of those coming rapidly into effect since they are key to the proper functioning of the proposed Regulation.

4.2.2. In this regard, the EESC would draw the attention of the Commission to the above-mentioned UNECE White Paper and the elements of a Pipeline Data Exchange Structure (PDES) described therein as a useful structure for ensuring a secure and tamper-proof system for data exchange at different stages in the transport pipeline.

4.2.3. The EESC refers to the statements above about the high security of a well-conceived and well-implemented system for the exchange of electronic documents and reiterates that, in particular with respect to the compliance monitoring objective of this proposal, there is a good case for considering making electronic documentation mandatory in the context of the review of the Regulation provided for in Article 15 of the Freight Information proposal.

Brussels, 17 October 2018.

The President
of the European Economic and Social Committee
Luca JAHIER
