

# THE CONCEPT OF THE EUROPEAN MARITIME SINGLE WINDOW ENVIRONMENT FOR SIMPLIFIED DIGITAL INFORMATION SYSTEM, INTRODUCED BY THE REGULATION (EU) 2019/1239

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**ABSTRACT.** The paper discusses the general concepts about the introduction into the national legislations of the member states the requirements of the Regulation (EU) 2019/2039, establishing a European Maritime Single Windows environment. The research methods applied are the ones of the legal analyses and the comparative method. The contribution of the paper consists of general conclusions about the effectiveness of the simplified digital system in the European maritime transport which harmonizes the existing national systems and aims at the administrative burden for the participants to be reduced.

**KEYWORDS:** *European, maritime, single window, regulation, effectiveness, harmonization, implementation*

## INTRODUCTION

Maritime transport is one of the most dynamic sectors in the global world, with nearly 80% of world trade transported by sea and is carried out by sea, with a large share in world trade, maritime transport is becoming a major mechanism in the world economy. With the growing global changes in the maritime sector worldwide, changes are also needed at the regional stage to facilitate the paperwork and cargo handling capacity of ships in ports.

The European Union is one of the main regions in maritime transport, which for the purpose of improvement of the maritime sector with electronic platforms, has adopted the Regulation (EU) 2019/1239 on the creation of the European Maritime Single Window environment. The above-mentioned regulation has been adopted by the European Parliament and the Council and it repeals Directive 2010/65 / EU.

The basic goal of the regulation is to complement Directive 2010/65/ EU, to optimize the paperwork and cargo turnover of European seaports, as well as to contribute for the much better efficiency.

The place and importance of the Regulation in the European maritime sector and port services is huge, with the rapid growth of port ship handling services. It is designed to increase the capacity of receiving and transmitting cargo, with the introduction of the electronic platform.

### 1. Theoretical background and legal framework of the Regulation

In recent years, the European Union has adopted a number of documents, directives and the recently adopted regulation establishing the European Maritime Single Window environment, which facilitates electronic data transmission in relation to reporting obligations for ships arriving or leaving ports in Union, or stay in these ports [1]. With the establishing of the Blue Belt, the European Commission is easing customs formalities, reducing

administrative burdens, which means less costs for shipowners and faster ship services. The regulation lays down the theoretical basics of the Blue Belt for the facilitation of customs formalities for the examination of ship data, the use of bureaucracy, and a serious administrative check on the presentation of existing specific data [2].

What is the problem?

The EU is heavily dependent on maritime transport for its trade with the rest of the world and within the internal market [3]. Nevertheless, the maritime sector is one of the most important sectors in the European Union and is therefore of particular importance in the structures of the Union. Due to the high administrative burden, which increases costs, the European Union had to simplify customs formalities and ship reporting formalities for ships arriving in and/or departing from ports of the Member States. The predecessor of Regulation 2019/1239 is Directive 2010/65/EU - on ship reporting formalities, which introduces European Maritime Single Window environment. In the meanwhile, the inspections carried out by the European Commission note that the European Maritime Single Window environment does not work equally effectively in all member states of the Union. The lack of expected results necessitates the repeal of Directive 2010/65/EU and the adoption of Regulation 2019/1239 by the Council and the European Commission.

## 2. The predecessors

The predecessor of the regulation – Directive 2010/65/EU was meant to ensure that member states would no longer need to use paper formats of documents, but to maintain electronic transmission of data for the purpose of facilitating the maritime transport. It should be considered that the full benefit of electronic data transmission can only be achieved where there is smooth and affective communication between SafeSeaNet, e-Customs and the electronic system for entering or calling up data. [4]

Most importantly is to stress the fact that the consequentiality of the regulations in maritime transport has always been sustainable and subordinate to the main objective to prevent unnecessary delays in maritime traffic, to aid co-operation among governments, and to secure highest practicable degree of uniformity in formalities and other procedures. In particular, the Convention reduces the number of declarations which can be required by public authorities. [5]

The firstly adopted legal regulation in the sphere is the International Maritime Organization Convention on Facilitation of International Maritime Traffic in 1965 for the purpose of implementing a more streamlined logistic process. The Convention on Facilitation of International Maritime Traffic (FAL) entered into force on March the 5<sup>th</sup> 1967. The basic reason for the adoption of the Convention is due to the international nature of shipping where countries may create different standards of documents or different requirements and administrative formalities.

Several amendments have been introduced to the Convention, the latest one The Convention These amendments introduce new definitions for Cargo Transport Unit (CTU), clearance, freight container, the International Ship and Port Facility Security (ISPS) Code, master, ship agent, shipper and single window.

Since 9 April 2019, Electronic exchange of information is mandatory with a transition period of no less than 12 months. The text now refers to the use of "Single Window" systems and has been revised in a gender neutral format.

All IMO FAL forms were revised except for Ship's Stores Declaration (IMO FAL Form 3). Three additional documents were introduced for ship's clearance that may be required by the shore authorities, i.e. security-related information as required under SOLAS regulation XI-2/9.2.2, Advance electronic cargo information for customs risk assessment purposes, and Advanced Notification Form for Waste Delivery to Port Reception Facilities [5].

In response to the above-mentioned amendment in the Convention, and the requirement within 12 months for implementation of electronic exchange of information to be mandatory, the European Parliament and the Council of the European Union adopted Regulation 2019/1239.

The main aim of the Regulation is to lay down harmonised rules for the provision of the information that is required for port calls, in particular by ensuring that the same data sets can be reported to each maritime National Single Window in the same way. This Regulation also aims to facilitate the transmission of information between declarants, relevant authorities and the providers of port services in the port of call, and other Member States. The application of this Regulation should not alter the time frames for, or the substance of, reporting obligations, and should not affect the subsequent storage and processing of information at Union level or at national level [1, p. 4 of the Preamble]

Another reason for the adoption of the Regulation is to prepare the future development and the use of National Single Window for other transport models. These actions would provide for the harmonization of the national single windows at Union level. The harmonization would contribute for the use of every National Single Window of common interface software for system-to-system exchange of information, developed at Union level. Every Member State would be responsible for the integration and managing the interface module, as well as any forthcoming updates of the software. [1, p. 7 of the Preamble]

The implementation of the Regulation would have to consider the SafeSeaNet systems which is established at national and Union level. The SafeSeaNet system facilitates the exchange and distribution of information received through the maritime National Single Window between the Member States in accordance with Directive 2002/59/EC of the European Parliament and of the Council. [1, p. 17 of the Preamble].

In article 1 of the Regulation it establishes the subject matter and the scope of application. For the purpose of the optimal understanding and application of the norms of the regulation, the second article specifies the content of the terms which are used in the document. It provides legal definitions for the terms as “European Maritime Single Window environment (EMSWe), the term “ship”, “maritime national single window”, “harmonized reporting interface module”, “reporting obligations”, “port call”, “data element”, “common addressing service” etc.

Chapter Three of the Regulation provides provisions regarding information via the Maritime National Single Window which should be guaranteed. Thus it means that every Member State should establish a maritime National Single Window through which, in accordance with this Regulation would provide data and all information necessary for the fulfilment of reporting, by means of and in compliance with the EMSWe data set.

It is possible one Member State to establish a maritime single window jointly with another Member State. Member States which do not have maritime ports shall be exempted from the obligation to develop, establish, operate and make available a maritime National Single Window.

The means via which the reporting is being organized may also include: harmonizing reporting interface as well and other means, but most important is how the responsibility of the communicated information would be distributed. It is regulated in article 9 of the Regulation.

Besides the specific technical issues which are taken into consideration with the Regulation, there are a few common provisions which emphasize on the specific national authorities which would be liable for the implementation of the provisions in the national system. The European Commission on the other hand will be responsible for the adoption and implementation of acts laying down the technical specifications, standards and procedures for setting up the common user registry and access management system.

## CONCLUSION

This Regulation which establishes the requirements for the creation of unified interface for exchange of information and documentation 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 onwards. The entire functioning of the newly established technical interface should go hand in hand with the harmonization of a number of the legal acts in accordance with the requirements of the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof, as well as considering the proposal from the European Commission, the draft legislative act to the national parliaments, the opinion of the European Economic and Social Committee.

## LITERATURE

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