

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

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SUBCOMMITTEE II ON FREE MOVEMENT OF SERVICES

EEA EFTA Comment

on the public consultation on the fitness of EU legislation for maritime transport safety and efficiency

1. GENERAL COMMENTS

1. The European SafeSeaNet, as established by Directive 2002/59/EC, is aimed at improving the safety of transport of dangerous goods and the prevention of damage to the marine environment.
2. Several maritime accidents have contributed to the development of the EU policy in this area. The first and second maritime safety packages were introduced to improve government control of hazardous cargos and to provide a tool for safer transport and more efficient oil spill recovery. The maritime safety packages also introduced a new era in ship reporting, moving away from the use of telephones, paper and fax towards digital reporting.
3. Digitalisation provided new opportunities regarding more efficient and harmonised solutions for both stakeholders and authorities. This also resulted in a reduction in administrative burdens by making it possible to reuse information. Directive 2010/65/EC on reporting formalities for ships arriving in and/or departing from ports of the Member States further emphasises the need for a single window and to secure implementation in all Member States.

2. THE SINGLE WINDOW INITIATIVE

4. Several EU and EEA EFTA States have developed and implemented a single window solution. In some countries, however, the implementation is still not completed. In order to achieve the goals of the single window initiative, several projects have been initiated by EU organisations. These projects show that the necessary technical solutions already

exist. Also, to facilitate implementation, the European Maritime Safety Agency (EMSA) has developed an XML guide.

5. Norway has developed and implemented a single window solution that includes several authorities such as customs, defence, health, port state control, border police, ports and coastal administration (e.g. for hazardous materials (HAZMAT) and pilotage exemption certificates (PECs)).
6. The establishment of a national single window in Norway has been accomplished in cooperation with the stakeholders, and the feedback from users is very positive. The system has become fully digital and has reduced the number of reports by more than 250 000 annually.
7. The implementation of a national single window system in several Member States has shown that it is not necessarily the technology that poses the challenge, but rather lack of harmonisation of legislation and differences in the practical arrangements at national and EU level.
8. The Norwegian single window includes the reporting formalities contained in Directive 2010/65/EC and also several purely national notification obligations. In the event of the development of a common European single window, it will be necessary to find a solution to these national reporting formalities.
9. In the view of the EEA EFTA States, a European single window could result in new reporting requirements and more bureaucracy for users, and will therefore not contribute to reducing the administrative burden on the maritime sector.
10. Instead of developing a new European single window, the EEA EFTA States recommend improving the efficiency and functionality of the current single window by continuing the work based on the principles of the well-established single window in several EU and EEA EFTA States, such as Norway, and the existing cooperation between Member States, EMSA and the European Commission.
11. Furthermore, the EEA EFTA States are of the opinion that the administrative burden of reporting formalities is closely linked to the amount of information required from the industry. Removal of some of these requirements would contribute to a reduction in the administrative burden. The authorities' need for information may be met by better use of automatic ship reporting systems, particularly the automatic identification system (AIS), as well as the removal of reporting requirements that are of marginal importance, such as the requirement to report small volumes of HAZMAT.

3. PILOTAGE EXEMPTION CERTIFICATES

12. Another matter of importance to the EEA EFTA States is a possible initiative by the Commission regarding PECs. This issue was also commented on by the European

Parliament during the reading of the proposal for a regulation establishing a framework on market access to port services and financial transparency of ports.

13. The background for a possible initiative on PECs is the lack of harmonisation of legislation in the Member States, and the fact that it is not possible, or unnecessarily difficult, for shipmasters to obtain PECs in some EU Member States. This results in unnecessary costs for the shipping industry, and reduces the cost-efficiency of maritime transport. The EEA EFTA States recognise that PECs can be a cost-efficient solution. However, if the EU chooses to develop a legal framework on PECs, due consideration must be given to the potential effects on the safety of navigation. To be a legitimate alternative to pilotage, the use of a PEC must not negatively affect the risk associated with navigation. Navigational challenges and the associated safety challenges vary across the Member States. As a consequence, any future legislative proposal should allow for the national derogations and adaptations necessary to maintain the safety of navigation. It is also of great importance that a legal framework does not conflict with national arrangements intended to encourage the use of PECs, for example the risk-based differentiation of requirements for obtaining a PEC and the assessor arrangement that has been introduced in Norway.
 14. Norway already has legislation on PECs in place, and a system of administration allowing about 2 900 individual active PEC-holders to conduct around 70 000 sailings in Norwegian waters annually, thus constituting an important contribution towards safe and efficient short sea shipping in Norway. This experience should be taken into account, along with the experience of any EU country in this field, in any future work on legislating for PECs.
 15. A proposal should capture the most important basic principles in the PEC system rather than striving towards the full harmonisation of PEC requirements across the European Union. The objective of any such legislation should be to increase the efficiency of maritime transport and reduce the administrative burden on the maritime transport industry, while at the same time allowing Member States to take specific national safety challenges into account that are necessary to ensure the safety of navigation.
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