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COMMISSION STAFF WORKING DOCUMENT

Union submission to the 77th session of the Marine Environment Protection Committee of the International Maritime Organization on aspects and proposals to consider the development of a data transfer mechanism for the Port Reception Facilities module of the Global Integrated Shipping Information System (GISIS)

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PURPOSE

This Staff Working Document contains a draft Union submission to the 77th session of the Marine Environment Protection Committee (MEPC 77) of the IMO. The IMO has indicatively scheduled MEPC 77 for 1 to 5 November 2021.

The draft submission concerns upcoming work on the draft output concerning to develop a data transfer mechanism for the Port Reception Facilities module of Global Integrated Shipping Information System (GISIS).

The International Convention for the Prevention of Pollution from Ships (MARPOL Convention)¹, requires Parties to the Convention to communicate a list of reception facilities. This should include their location, capacity and available facilities and other characteristics. Such information is reported manually by designated national points of contact through Port Reception Facilities Database (PRFD) within its GISIS. The port State authorities are encouraged to provide up-to-date information in the Port Reception Facilities module of (GISIS) and maintain entries on the PRFD.

The draft submission aims to improve and facilitate the direct data transfer from national/ or regional databases, updated locally, to the Port Reception Facilities module of GISIS.

The draft Union submission also seeks to further simplify data processing by the inspection database (THETIS-EU PRF module) and to ensure the available information is up-to-date. Such data transfer developments are already established in other GISIS modules, such as the Marine Casualties and Incidents (MCI) module and Port State Control (PSC) module. The Maritime Safety Committee also approved data transfer in the MSC.1/Circ.1603 on Guidance for the electronic transfer of information to and from the maritime security module of GISIS.

The proposed changes would improve the accuracy of the information and reduce the administrative burden of MARPOL Parties. In addition, it would enable bulk data retrieval methods in the data transfer mechanism. This would allow national and regional authorities to re-use the information from the Port Reception Facilities module of GISIS, facilitating the data transfer on waste management on board.

EU COMPETENCE

The European Union pursues the implementation of parts of the MARPOL Convention through Directive (EU) 2019/883 on port reception facilities.² Pursuant to Article 13(3) of the Directive, the Member States must ensure that the information from the waste reception and handling plan on the availability and adequacy of port reception facilities³ is made electronically available through the Union Maritime Information and Exchange System ('SafeSeaNet'). In parallel, the MARPOL

¹ MARPOL Convention, Article 11 (1) (d) and MEPC.1/Circ.834/Rev.1

² OJ L 151, 7.6.2019, p. 116–142; Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC. Reference in Directive 2002/59/EC (VTMIS) is Article 22a (3) and (4) and, Annex III point 3.

³ listed in Article 5 (2) of Directive (EU) 2019/883

Convention requires the contracting Parties to maintain up-to-date information on their port reception facilities and to communicate this information to the IMO. To this end, the IMO has established a port reception facilities database module within its Global Integrated Shipping Information System ('GISIS').

In order to avoid duplication and reducing administrative burden on MS reporting obligations, reporting of relevant information directly into the information, monitoring and enforcement system provided for in Directive (EU) 2019/883 and the subsequent transmission of this information into GISIS⁴, is already foreseen in Articles 7(5)(a) and 9(1)(b)(iii) of that Directive.

It should be noted that the issue has been discussed, and approach agreed, with experts from MS, EMSA and the Commission at technical level.

In light of all of the above, the present draft Union submission falls under EU exclusive competence.⁵ This Staff Working Document is presented to establish an EU position on the matter and to transmit the document to the IMO prior to the required deadline of 27 August 2021.⁶

⁴ Similar simultaneous data transfer arrangements for other GISIS modules have already been established, for instance for Marine Casualties and Incidents, port State control and for Security required reporting.

⁵ An EU position under Article 218(9) TFEU is to be established in due time should the IMO Maritime Safety Committee eventually be called upon to adopt an act having legal effects as regards the subject matter of the said draft Union submission. The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*' (Case C-399/12 Germany v Council (OIV), ECLI:EU:C:2014:2258, paragraphs 61-64).

⁶ The submission of proposals or information papers to the IMO, on issues falling under external exclusive EU competence, are acts of external representation. Such submissions are to be made by an EU actor who can represent the Union externally under the Treaty, which for non-CFSP (Common Foreign and Security Policy) issues is the Commission or the EU Delegation in accordance with Article 17(1) TEU and Article 221 TFEU. IMO internal rules make such an arrangement absolutely possible as regards existing agenda and work programme items. This way of proceeding is in line with the General Arrangements for EU statements in multilateral organisations endorsed by COREPER on 24 October 2011.

MARINE ENVIRONMENT PROTECTION
COMMITTEE
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ANY OTHER BUSINESS

Communication of information through the Port Reception Facilities Module of GISIS

Submitted by the European Commission on behalf of the European Union

SUMMARY

Executive summary: This document invites the Committee to consider the development of a data transfer mechanism for the Port Reception Facilities module of the Global Integrated Shipping Information System (GISIS).

Strategic direction, if applicable: 7

Output: 7.1

Action to be taken: Paragraph 7

Related documents: MEPC.1/Circ.834/Rev.1 and Circular letter No.2683

1 Pursuant to MARPOL Convention Article 11 (1) (d) and MEPC.1/Circ.834/Rev.1, Parties to the Convention are required to communicate to the Organization a list of reception facilities including their location, capacity and available facilities and other characteristics. The information is reported manually by designated national points of contact through Port Reception Facilities Database (PRFD) within its Global Integrated Ship Information System (GISIS)⁷.

2 The Port Reception Facilities module of (GISIS) relies on up-to-date information being provided by port States. Port State authorities are encouraged to regularly seek accurate and up-to-date information from reception facility operators and port authorities and to maintain entries on the PRFD. Reception facility operators and port authorities should also be proactive

⁷ <https://gisis.imo.org/>

in communicating updated information to port State authorities. This two-way communication facilitates the dissemination of PRF information to the shipping industry.

3 The European Union pursues the implementation of parts of the MARPOL Convention through Directive (EU) 2019/883 of the European Parliament and the Council. In Article 13(3), the information from the waste reception and handling plan on the availability of adequate port reception facilities (listed in Article 5 (2)) is to be made electronically available through the Union Maritime Information and Exchange System ('SafeSeaNet'). The purpose is to allow further processing by the inspection database (THETIS-EU PRF module) and to ensure that the PRF information available to the shipping industry is kept up-to-date.

4 The organisation has previously agreed to establish similar data transfer arrangements for various GISIS modules. For example, reports of investigation into casualties recorded in the European Marine Casualty Information Platform (EMCIP) also feed the GISIS Marine Casualties and Incidents (MCI) module and agreements concluded with regional port State control regimes enable data from those external systems to flow into the GISIS Port State Control (PSC) module. In addition, the Maritime Safety Committee has approved MSC.1/Circ.1603 on Guidance for the electronic transfer of information into and from the maritime security module of GISIS.

5 The development of a similar data transfer mechanism for port reception facilities related information is recommended. The objective would be to facilitate the transfer and updating of such information into the Port Reception Facilities module of GISIS directly from national/regional databases, which are updated locally. This would improve the accuracy of the information and reduce the administrative burden of MARPOL Parties. It is proposed that the implementation of such a mechanism should be optional and that it should coexist with the existing manual updating process.

6 In addition, the inclusion of the possibility for bulk data retrieval methods in the data transfer mechanism would allow for the information from the Port Reception Facilities module of GISIS to be re-used by national/regional systems. This will allow Member States to, for example, assess if a ship may proceed to the next port of call without delivering all waste on board based on the confirmation of adequate port reception facilities available at the next port of call.

Action requested of the Committee

7 The Committee is invited to consider the development of a data transfer mechanism, into and from the Port Reception Facilities module of GISIS and, if agreed, to request the Secretariat to develop and implement the mechanism.