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REPORT

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU – Preparation for the trilogue

CONTEXT AND CONTENT OF THE PROPOSAL

1. On 17 May 2018, the Commission transmitted the above-mentioned proposal to the European Parliament and to the Council.
2. The Commission proposes to repeal Directive 2010/65/EU of the European Parliament and of the Council¹ and to replace it with the proposed Regulation.

¹ Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).

3. Each time a ship arrives in or leaves a port, it is confronted with numerous reporting obligations. Those are not harmonised between or even within Member States, resulting in a heavy administrative burden on ship operators. They also result in a competitive disadvantage for shipping as opposed to other transport modes within the EU.
4. The purpose of the proposal is to address those non-harmonised reporting obligations for ships. The proposed new European Maritime Single Window environment ('EMSWe') aims at bringing together, in a coordinated and harmonised way, all reporting formalities associated with a port call. There are also provisions for improving interoperability and interconnection between various systems, making it possible to share and reuse data to a larger extent. However, the purpose is not to replace the maritime National Single Windows, but rather to link them.
5. To that end, the Commission proposes, *inter alia*:
 - to establish an EMSWe data set covering all reporting obligations set out in Union, international and national legislation;
 - to develop a harmonised reporting interface module for the maritime National Single Windows;
 - to confirm the once-only principle (i.e. that reporting should be done only once per port call and that the same information should be reused for subsequent port calls within the EU);
 - to establish a number of common services (a common user and access management system and common databases);
 - to coordinate the activities related to the EMSWe at Union and national level.
6. The initiative is part of the Third "Europe on the Move" Package ("the Third Mobility Package"), which delivers on the new industrial policy strategy and is designed to complete the process of enabling Europe to reap the full benefits of the modernisation of mobility.

STATE OF PLAY

7. The Council agreed on a general approach on 3 December 2018.
8. The European Parliament Committee for Transport and Tourism (TRAN) appointed Ms Deirdre Clune (EPP-Ireland) as rapporteur on 5 July 2018. The TRAN Committee adopted its report on the proposal on 10 January 2019 and the plenary, on 14 January, approved the decision of the TRAN Committee to start negotiations.
9. The first informal trilogue took place on 21 January 2019.
10. A second informal trilogue is scheduled for 7 February 2019. That should be the last trilogue.

THE PROPOSED MANDATE

11. From the outset, the Presidency would like to underline the concessions made by the European Parliament in provisionally agreeing to the structure of the Council general approach and to many of the Council's amendments to the text (e.g. on exceptional circumstances, on the exception for land-locked countries, on data protection and confidentiality, on customs, on the principle of a Common Sanitation Database and on the date of application of the Regulation). On many other issues, the Parliament would be able to accept the text of the general approach and/or withdraw its amendments.
12. Furthermore, the Presidency would like to remind delegations that many of the more important issues should be seen as a package, not in isolation. This concerns for example:
 - the provisions on the graphical user interface;
 - the issue of technological neutrality and the references to the harmonised reporting module;
 - references to "existing systems";
 - the "governance dimension"; and
 - the new addressing service (or voluntary common access point interface, to use the Parliament terminology).

The Presidency considers that those have been dealt with in a way that balances the interests of the Council and the Parliament.

13. The Presidency has taken good note of the reservations expressed by delegations on various parts of the Presidency compromise proposals. To some extent, the proposed mandate reflects those concerns, either by suggesting to withdraw previous compromise proposals or by revising them slightly. In other instances, the Presidency has chosen to keep the proposed compromise in order to let them be discussed in COREPER.
14. The main outstanding issues are:
 - the helpdesk (line 141);
 - sharing of data with providers of port services (line 149);
 - the making public of the times of arrival and departure of ships (line 152);
 - existing systems, with particular regard to information from data service providers (line 176);
 - the reference to an EU Access Point Interface in Article 17 (review and report) (line 274);
 - the time-limit of three years for the empowerment of the Commission to adopt delegated acts (line 277);
 - recital 5b on the graphical user interface (line 29).
15. Concerning the helpdesk (EP amendment 37, line 141), the Presidency notes, first of all, that this is an important point for the Parliament. Nevertheless, the Parliament already expressed willingness to make some concessions towards the Council (initial helpdesk, limited to the first 12 months from the date of application, daytime only). However, the Presidency also notes that many Member States had reservations or very strong reservations on this amendment and the compromise proposal by the Presidency ("d) the provision of a daytime helpdesk during the first 12 months from the date of application of this Regulation"). One objection was that it was too detailed. Therefore the Presidency suggests to only make reference to a helpdesk, without specifying its opening hours.

16. As regards the sharing of data with providers of port services (line 149) and the change from "may" to "shall", it should be noted that even though the technical possibility as such would become mandatory for the National Single Windows, the actual data elements to be made available would be decided at national level.
17. The Presidency tried to address the issue of the public availability of arrival and departure times of ships (line 152) and the change from "may" to "shall" by proposing an exemption for threats to security. It seems that this public availability also poses practical problems to Member States in some ports where this is not technically possible. Therefore, the Presidency does not propose a compromise for this item, noting, however, that if the Parliament insists, some wording could perhaps be explored that addresses those additional concerns.
18. As regards the information from declarants through data service providers (line 176), this is linked to the compromise package on "existing systems". As rightly pointed out by some delegations, it should be clarified that this is to be done on a voluntary basis. Also, it has been partly de-linked from the provision of information through other reporting channels and put in a separate paragraph. The Presidency suggests, in this context, that delegations note the corresponding recital 5a (line 27), which they seem to be able to accept.
19. As regards the reference to a future EU Access Point Interface in Article 17 (review and report) (line 274), this is a very unclear concept. The Presidency suggests to keep the general approach, also noting of the concerns expressed by the Commission with regard to this Parliament amendment.
20. The Council general approach limits the empowerment of the Commission to adopt delegated acts (line 277) to three years, as opposed to five years proposed by the Commission and accepted by the Parliament. The Presidency suggests to keep the general approach, given that Member States have given a clear signal that they want to exercise control over the measures taken by the Commission through delegated acts. It should be noted, though, that the only delegated acts foreseen in the general approach are those referred to in Article 3(3) (line 98). The Commission has expressed concerns that the report foreseen 9 months before the end of the three-year period would almost coincide with the adoption of the first delegated and implementing acts under the Regulation, which would impose an unreasonable administrative burden on the Commission. Should the Parliament insist on the five years, perhaps the co-legislators could meet midway.

21. Finally, recital 5b on the graphical user interface (line 29) is of course part of the compromise package on that issue. It aims to address some parts of amendment 36 (line 138): "*the provision of an easy-to-use harmonised Graphical User Interface (GUI), with a similar look*". Based on the remarks by delegations, the Presidency has slightly modified the proposed compromise.

OTHER ISSUES

22. The United Kingdom maintains a parliamentary scrutiny reservation on the proposal

CONCLUSION

23. Taking into account the above, the Permanent Representatives Committee is invited to give the Presidency a broad mandate on the basis of the text set out in the Annex with a view to negotiating a first reading agreement with the European Parliament.
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2018/0139 (COD)

**Proposal for a Regulation of the European Parliament and of the Council
establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU**

NB: the issues are provisionally categorised in A (identical, merely editorial or can be agreed upon without much discussion), B (items that could be resolved at technical level) and C (key issues of political nature, which will require more careful consideration).

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
1.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU		Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU	
2.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
3.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,	
4.	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
5.	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
6.	Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee ¹ , ¹ OJ C , , p. .	
7.	Having regard to the opinion of the Committee of the Regions ² , ² OJ C , , p. .		<i>After consulting</i> the Committee of the Regions ^{1/.../} , ² [...]	<i>CoR declined giving an opinion.</i>
8.	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
9.	Whereas:		Whereas:	
10.		Amendment 1 Recital 1		
11.	(1) Directive 2010/65/EU of the European Parliament and the Council* requires Member States to accept the fulfilment of reporting obligations for ships arriving in and departing from Union ports in electronic format and to ensure their transmission via a single window in order to facilitate maritime transport. * Directive 2010/65/EU of the European Parliament and the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member	(1) Directive 2010/65/EU of the European Parliament and the Council* requires Member States to accept the fulfilment of reporting obligations for ships arriving in and departing from Union ports in electronic format and to ensure their transmission via a single window in order to facilitate <i>and expedite</i> maritime transport. * Directive 2010/65/EU of the European Parliament and <i>of</i> the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the	(1) Directive 2010/65/EU of the European Parliament and the Council* requires Member States to accept the fulfilment of reporting obligations for ships arriving in and departing from Union ports in electronic format and to ensure their transmission via a single window in order to facilitate maritime transport. * Directive 2010/65/EU of the European Parliament and the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member	B Accept EP amendment

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).	Member States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).	States and repealing Directive 2002/6/EC (OJ L 283, 29.10.2010, p. 1).	
12.	(2) Maritime transport is the backbone of trade and communications within and beyond the single market. For the facilitation of maritime transport, and in order to further reduce the administrative burdens for shipping companies, the information procedures for fulfilment of reporting obligations imposed on shipping companies by legal acts of the Union and by national law of Member States should be further simplified and harmonised.		(2) Maritime transport is the backbone of trade and communications within and beyond the single market. For the facilitation of maritime transport, and in order to further reduce the administrative burden for shipping companies, the information procedures for fulfilment of reporting obligations imposed on shipping companies by legal acts of the Union, by international legal acts and by national law of Member States should be further simplified and harmonised and should be technology-neutral, promoting future-proof reporting solutions.	C Keep GA text
13.		Amendment 2 Recital 2a (new)		Proposed compromise:
14.		<i>(2a) Whereas both the European Parliament and the Council have frequently called for more interoperability and more comprehensive, user-friendly communication and information flows to help citizens and businesses make full use of the internal market and to strengthen internal market tools to better meet the needs of citizens and businesses when they conduct cross-border activities.</i>		B <i>(2a) Whereas both <u>Both the European Parliament and the Council have frequently called for more interoperability and more comprehensive, user-friendly communication and information flows to improve the functioning of help citizens and businesses make full use of the internal market and to strengthen internal market tools</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				<i>to better meet the needs of citizens and businesses when they conduct cross-border activities.</i>
15.		Amendment 3 Recital 3		Revised proposed compromise (EP AMD 3 + 4 and Council combined):
16.	(3) This Regulation is aimed at facilitating the transmission of information. The application of this Regulation should not alter the substance of reporting obligations, and should not affect subsequent storage and processing of information at Union level or at national level.	(3) <i>The main aim of this Regulation is to lay down harmonised rules for the provision of cargo information required by both maritime and customs authorities and for compliance with the other reporting formalities required by Directive 2010/65/EU; This Regulation aims to facilitate the transmission of information between the ship data providers, the relevant authorities covering the port of call, and other Member States, whilst complying with the GDPR.</i> The application of this Regulation should not alter the substance of reporting obligations, and should not affect subsequent storage and processing of information at Union level or at national level.	(3) This Regulation is aimed at facilitating the transmission of information. The application of this Regulation should not alter <i>the time frames for or</i> substance of reporting obligations, and should not affect subsequent storage and processing of information at Union level or at national level.	C (3) <i>The main aim of this Regulation is to lay down harmonised rules for the provision of cargo information required for a port call, notably by ensuring that the same data sets can be reported to each maritime National Single Window in the same way, by both maritime and customs authorities and for compliance with the other reporting formalities required by Directive 2010/65/EU; This Regulation aims to facilitate the transmission of information between declarants, the ship data providers, the relevant authorities and providers of port services covering the port of call, and other Member States, whilst complying with the GDPR.</i> The application of this Regulation should not alter <i>the time frames for or</i> the substance

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				of reporting obligations, and should not affect subsequent storage and processing of information at Union level or at national level.
17.		Amendment 4 Recital 3 a (new)		
18.		<i>(3a) This Regulation seeks to harmonise different data elements by ensuring that the same data sets can be reported to each relevant authority in the same way, and thereby to further improve the efficiency of maritime transport, to support digitalisation and to facilitate trade.</i>		B Suggest to withdraw EP amendment, already covered by recitals 2, 2a, 3.
19.		Amendment 5 Recital 4		Proposed compromise:
20.	(4) The existing National Single Windows in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The National Single Windows should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities.	(4) The existing National Single Windows in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The National Single Windows should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities. <i>A governance dimension, with a clear legal basis, should be developed for each National Single Window so that they have the competences and responsibilities to</i>	(4) The existing <i>maritime</i> National Single <i>Window</i> in each Member State should be maintained as the basis for the European Maritime Single Window environment ('EMSWe'). The <i>maritime</i> National Single <i>Window</i> should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data distribution to all relevant competent authorities <i>and port services providers.</i>	C (4) The existing <i>maritime</i> National Single <i>Window</i> in each Member State should be maintained as the basis for <u>a <i>technologically neutral and interoperable</i></u> the European Maritime Single Window environment ('EMSWe'). The <i>maritime</i> National Single <i>Window</i> should constitute a comprehensive reporting entry point for maritime transport operators, performing the functionalities of data collection from the declarants and data

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>collect, store and distribute the data to the relevant authorities, and so that any relevant information received in accordance with this Regulation is made available to their National Single Windows via the SafeSeaNet system in accordance with Article 22a of Directive 2002/59/EC;</i>		distribution to all relevant competent authorities <i>and providers of port services providers.</i>
21.			<i>(4a) In order to enhance the efficiency of the maritime National Single Windows and to prepare for future developments, it should be possible to maintain present or establish new arrangements in Member States to use the maritime National Single Window for the reporting of similar information for other transport modalities.</i>	C Keep GA text
22.		Amendment 6 Recital 4a (new)		
23.		<i>(4a) Existing reporting channels and services providers may be maintained if additional data requests are made in extraordinary circumstances. This flexibility should be allowed not only to Member States, but also to relevant competent authorities, since they are responsible for assessing the risks involved in clearing the ship, its cargo, its passengers and its crew, if there is any on board.</i>		C Suggest to withdraw EP amendment, covered by compromises on exceptional circumstances and existing systems

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
24.		Amendment 7 Recital 5		Proposed compromise:
25.	(5) The front-end interfaces of these National Single Windows, on the side of the declarants, should be harmonised at Union level, in order to facilitate reporting and further reduce administrative burden. This harmonisation should be achieved by the application in every National Single Window of a common interface software for system-to-system exchange of information developed at Union level. The Member States should bear the responsibility for integrating and managing this interface module and for updating the software regularly and timely when new versions are provided by the Commission. The Commission should develop the module and provide updates when needed.	(5) The front-end interfaces of these National Single Windows, on the side of the declarants, should be harmonised at Union level, in order to facilitate reporting and further reduce administrative burden. This harmonisation should be achieved by the application in every National Single Window of a common interface software for system-to-system exchange of information developed at Union level. The Member States should bear the responsibility for integrating and managing this interface, <i>which should be technology neutral in order not to prevent innovation</i> , and for updating the software regularly and timely when new versions are provided by the Commission. The Commission should develop the <i>interface</i> and provide updates when needed, <i>since the development of digital technologies is market-driven, currently moving fast and any technological solution could rapidly become outdated in the light of new developments.</i>	(5) The front-end interfaces of <i>those maritime</i> National Single Windows, on the side of the declarants, should be harmonised at Union level, in order to facilitate reporting and further reduce administrative burden. This harmonisation should be achieved by the application in every <i>maritime</i> National Single Window of a common interface software for system-to-system exchange of information developed at Union level. The Member States should bear the responsibility for integrating and managing this interface module and for updating the software regularly and timely when new versions are provided by the Commission. The Commission should develop the module and provide updates when needed.	C (5) The front-end interfaces of <i>those maritime</i> National Single Windows, on the side of the declarants, should be harmonised at Union level, in order to facilitate reporting and further reduce administrative burden. This harmonisation should be achieved by the application in every <i>maritime</i> National Single Window of a common interface software for system-to-system exchange of information developed at Union level. The Member States should bear the responsibility for integrating and managing this interface module and for updating the software regularly and timely when new versions are provided by the Commission. The Commission should develop the module and provide updates when needed, <u>since the development of digital technologies is moving fast and any technological solution could rapidly become outdated in the light of new developments.</u>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
26.		Amendment 8 Recital 5a (new)		Proposed compromise:
27.		<i>(5a) Existing reporting channels provided by Member States and service providers, such as Port Community Systems and other system-to-system reporting channels should be maintained as optional entry points for reporting, in view of the fact that these systems are functioning well and offer a customised means for maritime operators to fulfil their reporting formalities that might be better suited to some environments, in addition to representing substantial investment by many stakeholders.</i>		C <i>(5a) Existing <u>Other</u> reporting channels provided by Member States and service providers, such as Port Community Systems and other system-to-system reporting channels should <u>could</u> be maintained as optional entry points for reporting <u>and should be able to act as data service providers,</u> in view of the fact that these systems are functioning well and offer a customised means for maritime operators to fulfil their reporting formalities that might be better suited to some environments, in addition to representing substantial investment by many stakeholders.</i>
28.			<i>(5a) In order not to impose a disproportionate administrative burden on landlocked Member States which do not have maritime ports, such Member States should be exempted from the obligation to develop, establish, operate and make available a maritime National Single Window. This means that, as long as they make use of this exemption, such</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
			<i>Member States are not obliged to fulfil the obligations that are linked to the development, establishment, operation and making available of a maritime National Single Window.</i>	
29.			<i>(5b) A graphical user interface should be part of the maritime National Single Windows for manual reporting by declarants. Member States should offer the graphical user interface for manual entry of data by declarants also by way of uploading the harmonised digital spreadsheets.</i>	C Revised proposed compromise: <i>(5b) <u>An easy-to-use, graphical user interface with common and similarly-looking similar functionalities</u> should be part of the maritime National Single Windows for manual reporting by declarants. Member States should offer the graphical user interface for manual entry of data by declarants also by way of uploading the harmonised digital spreadsheets.</i>
30.		Amendment 9 Recital 6		
31.	(6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime transfer sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of the harmonised reporting environment.	(6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime transport sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of the harmonised reporting environment.	(6) Emerging new digital technologies present ever-growing opportunities to increase the efficiency of the maritime transport sector and to reduce administrative burden. In order for the benefits of such new technologies to accrue as early as possible, the Commission should be empowered to amend, by means of implementing acts, the technical specifications, standards and procedures of the harmonised reporting environment.	C Accept EP amendment

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	New technologies should also be taken into account when this Regulation is reviewed.	<i>This should leave flexibility for market players to develop new digital technologies</i> and new technologies should also be taken into account when this Regulation is reviewed.	New technologies should also be taken into account when this Regulation is reviewed.	
32.	(7) Adequate support and information on the processes and technical requirements related to the use of National Single Windows should be provided to declarants via easily accessible and user-friendly national websites with common ‘look and feel’ standards.		(7) Adequate support and information on the processes and technical requirements related to the use of <i>maritime</i> National Single Windows should be provided to declarants via easily accessible and user-friendly national websites with common ‘look and feel’ standards.	B Keep GA text
33.	(8) The Convention on Facilitation of International Maritime Traffic (‘The FAL Convention’)* provides that the public authorities should in all cases require only essential reporting information and keep the number of items to a minimum. * International Maritime Organisation (IMO) Convention on Facilitation of International Maritime Traffic (the ‘FAL Convention’), adopted on 9 April 1965 and amended on 8 April 2016, Standard 1.1.		(8) The Convention on Facilitation of International Maritime Traffic (‘the FAL Convention’)* provides that the public authorities should in all cases require only essential reporting information and keep the number of items to a minimum. <i>However, local conditions may require specific information to ensure safety of navigation.</i> * International Maritime Organisation (IMO) Convention on Facilitation of International Maritime Traffic (the ‘FAL Convention’), adopted on 9 April 1965 and amended on 8 April 2016, Standard 1.1.	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
34.		Amendment 10 Recital 9		First part of EP amendment addressed in line 45. Proposed compromise for second part:
35.	(9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State.	(9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State. <i>This should be reflected in the development of an established governance dimension to the National Single Windows to ensure their smooth functioning. As the aim of this Regulation is trade facilitation via the harmonisation of data requirements, the Commission should, when defining a detailed data set, have regard to, and actively participate at the IMO level in the development of a high-quality independent data reference model.</i>	(9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. Since the scope of reporting obligations varies from one Member State to another, a <i>maritime</i> National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State.	C (9) In order to enable the functioning of the EMSWe, it is necessary to establish a comprehensive EMSWe data set which should cover all information elements that might be requested by national authorities or port operators for administrative or operational purposes, when a ship makes a port call. <i>When establishing the EMSWe data set, the Commission should take into account relevant work carried out at international level.</i> Since the scope of reporting obligations varies from one Member State to another, a <i>maritime</i> National Single Window in a given Member State should be designed to accept the EMSWe data set without any modification, and disregard any information not relevant for that Member State.

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
36.			<i>(9a) In exceptional circumstances a Member State should be able to request additional data elements from declarants. Such exceptional circumstances may arise, for example, when there is an urgent need to protect internal order and security or to address a serious threat against human or animal health or against the environment.</i>	C Proposed compromise: <i>(9a) In exceptional circumstances a Member State should be able to request additional data elements from declarants. Such exceptional circumstances may arise, for example, when there is an urgent need to protect internal order and security or to address a serious threat against human or animal health or against the environment. <u>The notion of exceptional circumstances should be interpreted strictly.</u></i>
37.	(10) The relevant reporting obligations contained in the Union and international legal acts should be listed in the Annex to this Regulation. These reporting obligations should provide the basis for establishment of the comprehensive EMSWe data set. The Annex should also refer to the relevant categories of reporting obligations at the national level, and the Member States should be able to request the Commission to amend the EMSWe data set on the basis of reporting obligations contained in their national legislation. The Union legal act which amends the EMSWe data set on the basis of a reporting obligation		(10) The relevant reporting obligations contained in the Union and international legal acts should be listed in the Annex to this Regulation. <i>Those</i> reporting obligations should provide the basis for establishment of the comprehensive EMSWe data set. The Annex should also refer to the relevant categories of reporting obligations at the national level, and the Member States should be able to request the Commission to amend the EMSWe data set on the basis of reporting obligations contained in their national legislation <i>and requirements</i> . The Union legal act which amends the EMSWe data set on the basis of a	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	contained in the national legislation should include explicit reference to that national legislation.		reporting obligation contained in the national legislation <i>and requirements</i> should include explicit reference to that national legislation <i>and requirements</i> .	
38.	<p>(11) Whenever the information from the National Single Windows is distributed to the competent authorities, the transmission must comply with the common data requirements, formats and codes for the reporting obligations and formalities provided for in the Union legislation listed in the Annex and must be made through the IT systems established therein, such as the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013*.</p> <p>* Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).</p>		<p>(11) Whenever the information from the <i>maritime</i> National Single Windows is distributed to the competent authorities, the transmission must comply with the common data requirements, formats and codes for the reporting obligations and formalities provided for in the Union legislation listed in the Annex and must be made through the IT systems established therein, such as the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013 <i>of the European Parliament and of the Council</i>*.</p> <p>* Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).</p>	B Keep GA text
39.	(12) The implementation of this Regulation should take into account the SafeSeaNet systems established at national and Union level, which should continue to facilitate the exchange and distribution of information received		(12) The implementation of this Regulation should take into account the SafeSeaNet systems established at national and Union level, which should continue to facilitate the exchange and distribution of information received	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	through the National Single Window between the Member States in accordance with Directive 2002/59.		through the <i>maritime</i> National Single Window between the Member States in accordance with Directive 2002/59 <i>of the European Parliament and of the Council</i> ¹ . ¹ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).	
40.	(13) Ports are not the final destination of goods. The efficiency of the ship port calls have an impact on the entire logistics chain related to the transport of goods and passengers to and from the ports. In order to ensure interoperability, multimodality, and smooth integration of maritime transport with the overall logistics chain and in order to facilitate other transport modes, the National Single Windows should allow for the possibility to exchange relevant information, such as arrival and departure times, with similar frameworks developed for other transport modes.		(13) Ports are not the final destination of goods. The efficiency of the ship port calls have an impact on the entire logistics chain related to the transport of goods and passengers to and from the ports. In order to ensure interoperability, multimodality, and smooth integration of maritime transport with the overall logistics chain and in order to facilitate other transport modes, the <i>maritime</i> National Single Windows should allow for the possibility to exchange relevant information, such as arrival and departure times, with similar frameworks developed for other transport modes.	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
41.		Amendment 11 Recital 14		Proposed compromise:
42.	(14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a National Single Windows should be also shared with certain other entities, such as port or terminal operators.	(14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a National Single <i>Window</i> should be also shared with certain other entities, such as port or terminal operators, <i>when authorised and taking into account the need to respect confidentiality, commercial sensitivities and legal constraints.</i>	(14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a <i>maritime</i> National Single <i>Window</i> should be also shared with certain other entities, such as port or terminal operators. <i>This Regulation aims to improve the handling of data following the once-only principle when fulfilling the reporting obligations.</i>	B (14) In order to improve the efficiency of maritime transport and to limit the duplication of information which must be provided for operational purposes when a ship makes a port call, the information provided by the declarant to a <i>maritime</i> National Single <i>Window</i> should be also shared with certain other entities, such as port or terminal operators, <u>when authorised by the declarant and taking into account the need to respect confidentiality, commercial sensitivities and legal constraints.</u> <i>This Regulation aims to improve the handling of data following the once-only principle when fulfilling the reporting obligations.</i>
43.	(15) Regulation (EU) No 952/2013 provides that goods which are brought into the customs territory of the Union shall be covered by an entry summary declaration that must be submitted to the customs authorities electronically. Given the importance of the entry summary declaration information for		(15) Regulation (EU) No 952/2013 provides that goods which are brought into the customs territory of the Union shall be covered by an entry summary declaration that must be submitted to the customs authorities electronically. Given the importance of the entry summary declaration information for	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	the management of security and financial risks, a specific electronic system is currently being developed for the submission and management of the entry summary declarations in the Union customs territory. It will not, therefore, be possible to lodge an entry summary declaration through the National Single Windows. However, considering that some of the data elements submitted with the entry summary declaration are also required for the fulfilment of other customs and maritime reporting formalities when a ship calls in a port of the Union, the European Maritime Single Window environment for maritime transport should be able to process the data elements of the entry summary declaration. The possibility that the National Single Windows could retrieve relevant information already submitted through the entry summary declaration should also be envisaged.		the management of security and financial risks, a specific electronic system is currently being developed for the submission and management of the entry summary declarations in the Union customs territory. It will not, therefore, be possible to lodge an entry summary declaration through the <i>harmonised reporting interface module</i> . However, considering that some of the data elements submitted with the entry summary declaration are also required for the fulfilment of other customs and maritime reporting formalities when a ship calls in a port of the Union, the European Maritime Single Window environment for maritime transport should be able to process the data elements of the entry summary declaration. The possibility that the <i>maritime</i> National Single Windows could retrieve relevant information already submitted through the entry summary declaration should also be envisaged.	
44.		Amendment 12 Recital 15 a (new)		Revised proposed compromise:
45.		<i>(15a) In order to realise fully harmonised reporting requirements, more cooperation should be established between customs authorities and maritime authorities at both national and Union level.</i>		C <i>(15a) In order to realise fully harmonised reporting requirements, more cooperation should be established between customs, authorities and</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				<i>maritime and other relevant authorities should cooperate at both national and Union level. National coordinators with specific responsibilities should ensure facilitate the effectiveness of this cooperation and smooth functioning of the maritime National Single Windows.</i>
46.	(16) In order to enable the reuse of the information provided through the National Single Windows and facilitate the submission of information by the declarant, it is necessary to provide for common databases. A EMSWe ship database should include a reference list of ship particulars and their reporting exemptions, as reported to the respective National Single Windows. To facilitate the submission of information by a declarant a Common Location Database (CLD) should hold a reference list is of location codes which include United Nations Code for Trade and Transport Locations (UN/LOCODE), SafeSeaNet-specific codes as well as port facility codes as registered in the Global Integrated Shipping Information System (GISIS) of the International Maritime Organisation. Furthermore, a Common		(16) In order to enable the reuse of the information provided through the <i>maritime</i> National Single Windows and facilitate the submission of information by the declarant, it is necessary to provide for common databases. A EMSWe ship database should include a reference list of ship particulars and their reporting exemptions, as reported to the respective <i>maritime</i> National Single Windows. To facilitate the submission of information by a declarant a Common Location Database (CLD) should hold a reference list is of location codes which include United Nations Code for Trade and Transport Locations (UN/LOCODE), SafeSeaNet-specific codes as well as port facility codes as registered in the Global Integrated Shipping Information System (GISIS) of the	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	Hazmat Database should incorporate a list of dangerous and polluting goods that have to be notified to the National Single Windows in accordance with Directive 2002/59/EC, as amended, and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes.		International Maritime Organization. Furthermore, a Common Hazmat Database should incorporate a list of dangerous and polluting goods that have to be notified to the <i>maritime</i> National Single Windows in accordance with Directive 2002/59/EC, as amended, and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes.	
47.	<p>(17) Processing of personal data within the framework of this Regulation by competent authorities should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council*. Processing of personal data by the Commission within the framework of this Regulation, should comply with the provisions of Regulation [new Regulation replacing Regulation 45/2001 on processing of personal data by the Community institutions].</p> <p>* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)</p>		<p>(17) Processing of personal data within the framework of this Regulation by competent authorities should comply with Regulation (EU) 2016/679 of the European Parliament and of the Council*. Processing of personal data by the Commission within the framework of this Regulation, should comply with the provisions of Regulation [new Regulation replacing Regulation 45/2001 on processing of personal data by the Community institutions].</p> <p>* Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)</p>	<p><i>A (cf. also proposed compromise for line 16)</i></p> <p><i>New reference to be inserted:</i></p> <p><i>Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)</i></p>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	(OJ L 119, 4.5.2016, p. 1).		(OJ L 119, 4.5.2016, p. 1).	
48.	(18) The EMSWe and the National Single Windows should not provide any other grounds for any processing of personal data than what is required for their functioning and should not be used to grant any new access rights to personal data.		(18) The EMSWe and the <i>maritime</i> National Single Windows should not provide any other grounds for any processing of personal data than what is required for their functioning and should not be used to grant any new access rights to personal data.	B Keep GA text
49.	(19) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to supplement this Regulation by establishing the EMSWe data set and by determining definitions, categories and data specifications for the data elements. The same power should be delegated to the Commission in order to amend the Annex to incorporate reporting obligations existing at the national level as well to take into account any new reporting obligations adopted in the Union legal acts. The Commission should ensure that the common data requirements, formats and codes established in the Union and international legal acts listed in the Annex are respected. It is also of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and		(19) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to supplement this Regulation by establishing the EMSWe data set and by determining definitions, categories and data specifications for the data elements. The same power should be delegated to the Commission in order to amend the Annex to incorporate reporting obligations existing at the national level as well to take into account any new reporting obligations adopted in the Union legal acts. The Commission should ensure that the common data requirements, formats and codes established in the Union and international legal acts listed in the Annex are respected. It is also of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and	Proposed compromise for a recital (linked to EP amendments for line 280 and 285): <i><u>(19a) In particular, when preparing and drawing up delegated acts, the Commission should ensure that Member States' experts and the business community are consulted in a transparent manner, and well in advance.</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.		that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	
50.	<p>(20) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council*.</p> <p>* Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>		<p>(20) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council*.</p> <p>*Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
51.	(21)		[...]	<i>Empty paragraph in the COM proposal; clerical error</i>
52.	(22) In particular, implementing powers should be conferred on the Commission to adopt and, subsequently, to amend the EMSWe data set, as well as to adopt the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the harmonised interface module and the related harmonised elements of the National Single Windows. Implementing powers should be conferred on the Commission to adopt the technical specifications, standards and procedures for common services of the EMSWe.		(21) In particular, implementing powers should be conferred on the Commission to adopt and, subsequently, to amend the EMSWe data set, as well as to adopt the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the harmonised interface module and the related harmonised elements of the <i>maritime</i> National Single Windows. Implementing powers should be conferred on the Commission to adopt the technical specifications, standards and procedures for common services of the EMSWe.	B Keep GA text
53.	(23) This Regulation should build on Regulation (EU) No 910/2014 of the European Parliament and of the Council* which lays down conditions under which Member States recognise certain means of electronic identification means for natural and legal persons falling under a notified electronic identification scheme of another Member State. Regulation (EU) No 910/2014 provides the conditions for users to be able to use their electronic identification and authentication means in order to access		(22) This Regulation should build on Regulation (EU) No 910/2014 of the European Parliament and of the Council* which lays down conditions under which Member States recognise certain means of electronic identification means for natural and legal persons falling under a notified electronic identification scheme of another Member State. Regulation (EU) No 910/2014 provides the conditions for users to be able to use their electronic identification and authentication means in order to access	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	<p>online public services in cross-border situations.</p> <p>* Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73–114).</p>		<p>online public services in cross-border situations.</p> <p>*Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73 [...]).</p>	
54.		Amendment 13 Recital 24		
55.	<p>(24) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform that evaluation and allow the assessment of the performance of the legislation against the objectives it pursues.</p>	<p>(24) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform that evaluation and allow the assessment of the performance of the legislation against the objectives it pursues. <i>The European Commission should also evaluate the opportunity to establish a truly centralised and harmonised European reporting system via the set up of a central reporting interface.</i></p>	<p>(23) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform that evaluation and allow the assessment of the performance of the legislation against the objectives it pursues.</p>	<p>C Proposed compromise: (23) The Commission should carry out an evaluation of this Regulation. Information should be collected in order to inform that evaluation and allow the assessment of the performance of the legislation against the objectives it pursues. <i>The Commission should also evaluate, among other options, the added value of establishing a centralised and harmonised European reporting system, such as a central reporting interface.</i></p>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
56.	(25) Directive 2010/65/EU should therefore be repealed, with effect from the date of the application of this Regulation.		(24) Directive 2010/65/EU should therefore be repealed, with effect from the date of the application of this Regulation.	A
57.	(26) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council*. * Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).		(25) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council*. * Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).	A
58.	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
59.	Chapter I General provisions		Chapter I General provisions	A
60.	Article 1 Subject matter and scope		Article 1 Subject matter and scope	A
61.	This Regulation establishes a framework for a harmonised and interoperable European Maritime Single Window environment ('EMSWe'), based on National Single Windows, in order to facilitate electronic transmission of information in relation to reporting obligations for ships arriving and staying in and departing from a Union port.		This Regulation establishes a framework for a harmonised and interoperable European Maritime Single Window environment ('EMSWe') [...] in order to facilitate electronic transmission of information in relation to reporting obligations for ships arriving and staying in and departing from a Union port.	B Proposed compromise: This Regulation establishes a framework for a <i>technologically neutral</i> harmonised and interoperable European Maritime Single Window environment ('EMSWe') <i>with harmonised interfaces</i> [...] in order to facilitate electronic transmission of information in relation to reporting obligations for ships arriving and staying in and departing from a Union port.
62.	Article 2 Definitions		Article 2 Definitions	A
63.	For the purposes of this Regulation, the following definitions apply:		For the purposes of this Regulation, the following definitions apply:	A
64.	(1) 'European Maritime Single Window environment' ('EMSWe') means the legal and technical framework for electronic transmission of information in relation to reporting obligations and procedures for the port calls in the Union, which consists of a network of National Single Windows and includes the harmonised interface as well as common services for user and access management, ship identification,		(1) 'European Maritime Single Window environment' ('EMSWe') means the legal and technical framework for electronic transmission of information in relation to reporting obligations [...] for port [...] calls in the Union, which consists of a network of <i>maritime</i> National Single Windows <i>with harmonised reporting interfaces and includes data exchange via SafeSeaNet and other relevant</i>	C Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	locations codes and information on dangerous and polluting goods.		<i>systems</i> as well as common services for user and access management, ship identification, locations codes and information on dangerous and polluting goods;	
65.		Amendment 14 Article 2 – paragraph 1 – point 1 a (new)		Proposed compromise:
66.		<i>(1a) ‘ship’ means a seagoing vessel of any type operating in the marine environment that is subject to a reporting formality relating to the legislation listed in the Annex;</i>	<i>(6c) ‘ship’ means any vessel or craft subject to a particular reporting obligation listed in the Annex;</i>	B <i>(6c) ‘ship’ means any <u>seagoing vessel or craft operating in the marine environment</u> subject to a particular reporting obligation listed in the Annex;</i> <i>Cf. line 92.</i>
67.			<i>[(1a) ‘Maritime National Single Window’ means a nationally established and operated technical platform for receiving, exchanging and forwarding electronically information to fulfil reporting obligations and which includes a harmonised reporting interface module and a graphical user interface for the communication with the declarants as well as links with the relevant authorities’ systems and databases at national and at Union level; the maritime National Single Window may also allow, where applicable, for the connection with other reporting means;]</i>	<i>Placeholder; see line 70 for comparison EP/Council.</i> C

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
68.			<i>(1b) ‘harmonised reporting interface module’ means a middleware component in the maritime National Single Window through which information can be exchanged between the information system used by the declarant and the relevant maritime National Single Window;</i>	C GA text
69.		Amendment 15 Article 2 – paragraph 1 – point 1b (new)		Revised proposed compromise:
70.		<i>(1b) ‘Single Window’ means an environment for collection, dissemination and exchange of vessel reporting information in electronic form with a structured and commonly defined data structure, rules and management of access rights, including a harmonised reporting interface and a graphical user interface, in addition to links to the relevant authorities systems and databases in accordance with relevant international, national and local legal requirements;</i>	<i>(1a) ‘Maritime National Single Window’ means a nationally established and operated technical platform for receiving, exchanging and forwarding electronically information to fulfil reporting obligations and which includes a harmonised reporting interface module and a graphical user interface for the communication with the declarants as well as links with the relevant authorities’ systems and databases at national and at Union level; the maritime National Single Window may also allow, where applicable, for the connection with other reporting means;</i>	C <i>(1a) ‘Maritime National Single Window’ means a nationally established and operated technical platform for receiving, exchanging and forwarding electronically information to fulfil reporting obligations and which includes <u>commonly defined management of access rights</u>, a harmonised reporting interface module and a graphical user interface for the communication with the declarants as well as links with the relevant authorities’ systems and databases at national and at Union level. <u>The maritime National Single Windows shall enable messages or acknowledgments to be communicated to the</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				<i>declarants. Those messages or acknowledgments shall cover the widest range of decisions taken by all of the participating relevant authorities. The maritime National Single Window may also allow, where applicable, for the connection with other reporting means;</i>
71.	(2) ‘reporting obligation’ means the information required by the Union and international legal acts listed, as well as national legislation referred to, in the Annex, which has to be provided for administrative and operational purposes in connection with the arrival, stay of a ship in and departure from a port in a Member State (‘port call’).		(2) ‘reporting obligation’ means the information required by the Union and international legal acts listed, as well as national legislation <i>and requirements</i> referred to, in the Annex, which has to be provided in connection with <i>a port call</i> ;	B Keep GA text
72.			(2a) ‘port call’ means the arrival, stay of a ship in and departure from a <i>maritime</i> port in a Member State;	B Keep GA text. <i>See last part of line 71.</i>
73.		Amendment 16 Article 2 – paragraph 1 – point 2a (new)		
74.		(2a) ‘relevant authority’ means a <i>national or local authority which is involved in the clearance of ships arriving at or departing from a port or has legal rights to access the information collected by the National Single Window</i> ;		B Suggest to withdraw EP amendment (not needed)

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
75.	(3) ‘data element’ means the smallest unit of information which has a unique definition and precise technical characteristics such as format, length and character type;		(3) ‘data element’ means the smallest unit of information which has a unique definition and precise technical characteristics such as format, length and character type;	A
76.			<i>(3a) ‘EMSWe data set’ means the complete list of data elements stemming from reporting obligations;</i>	C Keep GA text
77.		Amendment 17 Article 2 – paragraph 1 – point 3a (new)		Revised proposed compromise (EP + Council language from Art. 5):
78.		<i>(3a) "graphical user interface (GUI)" means a web interface for two-way web based user-to-system data submission to a single window and includes harmonised web pages and features that ensure a common navigation flow and data upload experience for a declarant fulfilling reporting obligations within the scope of this Regulation irrespective of where the GUI is deployed.</i>		C <i>(3a) "graphical user interface (GUI)" means a web interface for two-way web based user-to-system data submission to a <u>maritime National Single Window, allowing declarants to enter data manually, including by way of harmonised digital spreadsheets, and shall include the function of extracting reporting data elements from those spreadsheets, including:</u> The GUI shall and includes <u>include common functionalities harmonised web pages and features that ensure a common navigation flow and data upload experience for the declarants # declarant fulfilling reporting obligations within the scope of this Regulation irrespective of</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				<i>where the GUI is deployed.</i>
79.		Amendment 18 Article 2 – paragraph 1 – point 3b (new)		Proposed compromise:
80.		<i>(3b) "common access point interface" means an optional or voluntary filing point for declarants for routing system-to-system data to the harmonised reporting interfaces of the respective single windows, developed as an added functionality of the harmonised reporting interfaces and facilitating two-way exchanges of information between declarants and the relevant authorities who will access it via their own single window.</i>		C <i>(3b) "<u>common addressing service access point interface</u>" means an <u>additional optional or voluntary service filing point</u> for declarants for <u>initiating direct routing</u> system-to-system data <u>connection between the system of a declarant and to the harmonised reporting interfaces interface module of the respective maritime National Single Window windows</u>, developed as an added functionality of the harmonised reporting interfaces and facilitating two-way exchanges of information between declarants and the relevant authorities who will access it via their own single window.</i>
81.		Amendment 19 Article 2 – paragraph 1 – point 3 c (new)		
82.		<i>(3c) 'technical specification' means a technical specification as defined in point (4) of Article 2 of Regulation (EU) No 1025/2012;</i>		B Suggest to withdraw EP amendment (not necessary)

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
83.		Amendment 20 Article 2 – paragraph 1 – point 3 d (new)		
84.		<i>(3 d) ‘standard’ means a technical specification, adopted by a recognised standardisation body, for repeated or continuous application, with which compliance is not compulsory, and which is one of the variations defined in points (1)(a), (b), (c) and (d) of Article 2 of Regulation (EU) No 1025/2012;</i>		B Suggest to withdraw EP amendment (not necessary)
85.	(4) ‘port community system’ means an electronic system facilitating the exchange of operational or administrative information between different actors in a port;		(4) [...]	C GA text
86.	(5) ‘declarant’ means the operator of the ship or any other natural or legal person subject to the reporting obligations;		(5) ‘declarant’ means [...] any [...] natural or legal person subject to the reporting obligations <i>or any duly authorised natural or legal person acting on its behalf within the limits of the relevant reporting obligation;</i>	B Keep GA text
87.		Amendment 21 Article 2 – paragraph 1 – point 5 a (new)		
88.		<i>(5a) ‘customs authorities’ means the authorities defined in point (1) of Article 5 of Regulation (EU) No 952/2013;</i>		B Accept EP amendment

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
89.	(6) ‘data service provider’ means a natural or legal person which provides information and communication technology services or data entry services to a declarant in relation to the reporting obligations.		(6) ‘data service provider’ means a natural or legal person which provides information and communication technology services [...] to a declarant in relation to the reporting obligations;	B Keep GA text
90.		Amendment 22 Article 2 – paragraph 1 – point 6a (new)		
91.		<i>(6a) ‘electronic transmission of data’ means the process of transmitting information that has been encoded digitally, using a revisable structured format which can be used directly for storage and processing by computers.</i>	<i>(6a) ‘electronic transmission of information’ means the process of transmitting information that has been encoded digitally, using a revisable structured format which can be used directly for data storage and processing by computers;</i>	B Keep GA text
92.			<i>[(6c) ‘ship’ means any vessel or craft subject to a particular reporting obligation listed in the Annex;]</i>	B <i>Placeholder; see line 66 for comparison EP/Council</i>
93.			<i>(6d) ‘port services provider’ means any natural or legal person providing one or more categories of the port services established in Article 1(2) of Regulation (EU) 2017/352 of the European Parliament and of the Council*.</i> <i>* Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial</i>	B Keep GA text, but change to "provider of port services"

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
			<i>transparency of ports (OJ L 57, 3.3.2017, p. 1).</i>	
94.	Chapter II EMSWe data set		Chapter II EMSWe data set	A
95.	Article 3 Establishment of the EMSWe data set		Article 3 Establishment of the EMSWe data set	A
96.	1. The Commission shall lay down a complete list of data elements (the ‘EMSWe data set’) on the basis of the reporting obligations set out in the Union and international legal acts listed, and the national legislation referred to, in the Annex. The Commission shall ensure that the common data requirements, format and codes established in the Union legal acts listed in the Annex are respected.		1. The Commission shall lay down [...] the EMSWe data set [...].	B Keep GA text
97.			2. <i>By six months from the entry into force of this Regulation at the latest, the Member States shall notify the Commission of reporting obligations stemming from national legislation and requirements, containing the data elements to be included in the EMSWe data set. They shall precisely identify those data elements.</i>	B Keep GA text
98.	2. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to supplement this Regulation for the purposes of establishing and amending the EMSWe data set. The delegated act		3. The Commission shall be empowered to adopt [<i>within two years after entry into force of this Regulation</i>] delegated acts in accordance with the procedure referred to in Article 18 in order to <i>amend the Annex to this Regulation</i> for the	B Keep GA text with the following correction proposed by the legal services: 3. The Commission shall be empowered to adopt <i>within two</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	which inserts or modifies a data element in the EMSWe data set, on the basis of a reporting obligation contained in the national legislation, shall include explicit reference to that national legislation.		purposes of <i>introducing, deleting or adapting a reference to a Union, international or national legal act, and establish and amend</i> the EMSWe data set. [...]	years after entry into force of this Regulation –delegated acts in accordance with the procedure referred to in Article 18 in order to <i>amend the Annex to this Regulation</i> for the purposes of <i>introducing, deleting or adapting a reference to a Union, international or national legal act, and establish and amend</i> the EMSWe data set. [...] <i>The first such delegated act shall be adopted by ... [24 months after the date of entry into force of this Regulation].</i>
99.		Amendment 23 Article 3 – paragraph 3		Revised proposed compromise as part of compromise on exceptional circumstances (editorial correction):
100.	3. A Member State may request the Commission to introduce data elements in the EMSWe data set, on the basis of the reporting obligations contained in the national legislation. By six months from the entry into force of this Regulation at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding reporting obligations, containing the data elements to be included in the EMSWe data set. They shall precisely identify those data elements. The	3. A Member State may request the Commission to introduce <i>or amend existing</i> data elements in the EMSWe data set, on the basis of the reporting obligations contained in the national legislation. By six months from the entry into force of this Regulation at the latest, the Member States shall notify the Commission of the provisions of national legislation and corresponding reporting obligations, containing the data elements to be included in the EMSWe data set. They shall precisely identify those data	[...] A Member State may request the Commission to introduce data elements in the EMSWe data set, <i>in accordance with</i> the reporting obligations contained in the national legislation <i>and requirements. The Commission shall take into account safety concerns as well as the principles of the FAL Convention, namely to require only essential reporting information and to keep the number of items to a minimum, when assessing whether data elements shall be included in the EMSWe data set.</i>	C [...] A Member State may request the Commission to introduce <i>or amend</i> data elements in the EMSWe data set, <i>in accordance with</i> the reporting obligations contained in the national legislation <i>and requirements. The Commission shall take into account safety concerns as well as the principles of the FAL Convention, namely to require only essential reporting</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	Commission shall assess the necessity of inserting or modifying a data element in the EMSWe data set on the basis of those notifications.	elements. The Commission shall assess the necessity of inserting or modifying a data element in the EMSWe data set on the basis of those notifications.	The delegated act which inserts or modifies a data element in the EMSWe data set, <i>in accordance with</i> a reporting obligation contained in the national legislation <i>and requirements</i> , shall include explicit reference to <i>those</i> national legislation <i>and requirements</i> . <i>The Commission shall decide, within three months after the request, whether to introduce the data elements in the EMSWe data set or not and justify its decision.</i>	<i>information and to keep the number of items to a minimum, when assessing whether data elements shall be included in the EMSWe data set. The delegated act which introduces or amends a data element in the EMSWe data set, in accordance with a reporting obligation contained in the national legislation and requirements, shall include explicit reference to those national legislation and requirements. The Commission shall decide, within three months after the request, whether to introduce the data elements in the EMSWe data set or not and justify its decision.</i>
101.			<i>In case the Commission decides not to introduce the requested data element, the Commission shall give substantiated grounds for its refusal, with reference to safety of navigation and the principles of the FAL Convention.</i>	C Keep GA text
102.	4. The Commission shall also be empowered to adopt delegated acts in accordance with the procedure referred to in Article 18 in order to amend the Annex for the purposes of making or adapting a reference to a reporting obligation contained in Union or		4. [...]	B Keep GA text <i>Cf. line 98.</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	international legal act or a reference to the national legislation.			
103.		Amendment 24 Article 3 – paragraph 4a (new)		
104.		<i>4a. When establishing the EMSWe data set, the Commission should take into consideration the development of the IMO independent data reference model.</i>		C Suggest to withdraw EP amendment; addressed in line 35.

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
105.	Article 4 Requests for other information		Article 4 <i>Amendments to the EMSWe data set</i>	B Keep GA text
106.		Amendment 25 Article 4 – paragraph 1		
107.	1. Where a Member State intends to introduce or amend a reporting obligation, under its national legislation, which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in question.	1. Where a <i>Member State or a relevant authority from a</i> Member State intends to introduce or amend a reporting obligation, under its national legislation, which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in question.	1. Where a Member State intends to [...] amend a reporting obligation under its national legislation <i>and requirements</i> , which would involve the provision of information other than that included in the EMSWe data set, that Member State shall immediately notify the Commission. In this notification, the Member State shall precisely identify the information not covered by the EMSWe data set and indicate the intended time period of application of the reporting obligation in question.	C Keep GA text
108.		Amendment 26 Article 4 – paragraph 1a (new)		
109.		<i>1a. A Member State shall not introduce new reporting requirements, except under duly justified and exceptional circumstances, unless this has been approved by the Commission in accordance with Article 3(2) and the new reporting requirement has been incorporated into the reporting interfaces. The Commission shall issue a decision concerning the introduction of a new reporting</i>	<i>1a. A Member State shall not introduce new reporting obligations unless this has been approved by the Commission through the procedure in Article 3 and the corresponding information has been incorporated in the EMSWe data set and applied in the harmonised reporting interfaces.</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>requirement within 90 days following the receipt of the notification by the Member State.</i>		
110.	2. The Commission shall assess the necessity of amending the EMSWe data set in accordance with Article 3(2).		2. The Commission shall assess the necessity of amending the EMSWe data set in accordance with Article 3(3). <i>Amendments to the EMSWe data set shall only be introduced once a year, except in duly justified cases.</i>	C GA text
111.			<i>2a. In exceptional circumstances, a Member State may ask for additional data elements from declarants, for a period of less than three months without the approval of the Commission. The Member State shall without delay notify those data elements to the Commission. The Commission may agree to prolong the request of data for two further periods of three months if the exceptional circumstances persist.</i>	C GA text <i>Related recital in line 36.</i>
112.		Amendment 27 Article 4 – paragraph 2a (new)		
113.		<i>2a. In order to ensure uniform conditions for the introduction of new reporting requirements under exceptional circumstances, as referred to in paragraph 1 of this Article; the Commission is empowered to adopt delegated acts, in accordance with Article 18, to define when the circumstances referred to in paragraph 1 are to be considered</i>		C EP prepared to withdraw amendment

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>exceptional.</i>		
114.			<i>Not later than one month before the end of the last three-month period the Member State may request to the Commission that the additional data elements become part of the EMSWe data set, according to Article 3(3); the Member State may continue to ask the additional data elements from declarants until a decision by the Commission has been taken, and in case of a positive decision, until the EMSWe data set has been implemented.</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
115.	Chapter III Provision of information		Chapter III Provision of information	A
116.	Article 5 National Single Windows		Article 5 <i>Maritime</i> National Single <i>Window</i>	B Keep GA text
117.		Amendment 28 Article 5 – paragraph 1 – subparagraph 1		
118.	1. Each Member State shall establish a National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, by means of and in compliance with the EMSWe data set, for the purpose of this information being made available to the relevant authorities of the Member States.	1. Each Member State shall establish a National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, <i>in accordance with Article 7(2)</i> , by means of and in compliance with the EMSWe data set, for the purpose of this information being made available to the relevant authorities of the Member States.	1. Each Member State shall establish a <i>maritime</i> National Single Window where, in accordance with this Regulation and without prejudice to Article 6, all information necessary for the fulfilment of reporting obligations shall be provided once, by means of and in compliance with the EMSWe data set, <i>and using the harmonised reporting interface module and the graphical user interface as set out in Article 5a and, where applicable, other reporting means as set out in Article 6</i> , for the purpose of this information being made available to the relevant authorities of the Member States <i>to the extent required to perform their respective functions</i> .	C Keep GA (as part of "GUI compromise", lines 29, 70, 78, 138, 160, 168)
119.	Member States shall be responsible for the development, availability, maintenance, security and operation of their National Single Windows.		Member States shall be responsible for the [...] operation of their maritime National Single Window.	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
120.		Amendment 29 Article 5 – paragraph 1 – subparagraph 1a (new)		Proposed compromise:
121.		<i>Member States may, in accordance with this Regulation and without prejudice to Article 6, develop a shared Single Window with one or more other Member States in order to improve interoperability and interconnection between Member States.</i>		C <i>Member States may, in accordance with this Regulation and without prejudice to Article 6, jointly develop <u>establish a maritime shared single window with one or more other Member States in order to improve interoperability and interconnection between Member States. Those Member States shall designate that maritime single window as their maritime National Single Window and remain responsible for its operation in accordance with this Regulation.</u></i>
122.		Amendment 30 Article 5 – paragraph 1 – subparagraph 1b (new)		
123.		<i>The Member States shall ensure that a governance dimension with a clear legal basis is developed to provide each National Single Window with the competences required to efficiently collect store and distribute the data to the relevant authorities so that any relevant information received in accordance with this Regulation is</i>		C Suggest to withdraw EP amendment, but address it in Article 13 on national coordinators (lines 232-237)

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>made available to other National Single Windows via the SafeSeaNet system in accordance with Article 22a of Directive 2002/59/EC.</i>		
124.			<i>1a. Member States which do not have maritime ports are exempted from the obligation to develop, establish, operate and make available a maritime National Single Window which is set out in the first paragraph.</i>	C GA text Related recital in line 28.
125.		Amendment 31 Article 5 – paragraph 2		
126.	2. The Commission shall develop and update a harmonised reporting interface module for the National Single Windows. This module shall include the possibility to exchange information between the information system used by the declarant and the National Single Window.	<i>2. By ... (date: two years after the entry into force of this Regulation), the Commission and Member States shall develop and update a technologically neutral harmonised reporting interface for the National Single Windows. That interface shall make it possible to exchange information between the information system used by the declarant and the National Single Window and to duly take into account how users can design or programme their reporting systems so that they can implement this new system.</i>	2. [...]	C This EP amendment is addressed in Art. 5a, line 156 and 167.
127.		Amendment 32 Article 5 – paragraph 2a (new)		Proposed compromise:
128.		<i>2a. By ... (date: five years after the entry into force of this Regulation), the Commission shall develop, in close cooperation with the Member</i>		C <i>2a. By ... (date: five years after the entry into force of this Regulation), the Commission</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>States a voluntary optional common access point interface as an added functionality of the harmonised reporting interfaces, provided that the harmonised reporting interfaces have been implemented fully in accordance with paragraph 11 of this Article. The access point interface shall consist of a common user interface jointly managed by the Commission and the participating Member States, which shall be integrated with the harmonised reporting interfaces. The access point interface shall make it possible to use a single connection for system to system exchange of data between declarants and participating Member States' reporting interfaces.</i>		<i>shall develop, in close cooperation with the Member States, <u>an additional voluntary optional common access point interface common addressing service as an added functionality of the harmonised reporting interfaces</u>, provided that the harmonised reporting interfaces <u>interface module</u> have has been implemented fully in accordance with <u>paragraph 11 of this Article 5a</u>. The access point interface shall consist of a common user interface jointly managed by the Commission and the participating Member States, which shall be integrated with the harmonised reporting interfaces. The access point interface shall make it possible to use a single connection for system to system exchange of data between declarants and participating Member States' reporting interfaces.</i>
129.	3. The Member States shall ensure:		3. The Member States shall ensure:	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
130.		Amendment 33 Article 5 – paragraph 3 – point a		
131.				Proposed compromise (see line 134):
132.	(a) the compatibility of the National Single Window with the reporting interface module;	(a) the compatibility of the National Single Window with the reporting interface [...];	(a) the compatibility of the <i>maritime</i> National Single Window with the <i>harmonised</i> reporting <i>interfaces</i> ;	C (a) the compatibility of the <i>maritime</i> National Single Window with the <i>harmonised</i> reporting <i>interfaees interface module and adherence of their graphical user interface to the common functionalities in accordance with Article 5a(2)</i> ;
133.		Amendment 34 Article 5 – paragraph 3 – point aa (new)		
134.		<i>(aa) adherence to the functional and technical specifications for the reporting interfaces in accordance with paragraph 11 of this Article;</i>		C EP prepared to withdraw amendment (see line 132)
135.		Amendment 35 Article 5 – paragraph 3 – point b		
136.	(b) the timely integration of the reporting interface module and any subsequent updates in accordance with the implementation dates set in the implementing act referred to in paragraph (11);	(b) the timely integration of the reporting interface [...] and any subsequent updates in accordance with the implementation dates set in the implementing act referred to in paragraph (11);	(b) the timely integration of the <i>harmonised</i> reporting <i>interfaces [...]</i> in accordance with the implementation dates set in the implementing act referred to in <i>Article 5a and any subsequent updates in accordance with the dates agreed in the multi-annual implementation plan (MIP)</i> ;	C Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
137.		Amendment 36 Article 5 – paragraph 3 – point ba (new)		
138.		<i>(ba) the provision of an easy-to-use harmonised Graphical User Interface (GUI), with a similar look, for the exchange of data between a declarant and a Single Window that allows for two-way communication between the data provider and the relevant authorities that adheres to the functional and technical specifications of the harmonised GUI as developed in accordance with paragraph 11 of this Article;</i>		C Withdraw EP amendment as part of "GUI compromise". <i>Cf. line 168</i>
139.	(c) a connection with the relevant systems of competent authorities, to enable the transfer of data to be reported to those authorities, through the National Single Window and to these systems, in accordance with the Union and national legislation, and in compliance with the technical specifications of these systems;		(c) a connection with the relevant systems of competent authorities, to enable the transfer of data to be reported to those authorities, through the <i>maritime</i> National Single Window and to these systems, in accordance with the Union and national legislation <i>and requirements</i> , and in compliance with the technical specifications of these systems;	B Keep GA text
140.		Amendment 37 Article 5 – paragraph 3 – point d		Revised proposed compromise:
141.	(d) the provision of an online support website.	(d) the provision of <i>a helpdesk and an online support website with clear instructions in the official language(s) of that Member State and in any event in English, without prejudice to the principle of</i>	(d) the provision of a an online support website <i>for their maritime National Single Window.</i>	C (d) the provision of <u><i>a daytime helpdesk during the first 12 months from the date of application of this Regulation,</i></u> <u><i>and</i></u> an online support website

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>multilingualism enshrined in the TFEU.</i>		<i>for their maritime National Single Window with <u>clear instructions in the official language(s) of that Member State and, where relevant, in a language that is internationally used.</u></i>
142.		Amendment 38 Article 5 – paragraph 3 – point da (new)		Proposed compromise:
143.		<i>(da) in consultation with relevant social partners, the provision of adequate and necessary training for all staff involved in the implementation and operation of the National Single Window.</i>		C <i>(da) in consultation with relevant social partners, the provision of adequate and necessary training for all staff <u>directly</u> involved in the implementation and operation of the <u>maritime</u> National Single Window.</i>
144.		Amendment 39 Article 5 – paragraph 3a (new)		
145.		<i>3a. Member States shall ensure that the National Single Windows provide two-way communications between the data providers and the relevant authorities in order to avoid delays in the clearing processes and to prevent failures or inaccuracies in the submission of the required reporting information. The National Single Windows shall enable messages or results to be communicated to the declarant. These messages shall cover</i>		C EP prepared to withdraw amendment (cf. def. of NSW, line 70)

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		<i>the widest range of decisions taken by all of the participating relevant authorities.</i>		
146.		Amendment 40 Article 5 – paragraph 4		
147.	4. National Single Windows shall also allow declarants to provide information by way of digital spreadsheets, harmonised at Union level, and shall include the function of extracting reporting data elements from those spreadsheets.	4. National Single Windows shall also allow declarants to provide <i>the required</i> information, <i>including</i> by way of digital spreadsheets, harmonised at Union level, and shall include the function of extracting reporting data elements [...].	4. [...]	B GA text (included in GUI definition, line 78)
148.	5. Member States shall ensure that the required information reaches the authorities in charge of the application of the legislation in question, and is limited to the needs of each of those authorities. In doing so, Member States shall ensure compliance with the legal requirements related to the transmission of information, including personal data, provided for in the Union legal acts listed in the Annex and, where applicable, use the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013. They shall also ensure interoperability with the information systems used by those authorities.		5. Member States shall ensure that the required information reaches the authorities in charge of the application of the legislation in question, and is limited to the needs of each of those authorities. In doing so, Member States shall ensure compliance with the legal requirements related to the transmission of information [...], provided for in the Union legal acts listed in the Annex and, where applicable, use the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) No 952/2013. They shall also ensure interoperability with the information systems used by those authorities.	B Keep GA text (see Art. 8a on data protection)

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
149.	6. National Single Windows shall provide for technical possibility for declarants to make available relevant information, separately, to destination port services providers.		6. <i>The maritime</i> National Single <i>Window may</i> provide for technical possibility for declarants to make available <i>a pre-defined subset of data elements</i> , separately, to destination port services providers.	C Proposed compromise: 6. <i>The maritime</i> National Single <i>Window may shall</i> provide for technical possibility for declarants to make available <i>a</i> <i>pre-defined subset of data elements</i> , separately, to destination <u><i>providers of</i></u> port services providers <i>a subset of data elements pre-defined at national level.</i>
150.	7. Where a Member State does not require all of the elements of the EMSWe data set for the fulfilment of reporting formalities, the National Single Window shall accept submissions that are limited to the data elements required by that Member State. It shall also accept submissions by the declarant including additional data elements of the EMSWe data set.		7. Where a Member State does not require all of the elements of the EMSWe data set for the fulfilment of reporting <i>obligations</i> , the <i>maritime</i> National Single Window shall accept submissions that are limited to the data elements required by that Member State. It shall also accept submissions by the declarant including additional data elements of the EMSWe data set; <i>however, it does not need to process and store this information.</i>	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
151.	8. A Member State shall store the information submitted to its National Single Window for the period of time necessary to ensure fulfilment of the requirements set out in this Regulation and, where compliance with the Union legal acts listed in the Annex can only be ensured through storage in the National Single Window, for the period of time necessary for compliance with those acts. They shall immediately delete it afterwards.		8. A Member State shall store the information submitted to its maritime National Single Window <i>only</i> for the period of time necessary to ensure fulfilment of the requirements set out in this Regulation <i>and to provide</i> compliance with the Union, <i>international and national</i> legal acts listed in the Annex [...]. They shall immediately delete it afterwards.	B Keep GA text
152.	9. National Single Windows shall make publicly available arrival and departure times of ships, estimated and actual, in the electronic format harmonised at the Union level.		9. <i>The maritime</i> National Single Windows <i>may</i> make publicly available arrival and departure times of ships, estimated and actual, in the electronic format harmonised at the Union level.	C Keep GA text
153.	10. National Single Windows shall have uniform internet address and support webpages, harmonised at the Union level.		10. <i>The maritime</i> National Single Windows shall have a uniform internet address [...].	B Keep GA text
154.			<i>10a. The Commission shall adopt [within two years after entry into force of this Regulation], by means of an implementing act, uniform format for internet addresses and harmonised structure of the support website, referred to in paragraph 3d and 10.</i>	B Keep GA text <i>Cf. line 165.</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
155.			<i>Article 5a Harmonised Reporting Interfaces</i>	C GA text
156.	11. The Commission shall adopt, by means of implementing acts:		<i>1. The Commission shall, in close cooperation with the Member States, establish [within two years after entry into force of this Regulation], by means of implementing acts the functional and technical specifications [...] for the harmonised reporting interface module for the maritime National Single Windows.</i>	C Proposed compromise:
157.		Amendment 41 Article 5 – paragraph 11 – subparagraph 1 – point a		<i>1. The Commission shall, in close cooperation with the Member States, establish [within two years after entry into force of this Regulation], by means of implementing acts the functional and technical specifications [...] for the harmonised reporting interface module for the maritime National Single Windows. <u>The functional and technical specifications shall aim to facilitate the interoperability with different technologies and reporting systems of the users.</u></i>
158.	(a) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the reporting interface module referred to in paragraph 2;	(a) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the reporting interface [...] referred to in paragraph 2;		
159.		Amendment 42 Article 5 – paragraph 11 – subparagraph 1 – point aa (new)		
160.		<i>(aa) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the harmonised graphical user interface (GUI) referred to in paragraph 3;</i>		C EP prepared to withdraw amendment as part of "GUI compromise".

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
161.		Amendment 43 Article 5 – paragraph 11 – subparagraph 1 – point a b (new)		
162.		<i>(ab) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the common access point interface as an added functionality to the harmonised reporting interfaces referred to in paragraph 2;</i>		Proposed compromise: <i>(ab) the functional and technical specifications, quality control mechanisms and procedures for deploying, maintaining and employing the common <u>addressing service access point interface</u> as an added functionality to the harmonised reporting interfaces referred to in paragraph 2;</i>
163.	(b) the harmonised digital spreadsheet referred to in paragraph 4;		(b) [...]	C Keep GA text
164.	(c) harmonised technical specifications for making available arrival and departure times referred to in paragraph 9;		(c) [...]	C Keep GA text
165.	(d) uniform format for internet addresses and harmonised structure of the support website, referred to in paragraph 10.		(d) [...]	C Keep GA text
166.			<i>1a. The Commission shall, in close cooperation with the Member States, develop [within three years after entry into force of this Regulation] and update the harmonised reporting interface module for the maritime National Single Windows in conformity with the specifications referred to in paragraphs 1 and 4.</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
167.			<i>1b. The Commission shall provide the Member States with the harmonised reporting interface module and all relevant information for the integration into their maritime National Single Windows.</i>	C GA text
168.			<i>2. The graphical user interface shall allow declarants to enter data elements manually, including by way of digital spreadsheets, and shall include the function of extracting reporting data elements from those spreadsheets. The Commission shall adopt [within two years after entry into force of this Regulation] implementing acts to lay down the common functionalities of the graphical user interface and the templates of the harmonised digital spreadsheets.</i>	C Proposed compromise (deleted text moved to def. of GUI, line 78): <i>2. The graphical user interface shall allow declarants to enter data elements manually, including by way of digital spreadsheets, and shall include the function of extracting reporting data elements from those spreadsheets. The Commission shall adopt [within two years after entry into force of this Regulation] implementing acts to lay down the common functionalities of the graphical user interface and the templates of the harmonised digital spreadsheets referred to in Article 2(3a).</i>
169.	Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).		<i>3. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</i>	A Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
170.		Amendment 44 Article 5 – paragraph 11 – subparagraph 3		
171.	The Commission shall amend, by means of implementing acts, the technical specifications, standards and procedures, in order to take into account the availability of new technologies.	The Commission shall <i>adopt</i> [...] implementing acts, <i>to amend</i> the technical specifications, standards and procedures, in order <i>to ensure that the interfaces are technology neutral and open to future</i> technologies.	4. The Commission shall <i>adjust</i> , by means of implementing acts, the technical specifications, standards and procedures, in order to take into account the availability of new technologies.	Proposed compromise: C 4. The Commission shall <i>adjust amend</i> , by means of implementing acts, the technical specifications, standards and procedures, in order to take into account the availability of new <i>ensure that the interfaces are open to future</i> technologies.
172.		Amendment 45 Article 5 – paragraph 11a (new)		
173.		11a. National Single Windows shall operate without prejudice to Regulation (EU) No 952/2013 and Decision No 70/2008/EC.		C EP prepared to withdraw amendment
174.	Article 6 Other reporting means		Article 6 Other reporting means	
175.		Amendment 46 Article 6 – paragraph 1		Revised proposed compromise: -1. Member States shall allow declarants to provide, on a voluntary basis, information to the maritime National Single Window through data service providers that comply with the requirements of the harmonised reporting interfaces interface module.
176.	1. Member States may allow declarants to provide the information through	1. Member States <i>shall</i> allow declarants to provide the information	1. Member States may allow declarants to provide the information through	C Keep general approach.

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	other reporting channels, such as port community systems, provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the National Single Window.	through <i>existing system to system or</i> other reporting channels such as port community systems <i>and National Single Windows</i> , provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the National Single Window.	other reporting channels [...] provided that those channels are voluntary for the declarants. In this case, Member States shall ensure that those other channels make available the relevant information to the <i>maritime</i> National Single Window.	
177.	2. Member States shall set up alternative means for the provision of information in the event of a temporary failure of any of the electronic systems referred to in Article 5, and in Articles 9 to 12.		3a. Member States <i>may use</i> alternative means for the provision of information in the event of a temporary failure of any of the electronic systems referred to in Article 5, and in Articles 9 to 12.	C Keep GA text
178.	3. This Regulation shall not prevent exchange of information between customs authorities of the Member States or between customs authorities and economic operators using the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013.		3. [...]	C GA text
179.	Article 7 Once-only principle		Article 7 Once-only principle	
180.	1. Without prejudice to Article 6(3), the Member States shall ensure that the declarant is requested to provide the information pursuant to this Regulation only once per port call and that the relevant information is made available or reused in accordance with paragraph		1. Without prejudice to Article 8b(1) <i>and unless otherwise required by Union legislation</i> , Member States shall ensure that the declarant is requested to provide the information pursuant to this Regulation only once per port call and that the relevant <i>data elements of</i>	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	2.		<i>the EMSWe data set</i> is made available and reused in accordance with paragraph 2a.	
181.	2. The Member States shall ensure that:		2. The <i>Commission</i> shall ensure that [...] the ship identification information, particulars <i>and exemptions</i> provided <i>through the maritime</i> National Single Window are recorded in the EMSWe ship database referred to in Article 10 and are <i>made available</i> for any subsequent port calls within the Union.	C Keep GA text
182.	(a) the ship identification information and particulars provided to a National Single Window are recorded in the EMSWe ship database referred to in Article 10 and are not requested again for any subsequent port calls within the Union;			C Keep GA text
183.	(b) any relevant information received in accordance with this Regulation is made available to other National Single Windows via the SafeSeaNet system in accordance with the technical requirements set out in Directive 2002/59/EC;		(b) [...]	B Keep GA text <i>Cf. line 188.</i>
184.		Amendment 47 Article 7 – paragraph 2 – point c		
185.	(c) reporting information provided at departure from a port in the Union is not requested again during the voyage or at arrival to the next port in the Union, provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless such possibility is provided for in that Regulation;	(c) reporting information provided at departure from a port in the Union is not requested again [...] at arrival to the next port in the Union, <i>provided that it can be reused for operational or administrative purposes and</i> provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless such possibility is provided for in that	<i>2a. Member States shall ensure that data elements of the EMSWe data set, provided at departure from a port in the Union, are made available to the declarants for the purpose of fulfilling the reporting obligations</i> at arrival to the next port in the Union, provided that the ship has not called to a port outside of the Union during the voyage. This point shall not apply to information received pursuant to Regulation (EU) No 952/2013, unless	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
		Regulation;	such possibility is provided for in that Regulation.	
186.		Amendment 48 Article 7 – paragraph 2 – point d		
187.	(d) the relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 is made available to the National Single Windows for reference and, where appropriate, reused for other reporting obligations listed in the Annex.	(d) the relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 is made available to the National Single Windows for reference and, where appropriate and compatible with Union customs law following clearance by customs authorities , reused for other reporting obligations listed in the Annex.	(d) [...]	C EP prepared to withdraw amendment; cf. line 199
188.			2b. Any relevant <i>data elements of the EMSWe data set</i> received in accordance with this Regulation are made available to other <i>maritime</i> National Single Windows via the SafeSeaNet [...].	B Keep GA text <i>Cf. line 183.</i>
189.			2c. The Commission shall adopt, by means of implementing acts, the list of relevant information referred to in paragraphs 2a and 2b . Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).	B Keep GA text <i>Cf. line 192.</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
190.			<i>Article 7a</i> <i>Responsibility for the information communicated</i>	C Keep GA text
191.	3. The declarant shall be responsible for ensuring the timely submission, accuracy and completeness of the information provided in accordance of this Regulation, and its compliance with any technical requirements of the National Single Windows. The declarant shall remain responsible for updating any information, if it has changed after the submission.		The declarant shall be responsible for ensuring [...] submission <i>of data elements, in</i> compliance with <i>the applicable legal and</i> technical requirements [...]. The declarant shall remain responsible for <i>the data and</i> for updating any information <i>that</i> has changed after the submission <i>to the maritime National Single Window</i> .	C Keep GA text
192.	4. The Commission shall adopt, by means of implementing acts, the list of relevant information referred to in points (b), (c) and (d) of paragraph 2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).		4. [...]	B Keep GA text <i>Cf. line 189.</i>
193.	Article 8 Confidentiality		Article 8a <i>Data protection and confidentiality</i>	C GA text
194.			<i>1. The processing of personal data within the framework of this Regulation by competent authorities shall comply with Regulation (EU) 2016/679.</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
195.			<i>2. The processing of personal data by the Commission within the framework of this Regulation shall comply with the provisions of Regulation (EU) 2018/XXX [new Regulation replacing Regulation 45/2001 on processing of personal data by the Community institutions].</i>	C GA text <i>NB: updated reference: Regulation 2018/1725</i>
196.	Member States shall, in accordance with the applicable Union or national legislation, take the necessary measures to ensure the confidentiality of commercial and other sensitive information exchanged in accordance with this Regulation.		<i>3. Member States and the Commission shall, in accordance with the applicable Union or national legislation, take the necessary measures to ensure the confidentiality of commercial and other sensitive information exchanged in accordance with this Regulation.</i>	C GA text
197.			<i>Article 8b</i> <i>Additional provisions for customs</i>	C GA text
198.			<i>1. This Regulation shall not prevent exchange of information between customs authorities of the Member States or between customs authorities and economic operators using the electronic data-processing techniques referred to in Article 6(1) of Regulation (EU) 952/2013.</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
199.			<i>2. The relevant information of the Entry Summary Declaration referred to in Article 127 of Regulation (EU) No 952/2013 shall, where compatible with Union customs law, be made available to the National Single Windows for reference and, where appropriate, reused for other reporting obligations listed in the Annex.</i>	C GA text
200.			<i>3. The Commission shall adopt, by means of implementing acts, the list of relevant information data elements referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2) [within two years after entry into force of this Regulation].</i>	C GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
201.	Chapter IV Common services		Chapter IV Common services	A NB: The common addressing service might have to be included under this chapter.
202.	Article 9 EMSWe user and access management system		Article 9 EMSWe user <i>registry</i> and access management system	B Keep GA text
203.	1. The Commission shall establish a common user and access management system for declarants and data service providers using National Single Windows as well as for authorities accessing the National Single Windows. The system shall provide for a single user registration with EU level recognition, federated user management and EU level user monitoring.		1. The Commission shall establish <i>and ensure the availability of</i> a common user <i>registry</i> and access management system for declarants and data service providers using the <i>maritime</i> National Single <i>Window</i> , as well as for <i>national</i> authorities accessing the <i>maritime</i> National Single <i>Window</i> , <i>for cases where an authentication is required</i> . The system shall provide for a single user registration <i>by means of an existing Union registry</i> with <i>Union</i> level recognition, federated user management and <i>Union</i> level user monitoring.	B Keep GA text
204.			2. Each Member State shall designate <i>a</i> national authority <i>to be</i> responsible for the <i>identification and registration of</i> new users, <i>and the modification and termination of</i> existing accounts <i>through the system referred to in paragraph 1</i> .	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
205.	2. For the purpose of access to the National Single Windows in different Member States, a declarant or data service provider registered in the EMSWe user and access management system shall be considered registered to National Single Windows in all Member States.		3. For the purpose of access to the <i>maritime</i> National Single <i>Window</i> in different Member States, a declarant or data service provider registered in the EMSWe user <i>registry</i> and access management system shall be considered registered to the *National Single Window in all Member States <i>and shall operate within the limits of the access rights granted by each Member State according to national rules.</i>	B Keep GA text NB: *add maritime
206.	3. Each Member State shall designate the national authority responsible for the user management of declarants and data service providers including for registering new users, modifying and terminating existing accounts of the user authentication instrument.		3. [...]	B Keep GA text <i>Moved to § 2. Cf. line 204.</i>
207.	4. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the instrument referred to in paragraph 1 for collecting, storing and provision of user credentials. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).		4. The Commission shall adopt [<i>within two years after entry into force of this Regulation</i>], by means of implementing acts, the technical specifications, standards and procedures for setting up <i>the system</i> referred to in paragraph 1, <i>including the functionalities referred to in paragraph 2.</i> Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).	B Keep GA text with the following correction proposed by the legal services: 4. The Commission shall adopt <i>within two years after entry into force of this Regulation</i> , by means of implementing acts, the technical specifications, standards and procedures for setting up <i>the system</i> referred to in paragraph 1, <i>including the functionalities referred to in</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				<p><i>paragraph 2.</i> Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</p> <p><i><u>The first such implementing act shall be adopted by ... [24 months after the date of entry into force of this Regulation].</u></i></p>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
208.	Article 10 EMSWe Ship Database		Article 10 EMSWe Ship Database	A
209.	1. In accordance with point (a) of Article 7(2), the Commission shall establish a EMSWe ship database containing a list of ship identification information and particulars as well as records on ship reporting exemptions.		1. In accordance with point (a) of Article 7(2), the Commission shall establish a EMSWe ship database containing a list of ship identification information and particulars as well as records on ship reporting exemptions.	A
210.	2. Member States shall ensure the provision of new ship particulars to the EMSWe ship database and availability of this information for facilitation of ship reporting.		2. Member States shall ensure the provision of <i>the data referred to in paragraph 1</i> to the EMSWe ship database <i>on the basis of the data submitted by declarants to the maritime National Single Window</i> .	B Keep GA text
211.			<i>2a. The Commission shall ensure the availability of the ship database data to the maritime National Single Windows for facilitation of ship reporting.</i>	B Keep GA text
212.	3. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 for collecting, storing and provision of the ship particulars and exemptions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).		3. The Commission shall adopt [<i>within two years after entry into force of this Regulation</i>], by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 for collecting, storing, <i>updating</i> and provision of the ship <i>identification information and particulars as well as records on ship reporting</i> exemptions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in	B Keep GA text with the following correction proposed by the legal services: 3. The Commission shall adopt <i>within two years after entry into force of this Regulation</i> , by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 for collecting, storing, <i>updating</i> and provision of the ship

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
			Article 19(2).	<i>identification information and particulars as well as records on ship reporting</i> exemptions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2). <u>The first such implementing act shall be adopted by ... [24 months after the date of entry into force of this Regulation].</u>
213.	Article 11 Common Location Database		Article 11 Common Location Database	A
214.	1. The Commission shall establish a common location database containing a reference list of location codes* and port facility codes as registered in the IMO database GISIS. * "United Nations Code for Trade and Transport Locations"		1. The Commission shall establish a common location database containing a reference list of location codes' and port facility codes as registered in the IMO database GISIS. *"United Nations Code for Trade and Transport Locations".	A
215.			<i>1a. The Commission shall ensure the availability of the location database to the maritime National Single Windows for facilitation of ship reporting.</i>	B Keep GA text
216.	2. Member States shall make information from location database available at national level through the National Single Windows.		2. Member States shall make information from the location database available at national level through the National Single Windows.	A
217.	3. The Commission shall adopt, by means of implementing acts, the		3. The Commission shall adopt <i>[within two years after entry into force of this</i>	B Keep GA text with the

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	<p>technical specifications, standards and procedures for setting up of the common location database referred to in paragraph 1 for collecting, storing and provision of the location and port facility codes. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</p>		<p><i>Regulation</i>], by means of implementing acts, the technical specifications, standards and procedures for setting up of the common location database referred to in paragraph 1 for collecting, storing, updating and provision of the location and port facility codes. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</p>	<p>following correction proposed by the legal services: The Commission shall adopt <i>within two years after entry into force of this Regulation</i>, by means of implementing acts, the technical specifications, standards and procedures for setting up of common location database referred to in paragraph 1 for collecting, storing, updating and provision of the location and port facility codes. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2). <u>The first such implementing act shall be adopted by ... [24 months after the date of entry into force of this Regulation].</u></p>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
218.	Article 12 Common Hazmat Database		Article 12 Common Hazmat Database	A
219.	1. The Commission shall establish a common hazmat database containing a list of dangerous and polluting goods which have to be notified in accordance with Directive 2002/59/EC* and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes. * OJ L 208 of 5.8.2002, pp. 10-27		1. The Commission shall establish a common hazmat database containing a list of dangerous and polluting goods which have to be notified in accordance with Directive 2002/59/EC* and IMO FAL Form 7, taking into consideration the relevant data elements from the IMO Conventions and Codes. * OJ L 208, 5.8.2002, p. 10.	A
220.			<i>1a. The Commission shall ensure the availability of the common hazmat database to the maritime National Single Windows for facilitation of ship reporting.</i>	B Keep GA text
221.	2. The database shall be linked to the relevant entries in the MAR-CIS database as developed by European Maritime Safety Agency for information on associated hazards and risks of dangerous and polluting goods.		2. The database shall be linked to the relevant entries in the MAR-CIS database as developed by European Maritime Safety Agency for information on associated hazards and risks of dangerous and polluting goods.	A
222.	3. The database shall be used both as a reference and a verification tool, at national and Union level, during the reporting process through the National Single Windows.		3. The database shall be used both as a reference and a verification tool, at national and Union level, during the reporting process through the National Single Windows.	A
223.	4. Member States shall make information from the common hazmat database available at national level through National Single Windows.		4. Member States shall make information from the common hazmat database available at national level through National Single Windows.	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
224.	5. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the common hazmat database referred to in paragraph 1 for collecting, storing and provision of the hazmat reference information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).		5. The Commission shall adopt <i>[within two years after entry into force of this Regulation]</i> , by means of implementing acts, the technical specifications, standards and procedures for setting up of the common hazmat database referred to in paragraph 1 for collecting, storing and provision of the hazmat reference information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).	B Keep GA text with the following correction proposed by the legal services: 5. The Commission shall adopt <i>[within two years after entry into force of this Regulation]</i> , by means of implementing acts, the technical specifications, standards and procedures for setting up of the common hazmat database referred to in paragraph 1 for collecting, storing and provision of the hazmat reference information. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2). <i>The first such implementing act shall be adopted by ... [24 months after the date of entry into force of this Regulation].</i>
225.			<i>Article 12a</i> <i>Common Ship Sanitation Database</i>	C GA text
226.			1. The Commission shall make available a common ship sanitation database.	C GA text (exact wording to be verified)
227.			2. In particular the data related to the Maritime Declarations of Health under Article 37 of the International	C Proposed compromise: 2. In particular the The

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
			<i>Health Regulations 2005 (IHR) may be received and processed by the database; personal data on ill persons on board shall not be processed.</i>	<i><u>database shall be able to receive and store data related to the Maritime Declarations of Health under Article 37 of the International Health Regulations 2005 (IHR) may be received and processed by the database; personal data on ill persons on board shall not be processed stored.</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
228.			<i>In addition, the database is to permit direct communication between the competent health authorities of the Member States.</i>	C <i>In addition, the database is to permit direct communication between <u>The competent health authorities of the Member States shall have access to the database for the purpose of receiving and exchanging data.</u></i>
229.			<i>3. The Member States using the ship sanitation database shall make known to the Commission their national authority in charge of user management, including the registration of new users as well as the modification and closure of accounts.</i>	C <i>3. The Member States using the ship sanitation database shall make known to the Commission their national authority in charge of <u>the database</u> user management, including the registration of new users as well as the modification and closure of accounts.</i>
230.			<i>4. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</i>	C Revised proposed compromise: <i>4. The Commission shall adopt, by means of implementing acts, the technical specifications, standards and procedures for setting up of the database referred to in paragraph 1 as well as further functionalities of the database. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 19(2).</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
231.	Chapter V Coordination of the EMSWe activities		Chapter V Coordination of the EMSWe activities	A
232.	Article 13 National coordinators		Article 13 National coordinators	A
233.	Each Member State shall designate a competent authority to act as a national coordinator for the EMSWe. The national coordinator shall:		Each Member State shall designate a competent <i>national</i> authority to act as a national coordinator for the EMSWe. The national coordinator shall:	B Proposed compromise (related to governance dimension): Each Member State shall designate a competent <i>national</i> authority <i>with a clear legal mandate</i> to act as a national coordinator for the EMSWe. The national coordinator shall:
234.	(a) act as a national contact point for all matters relating to the implementation of this Regulation;		(a) act as the national contact point <i>for users and the Commission</i> for all matters relating to the implementation of this Regulation;	B Keep GA text
235.	(b) coordinate the application of this Regulation by the competent national authorities within a Member State;		(b) coordinate the application of this Regulation by the competent national authorities within a Member State <i>and their cooperation</i> ;	B Keep GA text
236.	(c) coordinate the activities aiming at ensuring the connection with the relevant systems of competent authorities as referred in Article 5(3)(c);		(c) coordinate the activities aiming at ensuring the connection with the relevant systems of competent authorities as referred in Article 5(3)(c).	A Proposed compromise (related to governance dimension): (c) coordinate the activities aiming at ensuring the <i>distribution of data and the connection</i> with the relevant systems of competent authorities as referred in Article 5(3)(c).
237.	(d) act as a single contact point with the Commission for all matters relating		(d) [...]	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	to the EMSWe.			<i>Cf. line 234.</i>
238.	Article 14 Multi-annual Implementation Plan		Article 14 Multi-annual Implementation Plan	A
239.	In order to facilitate the timely implementation of this Regulation, the Commission shall adopt, following appropriate expert consultations, a multi-annual implementation plan (MIP) revised on a yearly basis which shall provide:		In order to facilitate the timely implementation of this Regulation <i>and to provide quality control mechanisms and procedures for deploying, maintaining and updating the harmonised interface module and the related harmonised elements of the EMSWe</i> , the Commission shall adopt, following appropriate [...] consultations <i>of Member States' experts</i> , a MIP revised on a yearly basis which shall provide:	C Keep GA text
240.		Amendment 49 Article 14 – paragraph 1 – point a		
241.	(a) development plan for development and updating of the reporting interface module foreseen within the following 18 months;	(a) development plan for development and updating of the reporting interface [...] foreseen within the following 18 months;	(a) <i>a</i> plan for <i>the</i> development and updating of the <i>harmonised</i> reporting <i>interfaces and the related harmonised elements of the EMSWe</i> foreseen within the following 18 months;	C GA text
242.		Amendment 50 Article 14 – paragraph 1 – point aa (new)		Proposed compromise:
243.		<i>(aa) development plans for developing the voluntary common access point interface for the harmonised reporting interfaces by ... (date: 5 years after entry into force of this Regulation);</i>		C <i>(aa) a plan for the development plans for developing of the voluntary common addressing service access point interface for the harmonised reporting interfaces by ... (date: 5 years after entry into force of this</i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
				Regulation);
244.		Amendment 51 Article 14 – paragraph 1 – point ab (new)		Proposed compromise:
245.		<i>(ab) consultation periods with all appropriate stakeholders including representatives from trade unions, industry and experts from government;</i>		C <i>(ab) <u>indicative dates for consultation periods with all appropriate relevant stakeholders including representatives from trade unions, industry and experts from government;</u></i>
246.		Amendment 52 Article 14 – paragraph 1 – point b		
247.	(b) indicative deadlines for the Members States for subsequent integration of the reporting interface module to the National Single Windows;	(b) indicative deadlines for the Members States for subsequent integration of the reporting interface [...] to the National Single Windows;	(b) indicative deadlines for the Members States for subsequent integration of the <i>harmonised</i> reporting <i>interfaces</i> to the National Single Windows;	C GA text
248.		Amendment 53 Article 14 – paragraph 1 – point ba (new)		Proposed compromise:
249.		<i>(ba) indicative deadlines for the Commission's development of a common access point interface following the implementation of the harmonised reporting interfaces.</i>		C <i>(ba) indicative deadlines for the Commission's development of a common <u>addressing service access point interface</u> following the implementation of the harmonised reporting <u>interface module interfaces;</u></i>

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
250.		Amendment 54 Article 14 – paragraph 1 – point c		
251.	(c) testing periods for the Member States and declarants to test their connection with any new versions of the interface module;	(c) testing periods for the Member States and <i>for voluntary</i> declarants to test their connection with any new versions of the interface(s);	(c) testing periods for the Member States and declarants to test their connection with any new versions of the <i>harmonised reporting interfaces</i> ;	C Keep GA text
252.		Amendment 55 Article 14 – paragraph 1 – point ca (new)		
253.		<i>(ca) testing periods for the common access point interface as an added functionality of the harmonised reporting interfaces;</i>		C Proposed compromise: <i>(ca) testing periods for the common <u>addressing service</u> access point interface as an added functionality of the harmonised reporting interfaces;</i>
254.	(d) indicative phasing out deadlines for the older versions of the interface module for the Member States and declarants.		(d) indicative phasing out deadlines for the older versions of the <i>harmonised reporting interfaces</i> for the Member States and declarants.	C GA text
255.		Amendment 56 Article 14 – paragraph 1 – point da (new)		
256.		<i>(da) alignment with customs systems, taking into consideration developments within Customs Single Window environment.</i>		C EP prepared to withdraw amendment

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
257.	Chapter VI Final provisions		Chapter VI Final provisions	A
258.	Article 15 Costs		Article 15 Costs	A
259.	The general budget of the European Union shall cover the costs for:		The general budget of the European Union shall cover the costs for:	A
260.	(a) the development and maintenance of the ICT tools supporting the implementation of this Regulation at Union level;		(a) the development and maintenance of the ICT tools supporting the implementation of this Regulation at Union level;	A Proposed compromise (related to EMSA funding): (a) the development and maintenance of the ICT tools <i>by the Commission and EMSA</i> supporting the implementation of this Regulation at Union level;
261.		Amendment 57 Article 15 – paragraph 1 – point b		Revised proposed compromise:
262.	(b) the promotion of the EMSWe at Union level and in relevant international organisations.	(b) the promotion of the EMSWe at Union level and in relevant international organisations, <i>especially by securing the long-term financing for European Maritime Safety Agency and involving representatives from government and industry stakeholders in this system.</i>	(b) the promotion of the EMSWe at Union level [...].	C (b) the promotion of the EMSWe at Union level, <i>including with relevant stakeholders</i> , and in relevant international organisations.
263.	Article 16 Cooperation with other trade and transport facilitation systems or services		Article 16 Cooperation with other trade and transport facilitation systems or services	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
264.	Where trade and transport facilitation systems or services have been created by other Union legal acts, the Commission shall coordinate the activities related to those systems or services with the view to achieving synergies and avoiding duplication.		Where trade and transport facilitation systems or services have been created by other Union legal acts, the Commission shall coordinate the activities related to those systems or services with the view to achieving synergies and avoiding duplication.	A
265.	Article 17 Review and report		Article 17 Review and report	A
266.	1. Member States shall ensure that procedures are in place to collect data, including statistics, using, inter alia, surveys, on the functioning of the EMSWe, and shall report their findings to the Commission. The report shall include the following indicators:		1. Member States shall <i>monitor the application</i> of the EMSWe, and [...] report their findings to the Commission. The report shall include the following indicators:	C Keep GA text
267.	(a) implementation of the harmonised dataset;		(a) [...]	C Keep GA text
268.	(b) installation of the harmonised reporting gateway software;		(b) <i>use</i> of the harmonised reporting <i>interface module</i> ;	C GA text
269.			<i>(ba) use of the graphical user interface</i> ;	B Keep GA text
270.	(c) use of other reporting systems as referred to in paragraphs 1 and 2 of Article 6;		(c) use of other reporting <i>means</i> as referred to in [...] Article 6.	B Keep GA text
271.	(d) requests for other information as referred to in Article 4.		(d) [...]	C Keep GA text
272.	2. Member States shall organise the gathering and production of the data necessary to measure the change in the indicators described in paragraph 1, and shall supply that information to the Commission on a bi-annual basis.		Member States [...] shall supply that information to the Commission on <i>an annual basis, based on a template to be provided by the Commission</i> .	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
273.		Amendment 58 Article 17 – paragraph 3		
274.	By six years after the entry into force of this Regulation the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the EMSWe on the basis of the data and statistics collected. The assessment report shall include, where necessary, an evaluation of emerging technologies, which could lead to changes to or replacement of the reporting interface module.	By six years after the entry into force of this Regulation the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the EMSWe on the basis of the data and statistics collected. The assessment report shall include, where necessary, an evaluation of emerging technologies, which could lead to changes to or replacement of the reporting interface module <i>with an EU Access Point Interface (EU-API) able to relay data directly to the National Single Windows by the declarants for the fulfilment of reporting obligations.</i>	By <i>eight</i> years after the entry into force of this Regulation, the Commission shall review the application of this Regulation and submit to the European Parliament and the Council an assessment report on the functioning of the EMSWe on the basis of the data and statistics collected. The assessment report shall include, where necessary, an evaluation of emerging technologies, which could lead to changes to or replacement of the <i>harmonised</i> reporting interface module.	C Keep GA text
275.	Article 18 Exercise of the delegation		Article 18 Exercise of the delegation	A
276.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	A
277.	2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not		2. The power to adopt delegated acts referred to in Article 3 shall be conferred on the Commission for a period of <i>three</i> years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not	C Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.		later than nine months before the end of the <i>three-year</i> period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	
278.	3. The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.		3. The delegation of power referred to in Article 3 may be revoked at any time by the European Parliament or the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	A
279.		Amendment 59 Article 18 – paragraph 4		
280.	4. Before adopting a delegated act, the Commission shall consult national experts nominated by the Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	4. Before adopting a delegated act, the Commission shall consult national experts nominated by the Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016 <i>and relevant experts from the industry.</i>	4. Before adopting a delegated act, the Commission shall consult national experts nominated by the Member States in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.	B Legal services advise to keep COM text. <i>Not in line with the IIA.</i> Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
281.	5. When adopting a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. When adopting a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	A
282.	6. A delegated act adopted pursuant to Articles 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.		6. A delegated act adopted pursuant to Articles 3 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	A
283.	Article 19 Committee procedure		Article 19 Committee procedure	A
284.		Amendment 60 Article 19 – paragraph 1		
285.	1. The Commission shall be assisted by the Digital Transport and Trade Facilitation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011*. * OJ L 55, 28.2.2011, p. 13.	1. The Commission shall be assisted by the Digital Transport and Trade Facilitation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011* <i>and shall also involve relevant experts from the industry.</i> * OJ L 55, 28.2.2011, p. 13.	1. The Commission shall be assisted by the Digital Transport and Trade Facilitation Committee. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011*. * OJ L 55, 28.2.2011, p. 13.	B Legal services advise to keep COM text. Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
286.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.		2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	A
287.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	A
288.	Article 20 Repeal of Directive 2010/65/EU		Article 20 Repeal of Directive 2010/65/EU	A
289.	Directive 2010/65/EU shall be repealed from the date of application of this Regulation.		Directive 2010/65/EU shall be repealed from the date of application of this Regulation.	A
290.	References to Directive 2010/65/EU shall be construed as references to this Regulation.		References to Directive 2010/65/EU shall be construed as references to this Regulation.	A
291.	Article 21 Entry into force		Article 21 Entry into force	A
292.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	A
293.		Amendment 61 Article 21 – paragraph 2		
294.	2. It shall apply from [OP- insert four years after entry into force of this Regulation].	2. It shall apply from [OP- insert four years after entry into force of this Regulation] <i>or one year after the adoption of all the delegated and implementing acts planned in the Regulation, whichever date is the latest.</i>	2. It shall apply from [OP- insert <i>six</i> years after entry into force of this Regulation].	C Legal services advise against reference to DA and IA as condition for application. Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
295.		Amendment 62 Article 21 – paragraph 3		
296.	3. The functionalities referred to in point (d) of Article 7(2) and those related to the customs formalities specified in point 7 of Part A of the Annex shall become effective when the electronic systems referred to in Article 6(1) of Regulation (EU) No 952/2013 which are necessary for the application of those formalities are operational, in accordance with the work programme established by the Commission pursuant to Articles 280 and 281 of Regulation (EU) No 952/2013.	3. The functionalities referred to in point (d) of Article 7(2) and those related to the customs formalities specified in point 7 of Part A of the Annex shall become effective <i>after evaluation and proof of full functionality of EMSWe and implementation and interoperation of all other data elements of EMSWe data set between National Single Windows of participating Member States</i> and when the electronic systems referred to in Article 6(1) of Regulation (EU) No 952/2013 which are necessary for the application of those formalities are operational, in accordance with the work programme established by the Commission pursuant to Articles 280 and 281 of Regulation (EU) No 952/2013.	3. The functionalities referred to in <i>Article 8b(2)</i> and those related to the customs <i>reporting obligations</i> specified in point 7 of Part A of the Annex shall become effective when the electronic systems referred to in Article 6(1) of Regulation (EU) No 952/2013 which are necessary for the application of those <i>reporting obligations</i> are operational, in accordance with the work programme established by the Commission pursuant to Articles 280 and 281 of Regulation (EU) No 952/2013.	C Keep GA text
297.	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
298.	ANNEX			
299.	EMSWe Data set		<i>Reporting obligations</i>	B Keep GA text
300.	A. Reporting obligations resulting from legal acts of the Union		A. Reporting obligations <i>stemming</i> from legal acts of the Union	B Keep GA text
301.	This category of reporting obligations includes the information which is to be provided in accordance with the following provisions:		This category of reporting obligations includes the information which is to be provided in accordance with the following provisions:	A
302.	1. Notification for ships arriving in and departing from ports of the Member States		1. Notification for ships arriving in and departing from ports of the Member States	A
303.	Article 4 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).		Article 4 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).	A
304.	2. Border checks on persons		2. Border checks on persons	A
305.	Article 7 of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p.1).		<i>Article 8 of 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).</i>	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
306.	3. Notification of dangerous or polluting goods carried on board		3. Notification of dangerous or polluting goods carried on board	A
307.	Article 13 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).		Article 13 of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system (OJ L 208, 5.8.2002, p.10).	A
308.	4. Notification of waste and residues		4. Notification of waste and residues	A
309.	Article 6 of 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).		Article 6 of 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).	A
310.	[New proposal repealing 2000/59/EC:		[New proposal repealing 2000/59/EC:	A
311.	4. Notification of waste from ships, including residues		4. Notification of waste from ships, including residues	A
312.	Articles 6 and 7 of Directive 201X/XX/EU of the European Parliament and the Council]		Articles 6 and 7 of Directive 201X/XX/EU of the European Parliament and the Council]	A
313.	5. Notification of security information		5. Notification of security information	A
314.	Article 6 of Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p.6).		Article 6 of Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).	A
315.	Until the adoption of a harmonised form at international level, the form set out in the Appendix to this Annex shall be used for identifying the information required under Article 6 of Regulation (EC) No 725/2004. The form can be		<i>[...]</i> The form set out in the Appendix to this Annex shall be used for identifying the <i>data elements</i> required under Article 6 of Regulation (EC) No 725/2004. <i>[...]</i>	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
	transmitted electronically.			
316.	6. Information on persons on board		6. Information on persons on board	A
317.	Articles 4(2) and 5(2) of Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).		Articles 4(2) and 5(2) of Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35).	A
318.	7. Customs formalities		7. Customs formalities	A
319.	(a) Arrival formalities:		(a) Arrival formalities:	A
320.	- Notification of arrival (Article 133 of Regulation (EU) No 952/2013*); * Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October laying down the Union Customs Code (OJ L 269, 10.10.2013, p.1).		- Notification of arrival (Article 133 of Regulation (EU) No 952/2013*); * Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October laying down the Union Customs Code (OJ L 269, 10.10.2013, p.1).	A
321.	- Presentation of goods to customs (Article 139 of Regulation (EU) No 952/2013);		- Presentation of goods to customs (Article 139 of Regulation (EU) No 952/2013);	A
322.	- Temporary storage declaration of goods (Article 145 of Regulation (EU) No 952/2013);		- Temporary storage declaration of goods (Article 145 of Regulation (EU) No 952/2013);	A
323.	- Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);		- Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);	A
324.	- Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013).		- Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013).	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1 st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
325.	(b) Departure formalities:		(b) Departure formalities:	A
326.	- Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);		- Customs status of goods (Articles 153 to 155 of Regulation (EU) No 952/2013);	A
327.	- Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013);		- Electronic transport documents used for transit (Article 233(4)(e) of Regulation (EU) No 952/2013);	A
328.	- Exit notification (Article 269(2) of Regulation (EU) 952/2013);		- Exit notification (Article 269(2) of Regulation (EU) 952/2013);	A Proposed correction: - Exit notification (Article 276 of Regulation (EU) 952/2013);
329.	- Exit summary declaration (Articles 271 and 272 of Regulation (EU) No 952/2013);		- Exit summary declaration (Articles 271 and 272 of Regulation (EU) No 952/2013);	A
330.	- Re-export notification (Articles 274 and 275 of Regulation (EU) No 952/2013);		- Re-export notification (Articles 274 and 275 of Regulation (EU) No 952/2013);	A
331.	8. Safe loading and unloading of bulk carriers		8. Safe loading and unloading of bulk carriers	A
332.	Articles 7 and 8 of 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;		<i>Article 7 [...]</i> of 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;	B Keep GA text
333.	9. Port State Control		9. Port State control	A
334.	Article 9 of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control.		Article 9 <i>and Article 24(2)</i> of Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control.	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
335.	10. Maritime Transport statistics		10. Maritime <i>transport</i> statistics	A
336.	Article 5 of the Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea.		Article 3 of the Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea.	B Keep GA text
337.	B. FAL forms and obligations resulting from international legal instruments		B. FAL <i>documents</i> and <i>reporting</i> obligations <i>stemming</i> from international legal instruments	B Keep GA text
338.	This category of reporting obligations includes the information which is to be provided in accordance with the FAL Convention and other relevant international legal instruments.		This category of reporting obligations includes the information which is to be provided in accordance with the FAL Convention and other relevant international legal instruments.	A
339.	1. FAL form 1: General Declaration		1. FAL [...] 1: General Declaration	B Keep GA text
340.	2. FAL form 2: Cargo Declaration		2. FAL [...] 2: Cargo Declaration	B Keep GA text
341.	3. FAL form 3: Ship's Stores Declaration		3. FAL [...] 3: Ship's Stores Declaration	B Keep GA text
342.	4. FAL form 4: Crew's Effects Declaration		4. FAL [...] 4: Crew's Effects Declaration	B Keep GA text
343.	5. FAL form 5: Crew List		5. FAL [...] 5: Crew List	B Keep GA text
344.	6. FAL form 6: Passenger List		6. FAL [...] 6: Passenger List	B Keep GA text
345.	7. FAL form 7: Dangerous Goods		7. FAL [...] 7: Dangerous Goods	B Keep GA text
346.	8. Maritime Declaration of Health		8. Maritime Declaration of Health	A

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
347.	C. National legal provisions		<i>C. Reporting obligations stemming from national legislation and requirements</i>	B Keep GA text
348.	This category of reporting obligations includes data elements in the following categories:		[...]	B Keep GA text
349.	1. Maritime transport		1. [...]	B Keep GA text
350.	2. Maritime transport safety		2. [...]	B Keep GA text
351.	3. Environment		3. [...]	B Keep GA text
352.	4. Border control		4. [...]	B Keep GA text
353.	5. Security		5. [...]	B Keep GA text
354.	6. Customs		6. [...]	B Keep GA text
355.	7. Health		7. [...]	B Keep GA text
356.	8. Military		8. [...]	B Keep GA text
357.	9. Port services		9. [...]	B Keep GA text
358.	10. Statistics		10. [...]	B Keep GA text
359.	11. Fiscal information		11. [...]	B Keep GA text

	Commission proposal (doc. 9051/18 + ADD 1)	EP amendments – 1st reading	Council general approach (doc. 14587/1/18 REV 1)	Presidency remarks/proposals
360.	APPENDIX		APPENDIX	B Keep appendix as is.