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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21/12/2007  
COM(2007) 859 final

2007/0288 (COD)

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on statistical returns in respect of carriage of goods and passengers by sea**

(Recast)

## EXPLANATORY MEMORANDUM

1. On 1 April 1987 the Commission decided<sup>1</sup> to instruct its staff that all legislative acts should be codified after no more than ten amendments, stressing that this is a minimum requirement and that departments should endeavour to codify at even shorter intervals the texts for which they are responsible, to ensure that the Community rules are clear and readily understandable.
2. The codification of Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea<sup>2</sup> has been initiated by the Commission. The new Directive was to have superseded the various acts incorporated in it<sup>3</sup>.
3. In the meantime Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>4</sup> has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.
4. In accordance with the joint statement of the European Parliament, the Council and the Commission<sup>5</sup> on Decision 2006/512/EC, for this new procedure to be applicable to instruments adopted in accordance with the procedure laid down in Article 251 of the Treaty which are already in force, those instruments must be adjusted in accordance with the applicable procedures.
5. It is therefore appropriate to transform the codification of Directive 95/64/EC into a recast in order to incorporate the amendments necessary for the adjustment to the regulatory procedure with scrutiny.

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<sup>1</sup> COM(87) 868 PV.

<sup>2</sup> Carried out pursuant to the Communication from the Commission to the European Parliament and the Council – Codification of the Acquis communautaire, COM(2001) 645 final.

<sup>3</sup> See Annex IX, Part A of this proposal.

<sup>4</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

<sup>5</sup> OJ C 255, 21.10.2006, p. 1.

Proposal for a

**DIRECTIVE .../.../EC OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL**

**of [...]**

**on statistical returns in respect of carriage of goods and passengers by sea**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article ~~2~~ 285(1) ~~2~~ thereof,

Having regard to the proposal from the Commission<sup>1</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>3</sup>,

Whereas:

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↓ new

(1) Council Directive 95/64/EC of 8 December 1995 on statistical returns in respect of carriage of goods and passengers by sea<sup>4</sup> has been substantially amended several times<sup>5</sup>. Since further amendments are to be made, it should be recast in the interests of clarity.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ L 320, 30.12.1995, p. 25. Directive as last amended by Commission Regulation (EC) No 1304/2007 (OJ L 290, 8.11.2007, p. 14).

<sup>5</sup> See Annex IX, Part A.

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↓ 95/64/EC Recital 1 (adapted)

- (2) To carry out the tasks entrusted to it in the context of the common maritime transport policy, the Commission ☒ (Eurostat) should ☒ have at its disposal comparable, reliable, synchronised and regular statistical data on the scale and development of the carriage of goods and passengers by sea to and from the Community, between Member States and for domestic sea transport.

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↓ 95/64/EC Recital 2

- (3) It is also important for Member States and economic operators to have a good knowledge of the maritime transport market.

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↓ 95/64/EC Recital 5

- (4) The collection of Community statistical data on a comparable or harmonised basis makes it possible to establish an integrated system providing reliable, consistent and up-to-date information.

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↓ 95/64/EC Recital 6

- (5) The data on the transport of goods and passengers by sea have to be made comparable between Member States and between the different modes of transport.

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↓ 95/64/EC Recital 11

- (6) In accordance with the principle of subsidiarity, the creation of common statistical standards enabling the production of harmonised information can only be tackled efficiently at Community level. Data will be collected in each Member State under the authority of the bodies and institutions in charge of compiling official statistics.

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↓ new

- (7) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>6</sup>.

- (8) Power should be conferred on the Commission in particular to adopt certain detailed rules for implementing this Directive. Since those measures are of general scope and are designed to amend non-essential elements of this Directive, inter alia, by

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<sup>6</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

supplementing it, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(9) The new elements introduced into this Directive only concern the committee procedures. They therefore do not need to be transposed by the Member States.

(10) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directive set out in Annex IX, Part B,

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↓ 95/64/EC (adapted)

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

⊠ **Collection of statistical data** ⊠

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↓ 95/64/EC

Member States shall collect Community statistics on the carriage of goods and passengers by seagoing vessels calling at ports in their territories.

*Article 2*

**Definitions**

For the purposes of this Directive:

(a) ‘carriage of goods and passengers by sea’ means the movement of goods and passengers using seagoing vessels, on voyages which are undertaken wholly or partly at sea.

The scope of this Directive shall also include goods:

- (i) shipped to offshore installations;
- (ii) reclaimed from the seabed and unloaded in ports.

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↓ 95/64/EC (adapted)

Bunkers and stores supplied to vessels shall be excluded from the scope ⊠ of this Directive ⊠;

- (b) ‘seagoing vessels’ means vessels other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply.

This Directive shall not apply to fish-catching vessels, fish-processing vessels, vessels for drilling and exploration, tugs, pusher craft, research and survey vessels, dredgers, naval vessels or vessels used solely for non-commercial purposes;

- (c) ‘port’ means a place having facilities for merchant ships to moor and to load or unload cargo or to disembark or embark passengers to or from vessels;
- (d) ‘nationality of the maritime transport operator’ means the country in which the effective centre of the transport operator's commercial activity is located;
- (e) ‘maritime transport operator’ means any person by whom or on behalf of whom a contract for the transport for goods or persons by sea is concluded with a shipper or a passenger.

### *Article 3*

#### **Data collection characteristics**

1. Member States shall collect data relating to the following domains:

- (a) cargo and passenger information;
- (b) information on the vessel.

Vessels with a gross tonnage of less than 100 may be excluded from the data collection.

2. The characteristics of the data collection, namely the statistical variables in each domain and the nomenclatures for their classification, as well as their periodicity of observation, are set out in Annexes I to VIII.

3. The data collection shall be based, in so far as possible, on available sources, limiting the burden on respondents.

### *Article 4*

#### **Ports**

1. For the purposes of this Directive, ⇒ the Commission shall draw up ⇐ a list of ports, coded and classified according to countries and maritime coastal areas, ~~shall be drawn up.~~

⇒ Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted ⇐ in accordance with the ⇒ regulatory ⇐ procedure ⇒ with scrutiny ⇐ [X] referred to [X] in Article 11(3).

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↓ 95/64/EC (adapted)

2. Each Member State shall select from [X] the [X] list [X] referred to in paragraph 1 [X] any port handling more than one million tonnes of goods or recording more than 200 000 passenger movements annually.

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↓ 95/64/EC

For each port selected, detailed data are to be provided, in conformity with Annex VIII, for the domains (goods and passengers) in which that port meets the selection criterion, and with summary data, if appropriate, for the other domain.

3. For the ports which are not selected from the list, summary data are to be provided in conformity with Annex VIII, data set A3.

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↓ 95/64/EC (adapted)  
⇒ new

#### *Article 5*

##### **Accuracy of statistics**

The methods of collecting data shall be such that Community sea transport statistics display the precision required for the statistical data sets described in Annex VIII.

⇒ The Commission shall draw up ⇐ the standards of accuracy ~~shall be drawn up~~.

⇒ Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted ⇐ in accordance with the ⇒ regulatory ⇐ procedure ⇒ with scrutiny ⇐ [X] referred to [X] in Article 11(3).

#### *Article 6*

##### **Processing of the results of the collection of data**

Member States shall process the statistical information collected pursuant to Article 3, in order to obtain comparable statistics, with the standard of accuracy [X] referred to [X] in Article 5.

#### *Article 7*

##### **Transmission of the results of the collection of data**

1. Member States shall transmit the results referred to in Article 3 to the  Commission (Eurostat) , including the data declared confidential by the Member States pursuant to domestic legislation or practice concerning statistical confidentiality, in accordance with [Council] Regulation (Euratom, EEC) No [1588/90] <sup>7</sup>.

2. The results shall be transmitted in accordance with the structure of the statistical data sets defined in Annex VIII. The technical details for transmission of the results  shall  be specified in accordance with the procedure  referred to  in Article 11(2).

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95/64/EC

3. The transmission of the results shall take place within five months of the end of the period of observation for data of quarterly periodicity and within eight months for data of annual periodicity.

The first transmission shall cover the first quarter of 1997.

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95/64/EC (adapted)

#### *Article 8*

### **Reports**

Member States shall provide the Commission  (Eurostat)  with all relevant information on the methods used in compiling the data. They shall also forward details of substantial changes in the methods used to collect the data.

#### *Article 9*

### **Dissemination of statistical data**

The Commission  (Eurostat)  shall disseminate appropriate statistical data with a periodicity comparable to that of the results transmitted.

The arrangements for publication or dissemination of the statistical data by the Commission  (Eurostat)  shall be adopted according to the procedure  referred to  in Article 11(2).

#### *Article 10*

### **Detailed rules of implementation**

Detailed rules for implementing this Directive, including measures for adapting it to economic and technical developments  shall be adopted , in particular:

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<sup>7</sup> OJ L [151, 15.6.1990], p. [1].

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↓ 95/64/EC

- (a) adaptation of the data collection characteristics (Article 3) and of the content of Annexes I to VIII in so far as such adaptation does not involve a substantial increase in cost for the Member States and/or the burden on respondents;
- (b) a list of ports, updated on a regular basis by the Commission, coded and classified by country and maritime coastal area (Article 4);
- (c) accuracy requirement (Article 5);

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↓ 95/64/EC (adapted)

- (d) the description of the composition of a data file and codes for transmission of the results to the Commission ☒ (Eurostat) ☒ (Article 7);
- (e) the arrangements for publication or dissemination of the data (Article 9).

☒ The measures referred to in points (d) and (e) shall be adopted in accordance with the procedure referred to in Article 11(2). ☒

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↓ new

The measures referred to in points (a), (b) and (c), designed to amend non-essential elements of this Directive, inter alia, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 11(3).

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↓ 1882/2003 Art. 2 and Annex II (adapted)

### *Article 11*

#### ☒ **Committee procedure** ☒

1. The Commission shall be assisted by the Statistical Programme Committee, set up by Council Decision 89/382/EEC, Euratom<sup>8</sup>, hereinafter referred to as ‘the Committee’.

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

~~3. The Committee shall adopt its rules of procedure.~~

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<sup>8</sup> OJ L 181, 28.6.1989, p. 47.

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↓ new

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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↓ 95/64/EC (adapted)

*Article 12*

⊗ **Communication of national provisions** ⊗

Member States shall communicate to the Commission the text of the main provisions of ⊗ national ⊗ law which they adopt in the field governed by this Directive.

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*Article 13*

**Repeal**

Directive 95/64/EC, as amended by the Acts listed in Annex IX, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directive set out in Annex IX, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex X.

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↓ 95/64/EC (adapted)

*Article 14*

⊗ **Entry into force** ⊗

↓ 95/64/EC

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

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↓ 95/64/EC (adapted)

*Article 15*

⊗ **Addressees** ⊗

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↓ 95/64/EC

This Directive is addressed to the Member States.

Done at Brussels, [...]

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

## **ANNEX I**

### **VARIABLES AND DEFINITIONS**

#### **1. Statistical Variables**

##### *(a) Cargo and passenger information*

- Gross weight of goods in tonnes,
- type of cargo, according to the nomenclature shown in Annex II,
- description of the goods, using the nomenclature shown in Annex III,
- reporting port,
- direction of movement, whether inwards or outwards,
- for inward cargo: the port of loading (i.e. the port in which the cargo was loaded on to the ship in which it arrived in the reporting port) using individual ports in the European Economic Area (EEA) countries shown in the port list, and the maritime coastal areas outside the EEA countries, shown in Annex IV,
- for outward cargo: the port of unloading (i. e. the port in which the cargo is to be unloaded from the ship in which it left the reporting port) using individual ports in the EEA countries shown in the port list, and the maritime coastal areas outside the EEA countries, shown in Annex IV,
- number of passengers starting or finishing a voyage as well as number of cruise passengers on a cruise passenger excursion.

For goods carried in containers or ro-ro units, the following additional particulars shall be provided:

- total number of containers (with and without cargo),
- number of containers without cargo,
- total number of mobile (ro-ro) units with and without cargo,
- number of mobile (ro-ro) units without cargo.

##### *(b) Information on the vessel*

- Number of vessels;
- deadweight of vessels or gross tonnage;
- country or territory of registration of vessels, using the nomenclature shown in Annex V;
- type of vessels, using the nomenclature shown in Annex VI;
- size of vessels, using the nomenclature shown in Annex VII.

#### **2. Definitions**

##### *(a) "Freight container" means an article of transport equipment:*

1. of a permanent nature and accordingly strong enough to be suitable for repeated use;
2. specially designed to facilitate the carriage of goods by one or more modes of transport, without intermediate reloading;
3. fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
4. so designed as to be easy to fill and empty;
5. having a length of 20 feet or more.

- (b) "Ro-ro unit" means wheeled equipment for carrying cargo, such as a truck, trailer or semi-trailer, which can be driven or towed onto a vessel. Port or ships' trailers are included in this definition. Classifications should follow United Nations ECE Recommendation No 21 "Codes for types of cargo, packages and packaging materials".
  - (c) "Container cargo" means containers with or without cargo which are lifted on or off the vessels which carry them by sea.
  - (d) "Ro-ro cargo" means goods, whether or not in containers, on ro-ro units, and ro-ro units which are rolled on and off the vessels which carry them by sea.
  - (e) "Gross weight of goods" means the tonnage of goods carried, including packaging but excluding the tare weight of containers or ro-ro units.
  - (f) "Deadweight (DWT)" means the difference in tonnes between the displacement of a ship on summer load-line in water with a specific gravity of 1,025 and the total weight of the ship, i. e. the displacement in tonnes of a ship without cargo, fuel, lubricating oil, ballast water, fresh water and drinking water in the tanks, usable supplies as well as passengers, crew and their possessions.
  - (g) "Gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.
  - (h) "Cruise passenger" means a sea passenger making a sea journey on a cruise ship. Passengers on day excursions are excluded.
  - (i) "Cruise ship" means a passenger ship intended to provide passengers with a full tourist experience. All passengers have cabins. Facilities for entertainment aboard are included. Ships operating normal ferry services are excluded, even if some passengers treat the service as a cruise. In addition, cargo-carrying vessels able to carry a very limited number of passengers with their own cabins are also excluded. Ships intended solely for day excursions are also excluded.
  - (j) "Cruise passenger excursion" means a short visit by a cruise passenger to a tourist attraction associated with a port while retaining a cabin on board.'
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**ANNEX II**

**TYPE OF CARGO CLASSIFICATION**

Category (1)	Code 1 digit	Code 2 digits	Description	Tonnage	Number
Liquid bulk	1	1X	Liquid bulk goods (no cargo unit)	X	
		11	Liquefied gas	X	
		12	Crude oil	X	
		13	Oil products	X	
		19	Other liquid bulk goods	X	
Dry bulk	2	2X	Dry bulk goods (no cargo unit)	X	
		21	Ores	X	
		22	Coal	X	
		23	Agricultural products (e.g. grain, soya, tapioca)	X	
		29	Other dry bulk goods	X	
Containers	3	3X	Large containers	X (?)	X
		31	20 ft freight units	X (?)	X
		32	40 ft freight units	X (?)	X
		33	Freight units > 20 ft and < 40 ft	X (?)	X
		34	Freight units > 40 ft	X (?)	X
Roll-on roll-off (self-propelled)	5	5X	Mobile self-propelled units	X	X
		51	Road goods vehicles and accompanying trailers	X (?)	X
		52	Passenger cars, motorcycles and accompanying trailers/caravans		X (?)
		53	Passenger buses		X (?)
		54	Trade vehicles (including import/export motor vehicles)	X	X (?)
		56	Live animals on the hoof	X	X (?)
Roll-on roll-off (non-self-propelled)	6	59	Other mobile self-propelled units	X	X
		6X	Mobile non-self-propelled units	X	X
		61	Unaccompanied road goods trailers and semi-trailers	X (?)	X
		62	Unaccompanied caravans and other road, agricultural and industrial vehicles	X	X (?)
		63	Rail wagons, shipborne port-to-port trailers, and shipborne barges engaged in goods transport	X (?)	X
Other general cargo (including small containers)	9	69	Other mobile non-self-propelled units	X	X
		9X	Other cargo, not elsewhere specified	X	
		91	Forestry products	X	
		92	Iron and steel products	X	
		99	Other general cargo	X	

(1) These categories are consistent with United Nations ECE Recommendation No 21.

(2) The quantity recorded is the gross weight of the goods including packaging but excluding the tare weight of containers and ro-ro-units.

(3) Only total number of units.

**ANNEX III**

**NST 2007**

Division	Description
01	Products of agriculture, hunting, and forestry; fish and other fishing products
02	Coal and lignite; crude petroleum and natural gas
03	Metal ores and other mining and quarrying products; peat; uranium and thorium
04	Food products, beverages and tobacco
05	Textiles and textile products; leather and leather products
06	Wood and products of wood and cork (except furniture); articles of straw and  plaiting materials; pulp, paper and paper products; printed matter and recorded  media
07	Coke and refined petroleum products
08	Chemicals, chemical products, and man-made fibres; rubber and plastic products;  nuclear fuel
09	Other non-metallic mineral products
10	Basic metals; fabricated metal products, except machinery and equipment
11	Machinery and equipment n.e.c.; office machinery and computers; electrical  machinery and apparatus n.e.c.; radio, television and communication equipment  and apparatus; medical, precision and optical instruments; watches and clocks
12	Transport equipment

13	Furniture; other manufactured goods n.e.c.
14	Secondary raw materials; municipal wastes and other wastes
15	Mail, parcels
16	Equipment and material utilised in the transport of goods
17	Goods moved in the course of household and office removals; baggage transported separately from passengers; motor vehicles being moved for repair; other non-market goods n.e.c.
18	Grouped goods: a mixture of types of goods which are transported together
19	Unidentifiable goods: goods which for any reason cannot be identified and therefore cannot be assigned to groups 01–16
20	Other goods n.e.c.

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↓ 2005/366/EC Art. 1 and Annex III (adapted)
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#### **ANNEX IV**

### **MARITIME COASTAL AREAS**

The nomenclature to be used is the Geonomenclature (the nomenclature of countries and territories for the external trade statistics of the Community and statistics of trade between Member States, drawn up in accordance with Article 9 of [Council] Regulation (EC) No [1172/95] <sup>1</sup>) and in force in the year to which the data refer.

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↓ 2005/366/EC Art. 1 and Annex III
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The code consists of four digits: the ISO alpha 2 standard code for each country from the abovementioned nomenclature, followed by two zeros (e.g. code GR00 for Greece), except for countries which are divided into two or more maritime coastal areas, which are identified by a fourth digit other than zero (from 1 to 7), as below:

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<sup>1</sup> OJ L [118, 25.5.1995, p. 10.]

<i>Code</i>	<i>Maritime coastal areas</i>
FR01	France: Atlantic and North Sea
FR02	France: Mediterranean
FR03	French overseas departments: French Guiana
FR04	French overseas departments: Martinique and Guadeloupe
FR05	French overseas departments: Réunion
DE01	Germany: North Sea
DE02	Germany: Baltic
DE03	Germany: Inland
GB01	United Kingdom
GB02	Isle of Man
GB03	Channels Islands
ES01	Spain: Atlantic (North)
ES02	Spain: Mediterranean and Atlantic (South), including the Balearic and Canary Islands
SE01	Sweden: Baltic
SE02	Sweden: North Sea
TR01	Turkey: Black Sea
TR02	Turkey: Mediterranean
RU01	Russia: Black Sea
RU02	Russia: Baltic
RU03	Russia: Asia
MA01	Morocco: Mediterranean
MA02	Morocco: West Africa
EG01	Egypt: Mediterranean
EG02	Egypt: Red Sea
IL01	Israel: Mediterranean
IL02	Israel: Red Sea
SA01	Saudi Arabia: Red Sea
SA02	Saudi Arabia: Gulf
US01	United States of America: Atlantic (North)
US02	United States of America: Atlantic (South)

<i>Code</i>	<i>Maritime coastal areas</i>
US03	United States of America: Gulf
US04	United States of America: Pacific (South)
US05	United States of America: Pacific (North)
US06	United States of America: Great Lakes
US07	Puerto Rico
CA01	Canada: Atlantic
CA02	Canada: Great Lakes and Upper Saint Lawrence
CA03	Canada: West Coast
CO01	Colombia: North Coast
CO02	Colombia: West Coast

*With the additional codes*

ZZ01	Offshore installations
ZZ02	Aggregates and not elsewhere specified'

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↓ 2005/366/EC Art. 1 and Annex IV (adapted)
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## ANNEX V

### NATIONALITY OF REGISTRATION OF VESSELS

The nomenclature to be used is the Geonomenclature (the nomenclature ☒ of countries and territories ☒ for the external trade statistics of the Community and statistics of trade between Member States drawn up ☒ in accordance with Article 9 of ☒ Regulation (EC) No ☒ [1172/95] ☒ ) ☒ and ☒ in force in the year to which the data refer.

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↓ 2005/366/EC Art. 1 and Annex IV
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The code consists of four digits: the ISO alpha 2 standard code for each country from the abovementioned nomenclature, followed by two zeros (e.g. code GR00 for Greece), except for countries with more than one register which are identified by a fourth digit other than zero, as below:

FR01	France
FR02	French Antarctic Territory (including the Kerguelen Islands)
IT01	Italy - first register
IT02	Italy - international register
GB01	United Kingdom
GB02	Isle of Man
GB03	Channel Islands
GB04	Gibraltar
DK01	Denmark
DK02	Denmark (DIS)
PT01	Portugal
PT02	Portugal (MAR)
ES01	Spain
ES02	Spain (Rebeca)
NO01	Norway
NO02	Norway (NIS)
US01	United States of America
US02	Puerto Rico

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↓ 2005/366/EC Art. 1 and  
Annex V

## ANNEX VI

### TYPE OF SHIP CLASSIFICATION (ICST-COM)

	Type	Ship categories included
10	Liquid bulk	Oil tanker Chemical tanker LG tanker Tanker barge Other tanker
20	Dry bulk	Bulk/oil carrier Bulk carrier
31	Container	Full container
32	Specialized	Barge carrier Chemical carrier Irradiated fuel Livestock carrier Vehicle carrier Other specialised
33	General cargo, non-specialized	Reefer Ro-ro passenger Ro-ro container Other ro-ro cargo Combination carrier general cargo/passenger Combination carrier general cargo/container Single decker Multi-decker
34	Dry cargo barge	Deck barge Hopper barge Lash-seabee barge Open dry cargo barge Coverd dry cargo barge Other dry cargo barge nes
35	Passenger	Passenger (excluding cruise passengers)
36	Cruise Passenger	Cruise ships only
41	Fishing	Fish catching (*) Fish processing (*)
42	Offshore activities	Drilling and exploration (*) Offshore support (*)
43	Tugs	Tugs (*) Pusher craft (*)
49	Miscellaneous	Dredgers (*) Research/survey (*) Other vessel nes (*)
XX	Unknown	Unknown type of vessel

(\*) Not covered by this Directive.

**ANNEX VII**

**VESSEL SIZE CLASSES**

**in deadweight (DWT) or in gross tonnage (GT)**

This classification applies only to vessels with a gross tonnage of 100 or more.

Class	Lower limit		Upper limit	
	DWT	GT	DWT	GT
01	—	100	up to 499	up to 499
02	500	500	999	999
03	1 000	1 000	1 999	1 999
04	2 000	2 000	2 999	2 999
05	3 000	3 000	3 999	3 999
06	4 000	4 000	4 999	4 999
07	5 000	5 000	5 999	5 999
08	6 000	6 000	6 999	6 999
09	7 000	7 000	7 999	7 999
10	8 000	8 000	8 999	8 999
11	9 000	9 000	9 999	9 999
12	10 000	10 000	19 999	19 999
13	20 000	20 000	29 999	29 999
14	30 000	30 000	39 999	39 999
15	40 000	40 000	49 999	49 999
16	50 000	50 000	79 999	79 999
17	80 000	80 000	99 999	99 999
18	100 000	100 000	149 999	149 999
19	150 000	150 000	199 999	199 999

20	200 000	200 000	249 999	249 999
21	250 000	250 000	299 999	299 999
22	≥ 300 000	≥ 300 000	—	—

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*NB:* If vessels with a gross tonnage of less than 100 were to be included pursuant to this Directive, they would be allocated class code '99'.

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↓ 2005/366/EC Art. 1 and Annex VI
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## **ANNEX VIII**

### **STRUCTURE FOR STATISTICAL DATA SETS**

The data sets specified in this Annex define the periodicity for the maritime transport statistics required by the Community. Each data set defines a cross classification of a limited set of dimensions at different levels of the nomenclatures, aggregated across all other dimensions, for which statistics of good quality are required.

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↓ 2005/366/EC Art. 1 and Anne VI (adapted)
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The conditions for collecting data set B1 ☒ shall ☒ be decided by the Council on a proposal from the Commission in the light of the results of the pilot study ☒ carried out ☒ during a three-year transitional period, as ☒ provided for ☒ in Article 10 of Directive ☒ 95/64/EC and concerning the feasibility and the cost to Member States and to the respondents of collecting those items of information ☒ .

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↓ 2005/366/EC Art. 1 and Annex VI
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### **SUMMARY AND DETAILED STATISTICS**

- The data sets to be provided for selected ports for goods and passengers are A1, A2, B1, C1, D1, E1, F1 and/or F2.
- The data sets to be provided for selected ports for goods but not for passengers are A1, A2, A3, B1, C1, E1, F1 and/or F2.
- The data sets to be provided for selected ports for passengers but not for goods are A3, D1, F1 and/or F2.
- The data set to be provided for selected ports and for ports which are not selected (for neither goods nor passengers) is A3.

**Data set A1:** Seaborne transport in the main European ports by port, type of cargo and relation

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	A1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	One-character alphanumeric	Type of cargo, Annex II

Data: Gross weight of goods in tonnes.

**Data set A2:** Non-unit-load seaborne transport in the main European ports, by port, type of cargo and relation

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	A2
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	Two-character alphanumeric	Type of cargo, (non-unit-load only) Annex II (subcategories 1X, 11, 12, 13, 19, 2X, 21, 22, 23, 29, 9X, 91, 92 and 99)

Data: Gross weight of goods in tonnes.

**Data set A3:** Data required for both selected ports and ports for which detailed statistics are not required (see Article 4(3))

Periodicity: annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	A3
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(0)
	Reporting port	Five-character alphanumeric	All ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)

Data: Gross weight of goods in tonnes.

Number of passengers (excluding cruise passengers).

Number of cruise passengers starting and ending a cruise.

Number of cruise passengers on cruise passenger excursion: direction: inwards (1) only - (optional).

**Data set B1:** Seaborne transport in the main European ports, by port, type of cargo, goods and relation

Periodicity: annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	B1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(0)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	One-character alphanumeric	Type of cargo, Annex II
	Commodity	Two-character alphanumeric	Goods nomenclature, Annex III

Data: Gross weight of goods in tonnes.

**Data set C1:** Unit-load seaborne transport in the main European ports, by port, type of cargo, relation and loaded status

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	C1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	Two-character alphanumeric	Type of cargo (container, ro-ro only) Annex II (subcategories 3X, 31, 32, 33, 34, 5X, 51, 52, 53, 54, 56, 59, 6X, 61, 62, 63 and 69)

Data: Gross weight of goods in tonnes (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 54, 56, 59, 6X, 61, 62, 63 and 69)  
Number of units (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 52, 53, 54, 56, 59, 6X, 61, 62, 63 and 69).  
Number of units without cargo (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 59, 6X, 61, 63 and 69).

**Data set D1:** Passenger transport in the main European ports, by relation and nationality of registration of vessel

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	D1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Nationality of registration of vessel	Four-character alphanumeric	Nationality of registration of vessels, Annex V

*Data:* Number of passengers excluding cruise passengers starting and ending a cruise and cruise passengers on excursion

**Data set E1:** Seaborne transport in the main European ports, by port, type of cargo, relation and nationality of registration of vessels

Periodicity: annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	E1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(0)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/unloading	Five-character alphanumeric	EEA-ports in the port list
	Relation	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	One-character alphanumeric	Type of cargo, Annex II
	Nationality of registration of vessel	Four-character alphanumeric	Nationality of registration of vessels, Annex V

*Data:* Gross weight of goods in tonnes.

**Data set F1:** European port vessel traffic in the main European ports, by port, type and size of vessels loading or unloading cargo, embarking or disembarking passengers (including cruise passengers on cruise passenger excursion)

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	F1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Type of vessel	Two-character alphanumeric	Type of ship, Annex VI
	Size of vessel DWT	Two-character alphanumeric	Dead weight size classes, Annex VII

Data: Number of vessels;  
Dead weight of vessels in tonnes.

**Data set F2:** European port vessel traffic in the main European ports, by port, type and size of vessels loading or unloading cargo, embarking or disembarking passengers (including cruise passengers on cruise passenger excursion)

Periodicity: quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	F2
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Type of vessel	Two-character alphanumeric	Type of ship, Annex VI
	Size of vessel GT	Two-character alphanumeric	Gross tonnage size classes, Annex VII

Data: Number of vessels;  
Gross tonnage of vessels.



**ANNEX IX**

**Part A**

**Repealed Directive with list of its successive amendments**  
(referred to in Article 13)

Council Directive 95/64/EC  
(OJ L 320, 30.12.1995, p. 25)

Commission Decision 98/385/EC  
(OJ L 174, 18.6.1998, p. 1) only Article 3

Commission Decision 2000/363/EC  
(OJ L 132, 5.6.2000, p. 1) only Article 1

Regulation (EC) No 1882/2003 of the European  
Parliament and of the Council only pt. 20 of Annex II  
(OJ L 284, 31.10.2003, p. 1)

Commission Decision 2005/366/EC  
(OJ L 123, 17.5.2005, p. 1) only Article 1

Commission Regulation (EC) No 1304/2007  
(OJ L 290, 8.11.2007, p. 14) only Article 1

**Part B**

**List of time-limits for transposition into national law**  
(referred to in Article 13)

Directive	Time-limit for transposition
95/64/EC	1 January 1997

## ANNEX X

### CORRELATION TABLE

Directive 95/64/EC	This Directive
Article 1	Article 1
Article 2(1), first subparagraph	Article 2(a), first subparagraph
Article 2(1), second subparagraph, (a) and (b)	Article 2(a), second subparagraph, (i) and (ii)
Article 2(1), third subparagraph	Article 2(a), third subparagraph
Article 2(2) to (5)	Article 2(b) to (e)
Article 3	Article 3
Article 4(1)	Article 4(1)
Article 4(2), first subparagraph	Article 4(2), first subparagraph
Article 4(2), second subparagraph	-
Article 4(2), third subparagraph	Article 4(2), second subparagraph
Article 4(3)	Article 4(3)
Articles 5, 6 and 7	Articles 5, 6 and 7
Article 8(1)	Article 8
Article 8(2)	-
Article 9	Article 9
Article 10	-
Article 11	-
Article 12, introductory words	Article 10, first paragraph, introductory words
Article 12, first to fifth indents	Article 10, first paragraph, points (a) to (e)
Article 12, sixth indent	-
Article 12, seventh indent	-
Article 12, final words	Article 10, second paragraph
-	Article 10, third paragraph

Article 13(1) and (2)

-

Article 13(3)

Article 14(1)

Article 14(2)

-

Article 15

Article 16

Annexes I to VIII

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-

Article 11(1) and (2)

Article 11(3)

-

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Article 12

Article 13

Article 14

Article 15

Annexes I to VIII

Annex IX

Annex X