



Brussels, XXX
[...] (2022) XXX draft

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) 2019/1239 as regards the establishment of the European Maritime Single Window environment data set and amending its Annex

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The purpose of this delegated act is to amend the Annex to Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment¹ (the EMSWe Regulation) by adapting references to certain EU legislation. It also sets out the EMSWe data set provided for under Article 3 of Regulation (EU) 2019/1239. This data set includes the complete list of data elements stemming from for ships' reporting obligations when calling in an EU port and addresses the current non-standardised data reporting requirements.

The list of reporting obligations in Annex I to this delegated act brings together all information that a ship must provide when it calls in a port. Applying a common data set will simplify communication between ship operators and national authorities. It will also improve interoperability and interconnection between the different systems. This will enable more efficient sharing and reuse of data, reduce the administrative burden for declarants and improve the exchange of data between national authorities.

The EMSWe data set Data Set established in Annex II takes into account existing mandatory reporting set out in EU and international legislation as well as national legislation. In particular, the Commission considered the compatibility of the EMSWe data set with existing data requirements in the customs domain, which are set out in Regulation (EU) 2015/2446 and Regulation (EU) 2015/2447.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Appropriate and transparent consultations, including at expert level, have been carried out to prepare this delegated act as broader expertise was needed. This is in line with paragraph 4 of the Common Understanding on delegated acts between Parliament, the Council and the Commission.

Preparing this delegated act required collecting information from Member States. Industry associations were also consulted.

The delegated act has been subject to consultations with the High-level Steering Group for Governance of the Digital Maritime System and Services (E03450²) and with the Customs Business Group (E03110)³. The two main aspects of this delegated act, the EMSWe data set and the amendments to the Annex to Regulation (EU) 2019/1239, were presented and discussed in detail in a series of expert meetings, the first of which took place on 6 December 2019. A first version of the draft delegated act was discussed at a meeting involving experts from all Member States on 23 February 2022. Parliament was also informed of the ongoing consultations.

The draft delegated act was also shared with the business community, including industry associations active in the maritime sector, shipowners, shipping lines, port operators, port

¹ 'European maritime single window environment' means the legal and technical framework for the electronic transmission of information in relation to reporting obligations for port calls in the Union (cfr. Article 1 of Reg. (EU) 2019/1239.

² <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3450>

³ <https://ec.europa.eu/transparency/expert-groups-register/screen/expert-groups/consult?do=groupDetail.groupDetail&groupID=3110>

community system operators, terminal operators, ship agents and freight forwarders. These stakeholders were invited as observers to the expert group meetings.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

This Delegated Regulation is to be adopted pursuant to Regulation (EU) 2019/1239, in particular Article 3(3).

DRAFT

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supplementing Regulation (EU) 2019/1239 as regards the establishment of the European Maritime Single Window environment data set and amending its Annex

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU⁴, and in particular Article 3(3) thereof,

Whereas:

- (1) After the adoption of Regulation (EU) 2019/1239, Directive 2000/59/EC⁵ was repealed and replaced by Directive (EU) 2019/883⁶. The reference to Directive 2000/59/EC in the Annex to Regulation (EU) 2019/1239 should therefore be replaced by the reference to Directive (EU) 2019/883. Moreover, as Article 7(3) of Directive (EU) 2019/883 provides for the obligation to report the information contained in the waste delivery receipt, it should therefore also be mentioned in the Annex to Regulation (EU) 2019/1239.
- (2) The provisions establishing reporting obligations relevant for the European Maritime Single Window environment are set out in Article 19 of Regulation (EU) 2016/399⁷ (Schengen Borders Code). It is therefore necessary to amend the Annex to Regulation (EU) 2019/1239 by replacing the reference to Article 8 of the Schengen Borders Code with Article 19.
- (3) Article 7(1), point (b) of Directive 2001/96/EC⁸ is relevant for the application of Regulation (EU) 2019/1239, while the other provisions of Article 7 of Directive 2001/96/EC do not impose reporting obligations. It is therefore necessary to amend the reference to Directive 2001/96/EC so that it only refers to Article 7(1), point (b) of that Directive.

⁴ OJ L 283, 29.10.2010, p. 1.

⁵ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

⁶ Directive (EU) 2019/883 of the European Parliament and of 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).

⁷ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p. 1).

⁸ Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (OJ L 13, 16.1.2002, p. 9).

- (4) The Annex to Regulation (EU) 2019/1239 should therefore be amended accordingly.
- (5) The EMSWe data set should include the data elements required by the EU and international legislation listed in the Annex to Regulation (EU) 2019/1239, as well as by national legislation which have to be provided in connection with a port call. In the preparatory work for establishing of the EMSWe data set, in line with Article 3(2) of Regulation (EU) 2019/1239, Member States have notified to the Commission the data elements in their national legislation and requirements.
- (6) Each data element of the EMSWe data set should be identified by a name with a description, while it should have precise technical characteristics indicating the character type and length. To avoid the proliferation of data requirements and simplify maritime reporting, the Commission, in consultation with the Member States, has harmonised the names, definitions and formats of these data elements.
- (7) To ensure that the common data requirements, formats and codes are respected and applied in the reporting done through the maritime national single windows, it is necessary to establish the application of harmonised code lists and business rules in the EMSWe data set where applicable.
- (8) To facilitate electronic reporting through the maritime national single windows, the EMSWe data set should indicate when the data elements are applicable to EU and international legislation listed in the Annex to Regulation (EU) 2019/1239 and which are applicable to national legislation.
- (9) To facilitate reporting for ships, and considering the international dimension of shipping, the EMSWe data set should refer to the 'IMO compendium on facilitation and electronic business' set out in the Circular FAL.5/Circ.44 issued by the International Maritime Organization. The reference should indicate the mapping between the data elements in the EMSWe data set and the corresponding data elements in the FAL Compendium.
- (10) The Annex to Regulation (EU) 2019/1239 contains several references to customs reporting obligations. Most of these obligations have to be fulfilled by applying the data requirements set out in Annex B to Commission Delegated Regulation (EU) 2015/2446⁹ and the formats and codes set out in Commission Implementing Regulation (EU) 2015/2447¹⁰. To guarantee that the data submitted by declarants through the maritime national single windows to fulfil these obligations can be easily processed by customs IT systems, a mapping should be included between the customs data requirements and the corresponding data elements of the EMSWe data set.
- (11) Regulation (EU) 2019/1239 should therefore be supplemented to establish the EMSWe data set.
- (12) The establishment of the EMSWe data set is closely linked to the reporting obligations listed in the Annex to Regulation (EU) 2019/1239. Therefore, it is appropriate to amend the Annex to Regulation (EU) 2019/1239 and establish the EMSWe data set under the same regulation to ensure legal coherence.

⁹ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

¹⁰ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

- (13) The Commission has carried out appropriate consultations, including at expert level and with stakeholders.
- (14) Since Regulation (EU) 2019/1239 applies from 15 August 2025, this Regulation should apply from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2019/1239

The Annex to Regulation (EU) 2019/1239 is replaced by Annex I to this Regulation.

Article 2

Establishment of the EMSWe data set

The EMSWe data set provided for under Article 3(1) of Regulation (EU) 2019/1239 is set out in Annex II to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 15 August 2025.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*