



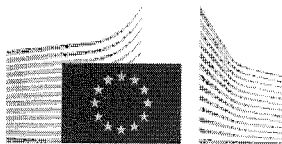
COMMISSION EUROPÉENNE

SEC(2018) 230 final
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AVIS DU COMITE D'EXAMEN DE LA REGLEMENTATION

**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)278final}
{SWD(2018)181final}
{SWD(2018)182final}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2018)

Opinion

Title: Impact Assessment / Single Maritime Window

(version of 13 March 2018)*

Overall 2nd opinion: POSITIVE

(A) Context

Ships that visit EU ports face certain reporting procedures. Shipping operators reportedly find these procedures to be inefficient, and see scope for burden reduction.

The 2010 Reporting Formalities Directive (RFD) defines reporting requirements for maritime operators. The objective of the RFD was to simplify reporting and common standards by creating National Single Windows (NSW). Recent evaluations have found that the results have fallen short of objectives.

This impact assessment examines ways to make the reporting environment more effective and efficient. It is part of the Commission's third mobility package and builds upon earlier evaluations.

(B) Main considerations

The Board notes that the impact assessment now presents a more transparent choice between the options. The report presents the preferred option as a compromise between stakeholder groups with diverging views.

The Board gives a positive opinion, with a recommendation to further improve the report with respect to the following key aspects:

- (1) The problem description does not provide a clear enough explanation of how the existing systems for reporting formalities function today. Relevant information is scattered across the evaluation, the annexes and other parts of the report.
- (2) The report does not specify when and on what basis implementation issues will be decided, e.g. who will develop and manage the IT systems.

(C) Further considerations and recommendations for improvement

- (1) The problem description should present a more complete overview of the existing reporting systems and their shortcomings. The additions in annex 5 are welcome, and the

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

problem definition section would benefit from incorporating more information from the evaluation and annexes. A clearer description of how the current system builds on different reporting needs for different vessel types with different purposes would better underpin the argument for maintaining alternative systems under the new Single Maritime Window.

(2) The report has revised the arguments in favour of data re-use. In particular, it presents the potential for more efficient procedures for ports and authorities and for cross-modal information exchanges. The relevant specific objective should integrate this modified argumentation instead of continuing to refer to reduced reporting costs for operators. It could also clarify the importance of re-use in selecting the preferred option.

(3) The revised version of the report clarifies the differences between the options. Renamed options and a new comparison table are helpful. Nevertheless, the illustrations of the different policy options in Annex 6 are not intuitive. Simpler illustrations, accompanying explanations or both would be helpful and would add to clarity. A simple illustration showing the different options could be added to the options section.

(4) The report indicates that the Commission would probably assign IT development to a specialised entity, but it does not specify when and on what basis this would happen. The report should at least be explicit about the process. If the decision is part of the legislative proposal, the impact assessment needs to include the underlying analysis.

The Board takes note of the quantification of the various costs and benefits associated to the preferred option of this initiative, as assessed in the report considered by the Board and summarised in the attached quantification tables.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG shall ensure that the recommendations of the Board are taken into account in the report prior to launching the interservice consultation.

The attached quantification tables may need to be adjusted to reflect any changes in the choice or the design of the preferred option in the final version of the report.

Full title	Proposal for European Maritime Single Window environment - Revision of the Reporting Formalities Directive 2010/65/EU
Reference number	PLAN/2017/1050
Date of RSB meeting	20/03/2018 (Written procedure)

ANNEX: Quantification tables extracted from the draft impact assessment report submitted to the Board on 13 March 2018

(N.B. The following tables present information on the costs and benefits of the initiative in question. These tables have been extracted from the draft impact assessment report submitted to the Regulatory Scrutiny Board on which the Board has given the opinion presented above. It is possible, therefore, that the content of the tables presented below are different from those in the final version of the impact assessment report published by the Commission as the draft report may have been revised in line with the Board's recommendations.)

I. Overview of Benefits (total for all provisions) – Preferred Option B1		
Description	Amount	Comments
Direct benefits		
Reduced time spent on reporting for shipping operators (ship masters)	22-25 million staff hours in the time period 2020-2030; equivalent to a value of EUR 625-720 million	Main beneficiary: Maritime transport operators High priority for European shipping companies and ship agents; high pressure from these stakeholder groups to remedy the current situation.
Indirect benefits		
Increased competitiveness of the maritime transport sector as administrative burden is reduced, reporting is simplified and data more efficiently used and shared	A possible shift of 3,395 million tonne-kilometres to waterborne transport in 2030, mostly away from road. This represents about 0.3% increase in the transport activity of the waterborne transport in 2030 relative to the baseline.	Modelling performed with the PRIMES-TREMOVE and TRUST models. In line with the overall Commission Transport Policy (see: Transport White Paper, 2011) modal shift objectives.
Efficiency gains for entire multimodal / logistics chain from better use of data in ports: e.g. harmonised provision and efficient and appropriate re-use of arrival or departure times will enable transport and logistics service providers to optimise the flow of cargo in and out of ports in real-time.	Non-quantifiable.	The efficiency of the ship port calls will impact on the entire logistics chain and the hinterland transports of goods and passengers to and from the ports (per road, rail, pipeline or inland waterways). Stressed by several stakeholders in the consultations.
Increased job satisfaction for ship masters; higher attractiveness of profession leading to improved possibilities for recruitment	Non-quantifiable.	The European maritime industry suffers from an increasing lack of European seafarers, in particular officers. Such a shortage is likely to increase in the coming years to the detriment of the maritime industry, which needs maritime expertise and experience. A main objective of the European maritime policy is therefore to improve employment and working conditions for seafarers on board EU-flagged ships, to make the maritime profession more attractive and ensure compliance with established training standards. The most commonly mentioned indirect benefit from harmonisation, voiced by a high number of shipping companies and ship agents in the various consultations.
Safety and security gains as ship master can spend more time on the bridge	Non-quantifiable.	Commonly stressed by shipping companies in the targeted consultations as likely indirect, unquantifiable benefit.

<i>Better information flows to inform better governance and public services</i>	<i>Non-quantifiable.</i>	<i>Member State authorities likely to benefit indirectly from the improved data flows and access to harmonised data; notably in the long-term with future developments of cross-border data exchanges.</i>
<i>Reduction of CO2 emissions: environmental impact</i>	<i>Freight transport emissions are estimated to decrease by 1,880 thousand tonnes of CO2 relative to the baseline due to the modal shift (see above). This translates into around €145 million of indirect benefits over 2020-2030, expressed as present value.</i>	<i>In line with the overall Commission Policy environmental objectives</i>

II. Overview of costs – Preferred option B1							
		Citizens/Consumers		Businesses (shipping operators)		Administrations (MS)	
		One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
	Direct costs	n/a	n/a	Adaptation costs (voluntary); not quantified	Adaptation to regular updates of formats; not quantified	Average 340 000 per Member State	Average 350 000 per Member State (2020-2030)
	Indirect costs	n/a	n/a	n/a	n/a	n/a	n/a



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
Ares(2018)

Opinion

Title: Impact Assessment / Single Maritime Window

(version of 14 February 2018)*

Overall opinion: NEGATIVE

(A) Context

Ships that visit EU ports face certain reporting procedures. Shipping operators reportedly find these procedures to be inefficient, and see scope for burden reduction.

The 2010 Reporting Formalities Directive (RFD) defines reporting requirements for maritime operators. The objective of the RFD was to simplify reporting and common standards by creating National Single Windows (NSW). Recent evaluations have found that the results have fallen short of objectives.

This impact assessment examines ways to make the reporting environment more effective and efficient. It is part of the Commission's third mobility package and builds upon earlier evaluations.

(B) Main considerations

The Board acknowledges that the report makes a compelling case for further streamlining reporting requirements and the potential to reduce regulatory burden.

However, the Board gives a negative opinion, because the report contains important shortcomings that need to be addressed, particularly with respect to the following key aspects:

- (1) The report does not sufficiently explain the options, including key design aspects, implementation modalities and material differences. As a result, the presented cost differences between options are hard to understand.
- (2) The report does not adequately present stakeholders' views. These views appear central to selecting the preferred option, as the report's evidence of costs and benefits do not clearly favour this option.

* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted.

(C) Further considerations and adjustment requirements

(1) The report needs to provide a more comprehensive overview of existing reporting systems, including a description of how they serve different vessel types and different purposes. The report should explain why it is necessary to maintain alternative reporting systems in parallel with the European Maritime Single Window (EMSW).

(2) The report should more clearly define the problem and the problem drivers. The evaluation concludes that the NSWs do not deliver on the current directive's objectives. On the basis of the evaluation results, the report should clarify whether the issue is the current legal framework, deficits in implementation or the poor workings of the NSWs. The report should reconsider to what extent the need for data re-use between port calls can be justified by the (limited) reporting costs for operators, once reporting is harmonised. It seems that the need for data re-use is more driven by efficiency gains for the authorities and the possibilities for more effective controls. The report should give the reasons why the baseline expects that current problems will persist.

(3) The report is unclear about key design aspects of the options. As a result, it is not clear how they would work. The report needs a stronger presentation of the differences between the options, especially with regard to how they would co-exist with existing NSWs and other reporting channels. It should detail the functional differences between a harmonized interface for the NSWs and a European Maritime Single Window. It should give a full account of what is required for NSWs to interact through a harmonized interface or the EMSW. It should also give more details on governance and helpdesk functions and how these would differ across options. The report should also be explicit about when and on what basis decisions on implementation issues, such as who will develop and manage the IT systems, will be taken.

(4) The report should better explain how this initiative interacts with the parallel initiative on paperless transport documents. It should clarify to what extent the two initiatives complement each other and how co-dependent they are in reaching the set objectives and realising the benefits. In particular, the report should analyse to what extent the different approaches of the two initiatives (harmonised reporting system vs certification of systems) could hamper the development of inter-modal transport.

(5) The report should expand its discussion of stakeholders' views and their preferences across the options. The current discussion raises important questions that the report does not fully answer. Different stakeholder groups' support for different options appears to vary considerably, with little common ground besides the call for simplification. The report therefore needs to be more specific on how the results of the stakeholder consultations and evidence of benefits and costs have influenced the selection of the preferred option. It could elaborate on various concerns expressed by different stakeholder groups, and how these factor into the alternative options. The report should better explain the reasons for differences between cost estimates for the different options, based on a clearer and more complete description of the options.

(6) The overall objective of the proposal is to simplify reporting formalities through harmonisation of the data requirements and reporting systems. The report should show how the preferred option will provide stronger incentives for harmonisation compared to the current framework of existing legal data requirements. Also, the preferred option should specify the choice of governance model.

Some more technical comments have been transmitted directly to the author DG.

(D) RSB scrutiny process

The lead DG shall ensure that the report is revised in accordance with the above-mentioned requirements and resubmitted to the Board for its final opinion.

Full title	Proposal for European Maritime Single Window environment - Revision of the Reporting Formalities Directive 2010/65/EU
Reference number	PLAN/2017/1050
Date of RSB meeting	07/03/2018