

**Proposal for a Directive of the European Parliament and of the Council on reporting formalities for ships arriving in and departing from Community ports**

(2001/C 180 E/06)

(Text with EEA relevance)

COM(2001) 46 final — 2001/0026(COD)

*(Submitted by the Commission on 7 February 2001)*

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty,

Whereas:

- (1) The Community has an established policy to encourage sustainable transport, such as shipping, and, in particular, to promote short sea shipping.
- (2) Facilitation of maritime transport is an essential objective for the Community to further strengthen the position of shipping in the transport system as an alternative and complement to other transport modes in a door-to-door transport chain.
- (3) The documentary procedures required in maritime transport have caused concern and have been considered to hamper the development of the mode to its full potential.
- (4) The International Maritime Organisation's Convention on the Facilitation of Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965, as subsequently amended (hereinafter the 'IMO FAL Convention'), has provided a set of models for standardised Facilitation Forms for ships to fulfil certain reporting formalities when they arrive in or depart from a port.
- (5) Most Member States use these Facilitation Forms but do not apply the models provided under the auspices of the IMO in a uniform manner.
- (6) Uniformity in the format of the forms required for a ship arriving in and departing from a port should facilitate the documentary procedures for port calls and be beneficial to the development of Community shipping.

(7) Consequently, it is opportune to introduce the recognition of the IMO Facilitation Forms (hereinafter 'IMO FAL Forms') at Community level. The Member States should recognise the IMO FAL Forms and the categories of information in them as sufficient proof that a ship has fulfilled the reporting formalities these forms are intended for.

(8) The recognition of certain IMO FAL Forms, in particular the Cargo Declaration and — for passenger ships — the Passenger List, would add to the complexity of reporting formalities either because those forms cannot contain all necessary information or because well-established facilitation practices already exist. Consequently, obligatory recognition of those forms should not be introduced.

(9) Maritime transport is a global activity and the introduction of the IMO FAL Forms in the Community could pave the way towards their intensified application around the world.

(10) In accordance with the principles of subsidiarity and proportionality as set out in Article 5 of the Treaty, the objectives of the proposed action, namely to facilitate maritime transport, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale of the action, be better achieved by the Community. This Directive confines itself to the minimum required in order to achieve those objectives and does not go beyond what is necessary for that purpose.

(11) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(1)</sup>, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

**Subject matter**

The purpose of this Directive is to facilitate maritime transport, in particular that between ports situated in the Member States, by providing for standardisation of reporting formalities.

<sup>(1)</sup> OJ L 184, 17.7.1999, p. 23.

*Article 2***Scope**

This Directive shall apply to the reporting formalities set out in Annex I, Part A, relating to a ship, its stores, its crew's effects, its crew list and, in the case of a ship certified to carry 12 passengers or fewer, its passenger list.

*Article 3***Definitions**

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

- (a) 'IMO FAL Convention' means the International Maritime Organisation's Convention on the Facilitation of Maritime Traffic adopted by the International Conference on Facilitation of Maritime Travel and Transport on 9 April 1965;
- (b) 'IMO FAL Forms' means A4-size Standardised IMO Model Facilitation Forms provided for under the IMO FAL Convention;
- (c) 'reporting formality' means the information that, when required by a Member State, must be provided for administrative and procedural purposes when a ship arrives in or departs from a port;
- (d) 'ship' means a seagoing vessel of any type operating in the marine environment;
- (e) 'ship's stores' means goods for use in the ship, including consumable goods, goods carried for sale to passengers and crew members, fuel and lubricants, but excluding ship's equipment and spare parts;
- (f) 'ship's equipment' means articles other than ship's spare parts which are on board a ship for use thereon and are removable but not of a consumable nature, including accessories, such as lifeboats, life-saving devices, furniture, ship's apparel and similar items;
- (g) 'ship's spare parts' means articles of a repair or replacement nature for incorporation into the ship in which they are carried;
- (h) 'crew's effects' means clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship;
- (i) 'crew member' means any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list;
- (j) 'passenger' means any person on a ship other than crew members and children under one year of age.

*Article 4***Acceptance of Forms**

Member States shall accept that the reporting formalities referred to in Article 2 are satisfied by information, which is submitted in accordance with:

- (a) the respective specifications set out in Annex I, Parts B and C, and
- (b) the corresponding model forms set out in Annex II with their categories of data.

*Article 5***Amendment procedure**

Any amendments of the Annexes and references to IMO instruments in order to bring them into line with Community or IMO measures which have entered into force shall be adopted in accordance with the procedure referred to in Article 6(2).

*Article 6***Committee**

1. The Commission shall be assisted by the committee instituted by Article 12(1) of Council Directive 93/75/EEC<sup>(1)</sup>.
2. Where reference is made to this paragraph, the regulatory procedure laid down in Article 5 of Decision 1999/468/EC shall apply, in compliance with Article 7 and Article 8 thereof.
3. The period provided for in Article 5(6) of Decision 1999/468/EC shall be three months.

*Article 7***Implementation**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2002 at the latest. They shall forthwith inform the Commission thereof.

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.

*Article 8***Entry into force**

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

*Article 9***Addressees**

This Directive is addressed to the Member States.

<sup>(1)</sup> OJ L 247, 5.10.1993, p. 19. Directive as last amended by Commission Directive 98/74/EC (OJ L 276, 13.10.1998, p. 7).

## ANNEX I

## PART A

**List of reporting formalities referred to in Article 2 in respect of ships arriving in and departing from Community ports**

## 1. IMO FAL Form 1, General Declaration

The General Declaration shall be the basic document on arrival and departure providing information required by the authorities of a Member State relating to the ship.

## 2. IMO FAL Form 3, Ship's Stores Declaration

The Ship's Stores Declaration shall be the basic document on arrival and departure providing information required by authorities of a Member State relating to ship's stores.

## 3. IMO FAL Form 4, Crew's Effects Declaration

The Crew's Effects Declaration shall be the basic document providing information required by the authorities of a Member State relating to crew's effects. It shall not be required on departure.

## 4. IMO FAL Form 5, Crew List

The Crew List shall be the basic document providing the authorities of a Member State with the information relating to the number and composition of the crew on the arrival and departure of a ship. Where the authorities require information about the crew of a ship on its departure, a copy of the Crew List, presented on arrival, shall be accepted on departure if signed again and endorsed to indicate any change in the number or composition of the crew or to indicate that no such change has occurred.

## 5. IMO FAL Form 6, Passenger List

For ships certified to carry 12 passengers or fewer, the Passenger List shall be the basic document providing the authorities of a Member State with information relating to passengers on the arrival and departure of a ship.

## PART B

**Signatories**

## 1. IMO FAL Form 1, General Declaration

The authorities of the Member State shall accept a General Declaration either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

## 2. IMO FAL Form 3, Ship's Stores Declaration

The authorities of the Member State shall accept a Ship's Stores Declaration either dated and signed by the master or by some other ship's officer duly authorised by the master and having personal knowledge of the facts regarding the ship's stores, or authenticated in a manner acceptable to the authority concerned.

## 3. IMO FAL Form 4, Crew's Effects Declaration

The authorities of the Member State shall accept a Crew's Effects Declaration either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned. The authorities of the Member State may also require each crew member to place his signature, or, if he is unable to do so, his mark, against the declaration relating to his effects.

## 4. IMO FAL Form 5, Crew List

The authorities of a Member State shall accept a Crew List either dated and signed by the master or by some other ship's officer duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

5. IMO FAL Form 6, Passenger List

For ships certified to carry 12 passengers or fewer, the authorities of a Member State shall accept a Passenger List either dated and signed by the master, the ship's agent or some other person duly authorised by the master, or authenticated in a manner acceptable to the authority concerned.

PART C

**Technical specifications**

1. The formats of the IMO FAL Forms shall follow the proportions of the models shown in Annex II as closely as technically possible. They shall be printed on separate A4 size paper sheets (210 × 297 mm) with portrait orientation. At least  $\frac{1}{3}$  of the verso side of the Forms shall be reserved for official use by the authorities of the Member States.

For the purposes of the recognition of IMO FAL Forms, the formats and layouts of the Standardised Facilitation Forms recommended and reproduced by the IMO based on the IMO FAL Convention as in force on 1 May 1997 shall be considered equivalent to the formats reproduced in Annex II.

2. The authorities of the Member State shall accept information conveyed by any legible and understandable medium, including forms filled in ink or indelible pencil or produced by automatic data-processing techniques.
3. Without prejudice to methods of transmitting data through electronic means, when a Member State accepts the provision of ship's reporting information in electronic form, the format of the outcome on the end-user screen and when printed shall follow the models in Annex II.

In case of electronic transmission of a Form, the image on the end-user screen can differ from the actual A4-size but has to follow its proportions.

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ANNEX II

**Models of IMO FAL Forms referred to in Article 4 and Annex I**

For reasons of reproduction, the models in this Annex are shown on the scale of 4:5 in relation to an A4-size sheet.

## IMO GENERAL DECLARATION

		<input type="checkbox"/> Arrival	<input type="checkbox"/> Departure
1. Name and description of ship		2. Port of arrival/departure	3. Date — time of arrival/departure
4. Nationality of ship	5. Name of master	6. Port arrived from/Port of destination	
7. Certificate of registry (Port; date; number)		8. Name and address of ship's agent	
9. Gross tonnage	10. Net tonnage		
11. Position of the ship in the port (berth or station)			
12. Brief particulars of voyage (previous and subsequent ports of call; underline where remaining cargo will be discharged)			
13. Brief description of the cargo			
14. Number of crew (incl. master)	15. Number of passengers	16. Remarks	
Attached documents (indicate number of copies)			
17. Cargo Declaration	18. Ship's Stores Declaration		
19. Crew List	20. Passenger List	21. Date and signature by master, authorised agent or officer	
22. Crew's Effects Declaration (*)	23. Maritime Declaration of Health (*)		

For official use

IMO Convention on Facilitation of International Maritime Traffic

IMO FAL  
Form 1

(\*) Only on arrival.









