

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.1.2009
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2009/0005 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community and repealing Directive 2002/6/EC

{SEC(2009) 46}
{SEC(2008) 47}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- ***Grounds for and objectives of the proposal***

This proposal for a directive on reporting formalities for ships arriving in and/or departing from ports of Member States of the Community helps make reality the concept of a European maritime transport space without barriers, as described in the Commission's communication COM(2009) 10, which is adopted jointly with this proposal.

The objective of this concept is to remove or simplify the documentary and physical checks conducted on ships and goods moving between ports situated in the European Union.

This proposal is designed to replace Directive 2002/6/EC[1] of the European Parliament and of the Council of 18 February 2002 in order to meet the following needs:

1. Review of the FAL Convention and consistency with other Community legislative acts

The IMO (International Maritime Organisation)'s FAL Convention facilitates and harmonises at global level the administrative formalities to which ships entering or leaving ports are subject. It was signed on 9 April 1965 and came into force on 5 March 1967. Several European Union Member States have signed and ratified the Convention since it came into force.

On 18 February 2002, the European Union adopted Directive 2002/6/EC, under which Member States are required to use a series of forms standardised by the FAL Convention. Since 2002, Community legislation has been supplemented by new legislation in the field of safety and security. The formalities in question are those required under the basic directives or amendments to Council Directive 95/21/EC of 19 June 1995 ('port State control'), 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, Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, which impose formalities in their respective areas, and Regulation (EC) No 562/2006 (Schengen Borders Code).

The FAL Convention was reviewed during the 32nd session of the IMO's FAL Committee in July 2005 in order to extend the number of formalities covered. The July 2005 revision of the FAL Convention added one field to the General Declaration (form No 1) regarding the processing of waste. In accordance with the requirements 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

[1] Directive 2002/6/EC of the European Parliament and of the Council of 18 February 2002 on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community, OJ L 67, 9.3.2002, p. 31.

residues, waste and residue on board must, in the case of European ports, be declared. The links between these two legislative acts must therefore be specified.

The changes to Community legislation and the FAL Convention are causing greater administrative complexity in the field of maritime transport; this complexity should be reduced but at the same time any reduction in maritime safety, maritime security and environmental protection also needs to be avoided. Nevertheless, the delegations from the EU Member States to the FAL Committee meetings will have to make an effort to ensure that the forms required under the FAL Convention and those required under existing Community legislation are in alignment.

The July 2005 revision of the FAL Convention amended the IMO General Declaration, Ship's Stores Declaration, Crew's Effects Declaration, Crew List and Passenger List, as well as the corresponding recommended practices and standards. The Commission takes the view that, until this Directive comes into force, the parallel use of forms reproduced by the IMO on the basis of the IMO Convention amended in July 2005 should be regarded by the relevant port authorities as complying with the provisions of Directive 2002/6/EC currently in force.

2. New security information form to be provided prior to entry into a port in a Member State

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security requires the relevant maritime safety authorities in the Member States to require information to be provided if a ship announces its intention to enter a port situated within its territory. The Commission has provided the maritime security committee established under that Regulation (the 'MARSEC committee') with a draft form designed to ensure harmonisation of information requests. The committee approved this harmonised draft information form at its fifth meeting on 20 March 2005, noting that the Member States could request more (or less) information on a case-by-case basis. The Commission felt that information relating to security should be notified using a harmonised form adopted at international level by the IMO's FAL Committee and therefore began the process of having the form approved by the Committee, where technical discussions are still underway, given that committee meetings are very infrequent. Until the adoption of a harmonised form of this type at international level, the Commission is proposing as an interim measure the form approved by the MARSEC committee (Annex III to this proposal). Once the FAL committee has adopted the international harmonised form, the Commission could, with the assistance of the MARSEC committee, introduce the international harmonised form as the single basis for security information requests by Member States, in accordance with the procedure for amending annexes as stipulated in Article 9 of the proposal for a directive.

3. Insufficient information and duplication of authorities in ports

Even now, fax machines are still used in over half of ports in order to exchange information, whilst electronic systems for the exchange of data which could be used by all operators in the port community are only present in a small number of major ports or Member States. This results in an increase in repetitive work and a potential cause of slowness or errors which could be eliminated if the use of electronic data

transmission systems was more widespread. Under Decision No 70/2008/EC on a paperless environment for customs and trade, the European Parliament and the Council have already established the procedure to be followed and a timetable for the transmission of data needed for customs operations. It is important that the systems available to operators for non-customs reporting formalities can develop rapidly and consistently with customs systems.

4. Inconsistent application of Directive 2002/6/EC

Furthermore, a study of 40 ports carried out by the European Maritime Safety Agency showed that although Directive 2002/6/EC was generally well implemented by the Member States, the Directive did not always enable the intended objective of simplification to be achieved. Forms were sometimes requested by several different authorities, or information previously requested had not always been deleted; as a result, Directive 2002/6/EC introduced formalities which were additional to those which should be replaced. Furthermore, a number of ports still use forms printed in the national language, which sometimes include extra sections.

- ***General background***

In its Communication [COM(2006) 380] to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions of 13 July 2006 on the mid-term review of the programme for the promotion of short sea shipping, the Commission, in response to reactions from the Member States and industry, confirmed that the use of FAL forms had an important role in promoting short sea shipping and announced that it would update it to ensure alignment with recent IMO decisions.

- ***Existing provisions in the area of the proposal***

The purpose behind Directive 2002/6/EC of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States of the Community was to simplify and harmonise administrative formalities and documents by putting in place uniform documentary procedures modelled on the International Maritime Organisation's FAL forms.

- ***Alignment with other Community policies***

This proposal helps to ensure that the objectives of the Lisbon Agenda can be met, in so far as it aims to simplify administrative procedures and to use information and communication technology to increase efficiency.

2. CONSULTATION OF STAKEHOLDERS AND IMPACT ASSESSMENT

- ***Consultation of stakeholders***

Stakeholders were consulted via the Internet, by means of presentations of preparatory work at forums and to groups of national experts, and two specialised seminars.

This consultation enabled the opinions of the various public- and private-sector stakeholders to be obtained. The contributions have revealed a relatively broad

consensus on the simplification objectives pursued. Several specific comments were taken into account in the technical provisions of the two resulting legislative proposals.

Obtention and use of experts

The Commission has used an outside expert to assess the cost-effectiveness of the proposal.

The consultant assessed the costs and benefits of the options available in order to meet the objective of administrative simplification by conducting a bibliographic study and interviews of ports representative of all EU ports.

The main organisations consulted were members of the European Sea Ports Organisation (ESPO), and the European Community Shipowners' Association (ECSA) and representatives from the relevant public services (in particular, customs and port authorities).

The consultation did not indicate that the proposal entailed much risk.

A summary of responses to the consultation has been posted on Europa, the Commission's Internet site.

- ***Impact assessment***

The following options were considered in the impact assessment:

Option A: no measure being taken at Community level;

Option B: given that checks conducted on goods circulating within the internal market are derived from various pieces of legislation, each of them being the subject of simplification on a case-by-case basis;

Option C: a series of coherent measures being adopted in order to eliminate administrative obstacles to the free movement of Community goods or similar between EU ports.

The impact assessment report is a public document available on Europa, the Commission's Internet site.

3. LEGAL ASPECTS OF THE PROPOSAL

- ***Summary of the proposed measures***

In order to meet these objectives, this proposal for a directive aims to reduce the amount of information to be repeatedly provided to the various port authorities. To this end, it is felt that the transmission of information as provided for in Directives 95/21/EC, 2002/59/EC and 2000/59/EC and Regulation (EC) No 725/2004 and, if necessary, the International Maritime Dangerous Goods Code, contain all navigation information required by the authorities upon arrival at and/or departure from ports. Some of this information has already been sent electronically via SafeSeaNet, the Community maritime data exchange system. The international regulatory authorities,

such as the International Maritime Organisation or the World Customs Organisation, have developed formats for the electronic transmission of FAL forms. These forms provide port authorities with sufficient information on ships from third countries. The FAL forms are not required for ships coming from a European Union port. All information required under this Directive should be sent electronically to a single competent authority nominated by the Member States, via the SafeSeaNet system, as soon as possible and by 15 February 2013 at the latest; this is the date on which the provisions of Decision No 70/2008/EC on a paperless environment for customs and trade are to enter into force. This proposal includes a correlation table showing the FAL forms and the information required under the legislation referred to above, as well as a new maritime safety form.

The proposal for a directive provides that Member States have one year in which to transpose its provisions into national law.

- ***Legal basis***

Article 80(2) of the Treaty establishing the European Community.

- ***Subsidiarity principle***

The removal of obstacles to the free movement of goods transported by sea requires amendments to be made to procedures arising from the implementation of Community acts and resulting in two types of formalities (those relating to ships and those necessary for the operation of the ships and those relating to the goods transported). These are the subject of separate legislative proposals.

- ***Principle of proportionality***

The form of action proposed gives Member States a certain amount of freedom when imposing performance objectives, although the methods for doing so are not specified.

The option chosen is that which is the most cost-effective in global terms for the parties concerned.

- ***Choice of instruments***

The measure implemented is a proposal for a directive designed to replace Directive 2002/6/EC, currently in force.

4. BUDGETARY IMPACT

The proposal has no budgetary impact.

5. ADDITIONAL INFORMATION

- ***Simplification***

The national authorities will have less checks to carry out. The use of computerised communication methods will enable checks not covered by the proposal to be better

organised, whilst improving their efficiency.

The proposals will considerably reduce the cost and duration of time in port and will be beneficial to maritime transport, thus contributing to an adjustment in the balance between the various modes of transport.

- ***Detailed explanation of the proposal, article by article***

The objectives of the articles and annexes to the proposal for a directive are as follows:

The objective of Article 1 is to: indicate the subject-matter of the Directive, which will cover the standardisation of administrative formalities, administrative simplification and the electronic transmission of documents;

Article 2: to specify the scope of the Directive, which covers the administrative formalities for ships entering and/or exiting European Union ports;

Article 3: to provide essential definitions for the purposes of the Directive;

Article 4: to establish a 24-hour deadline by which the information required must be sent; this is in compliance with the deadlines stipulated in Directive 2002/59/EC and Regulation (EC) No 725/2004;

Article 5: to require information required under the Community Directives, if they exist, to be sent in accordance with the provisions provided under these Directives. If no directive is applicable, the information sent pursuant to the FAL Convention must be accepted;

Article 6: to require Member States to appoint a single competent authority at national level for the collation of information required at entry to and/or exit from European Union ports, which shall be the authority designated for the implementation of SafeSeaNet;

Article 7: to make the use of electronic means of transmission commonplace as soon as possible and by 13 February 2013 at the latest (this being the date given in Decision 70/2008/EC on a paperless environment for customs and trade);

Article 8: to exempt those moving between ports situated within the European Community's customs territory from sending FAL forms, provided that the goods are presumed to have Community status;

Articles 9 and 10: to include provisions on procedure and comitology currently in force;

Article 11: to establish the means for transposing the directive by those Member States with a transposition deadline of one year as from the publication of the Directive;

Article 12: to repeal Directive 2002/6/EC one year from the publication of the Directive;

Article 13: to set the date of entry into force of the Directive as 20 days after its publication;

Article 14: to address the Directive to the Member States;

Annex I: to provide a list of the FAL forms adopted by the International Maritime Organisation;

Annex II: to set out the main definitions provided in the FAL Convention and provide equivalences between the FAL forms and those issued under existing Community legislation;

Annex III: to introduce a new sheet for maritime safety, until the adoption of the relevant form by the International Maritime Organisation.

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission[2],

Having regard to the opinion of the European Economic and Social Committee[3],

Having regard to the opinion of the Committee of the Regions[4],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[5],

Whereas:

(1) Directive 2002/6/EC[6] requires Member States to accept certain standardised forms (hereinafter, 'FAL forms') in order to facilitate traffic, as defined by the International Maritime Organisation (IMO) Convention designed to facilitate international maritime traffic (hereinafter, 'FAL Convention').

(2) The transmission of data required upon entry to and/or exit from ports under Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions[7], 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[8], 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[9],

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2 OJ C […], […], p. […].
3 OJ C […], […], p. […].
4 OJ C […], […], p. […].
5 OJ C […], […], p. […].
6 OJ L 67, 9.3.2002, p. 31.
7 OJ L 157, 7.7.1995, p. 1.
8 OJ L 332, 28.12.2000, p. 81.
9 OJ L 208, 5.8.2002, p. 10.

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security[10], 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)[11] and, where appropriate, the International Maritime code for dangerous goods adopted in 1960 by the IMO, with the amendments thereto adopted and having entered into force, covers the information required by FAL forms. These forms should not be required, if this information is available.

(3) Widespread use should be made of electronic means of data transmission for all reporting formalities as soon as possible and by 15 February 2013 at the latest.

(4) The SafeSeaNet systems established at national and Community levels should facilitate the reception, exchange and distribution of information between Member States' information systems on maritime activity.

(5) Information required by the FAL forms is regularly updated. This Directive should therefore refer to the version of these forms that is currently in force. However, the use of forms issued following the application of Community legislation should take precedence if they exist, until the forms issued under the FAL Convention are modified, following a proposal from contracting parties who are Member States of the European Union, in such a way as to include the relevant information.

(6) Ships moving between ports situated in the European Community's customs territory should be exempt from the obligation to send FAL forms relating to goods, if they do not come from a port situated outside that territory or a free zone subject to type I controls within the meaning of customs legislation, do not call in that port or are headed towards them. This exemption will be possible once the goods transported by these ships have been presumed to have Community status in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code[12].

(7) A new form should be introduced in order to harmonise the information required for the prior security declaration provided for by Regulation (EC) No 725/2004.

(8) The measures necessary in order to implement this Directive in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission should be approved[13].

(9) The Commission should be granted the authority to amend the annexes to this Directive, in so far as an amendment of this type will not have the effect of widening the scope of the Directive. Since those measures are general in scope and designed to amend non-essential provisions of this Directive and to supplement it by adding new

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10 OJ L 129, 29.4.2004, p. 6.
11 OJ L 105, 13.4.2006, p. 1.
12 OJ L 253, 11.10.1993, p. 1.
13 OJ L 184, 17.7.1999, p. 23.

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

(10) Since the objectives of the proposed action, namely to facilitate maritime transport, cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the action, be better achieved at Community level, the Community may take measures, in accordance with the principle of subsidiarity set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(11) The measures stipulated in this Directive help achieve the objectives of the Lisbon Agenda.

(12) In the interest of clarity, Directive 2002/6/EC should be replaced by this Directive,

HAVE ADOPTED THIS DIRECTIVE:

Article 1
Subject

The purpose of this Directive is to simplify the administrative procedures applied to maritime transport, on arrival in or departure from ports in Member States of the Community, by making the electronic transmission of information and the rationalisation of reporting formalities standard.

Article 2
Scope

This Directive applies to the reporting formalities for ships arriving in and departing from ports in Member States of the Community.

Article 3
Definitions

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

(a) 'reporting formality' shall mean the information which, in accordance with the legislation in force in a Member State, must be provided for administrative and procedural purposes when a ship arrives in or departs from a port in that Member State;

(b) 'FAL Convention' shall mean the IMO convention designed to facilitate international maritime traffic, adopted on 9 April 1965, as amended;

(c) 'FAL forms' shall mean the standardised forms provided for in the FAL convention described in Annex I to this Directive;

(d) 'ship' shall mean a seagoing vessel of any type operating in the marine environment;

(e) ‘SafeSeaNet’ shall mean the Community maritime information exchange system developed by the Commission in cooperation with the Member States to ensure the implementation of Community legislation.

Article 4
Notification prior to entry into ports of the Member States

The shipmaster or any other person duly authorised by the operator of the ship shall provide notification, prior to entering a port situated in a Member State, of the information required under the reporting formalities to the relevant authority appointed by that Member State:

a) at least twenty-four hours in advance, or

b) at the latest, at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours; or

c) if the port of call is not known or it is changed during the voyage, as soon as this information is available.

Until the adoption of a harmonised form at international level, the information required under Article 6 of Regulation (EC) No 725/2004 shall be sent using the form given in Annex III to this Directive.

Article 5
Acceptance of FAL forms

If the FAL forms are meant to provide the information required under a Community legislative act, the Member States shall consider the information communicated in accordance with that act to be sufficient.

If the FAL forms are meant to provide information not required under a Community legislative act, the Member States shall consider that the reporting formalities referred to in Article 2 have been completed sufficiently if such information complies with the provisions of the FAL Convention in force.

The information shall be considered to comply if it results from the application of the definitions referred to in the FAL Convention given in Annex II and is notified using the FAL forms listed in Annex I, using the methods established in the FAL Convention. The FAL forms must be submitted in accordance with the language rules specified by the International Maritime Organisation.

Article 6
Competent authority

Member States shall ensure that the information received in accordance with this Directive is available within their national SafeSeaNet system and made available to other Member States via the SafeSeaNet system, under the responsibility of a competent authority appointed by the Member States in which the port is situated, in accordance with Directive 2002/59/EC.

Article 7

Electronic transmission of documents

Member States shall, by the entry into force of this Directive at the latest, conduct relevant studies and investigations in order to allow the use of electronic means of transmitting the data necessary for the administrative formalities as soon as possible and by 15 February 2013 at the latest.

These means must be interoperable, accessible and compatible with the SafeSeaNet system established in accordance with Directive 2002/59/EC, and with the computer systems stipulated in Decision No 70/2008/EC[14], so as to ensure that no information is encoded more than once. Member States shall consult economic operators and inform the Commission of progress made using the methods stipulated in that Decision.

Article 8

Exemptions

Ships falling within the scope of Directive 2002/59/EC and moving between ports situated in the European Community's customs territory, but which do not come from, call in or are headed towards a port situated outside that territory or a free zone subject to type I controls under customs legislation shall be exempt from the obligation to send the information referred to in the FAL forms, without prejudice to the applicable Community legislation.

Article 9

Amendment procedure

The Commission may adopt the measures for amending the Annexes to this Directive, in so far as an amendment of this type does not result in widening in the scope of the Directive. These measures, designed to amend non-essential provisions of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(2).

Article 10

Committee procedure

1. For the purposes of adopting measures relating to maritime security, and particularly those relating to the amendment of the Annexes to this Directive, the Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS), established under Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council[15].

   For the purposes of adopting measures relating to maritime security and particularly those relating to the amendment of Annex III, the Commission shall be assisted by the Maritime Security Committee (MARSEC), established under Article 11 of Regulation (EC) No 725/2004.

[14] OJ L 23, 26.1.2008, p. 21.

[15] OJ L 324, 29.11.2002, p. 1.

2. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision No 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Article 11
Transposition

1. Member States shall adopt and publish, by [*twelve months after the entry into force of this Directive*] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

   They shall apply those provisions from [*twelve months after date of entry into force of this Directive*].

   When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 12

Directive 2002/6/EC shall be repealed as of [*12 months after the date of entry into force of this Directive*]. Any references to the repealed Directive shall be construed as references to this Directive.

Article 13

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

Article 14

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

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

1. FAL form 1: General Declaration

   The general declaration is the basic document provided on arrival and departure containing information relating to the ship required by the authorities of a Member State.

2. FAL form 2: Cargo Declaration

   The cargo declaration is the basic document containing information relating to the cargo, required by the authorities on both arrival and departure. However, information on hazardous cargo may be requested separately.

3. FAL form 3: Ship's Stores Declaration

   The ship's stores declaration is the basic document provided on arrival and departure containing the data required by the authorities of a Member State relating to ship's stores.

4. FAL form 4: Crew's Effects Declaration

   The crew's effects declaration is the basic document requested on arrival containing data required by the authorities of a Member State relating to crew's effects. It is not required on departure.

5. FAL form 5: Crew List

   The crew list is the basic document required by the authorities of a Member State containing data relating to the number and composition of the crew at arrival and departure of a ship.

   Where the authorities require information about the crew of a ship on its departure from the port, one of the copies of the crew list, presented on arrival, shall be accepted on departure, provided it is signed again by the master or an officer duly authorised by him, and endorsed to indicate any change in the number or composition of the crew at the time of the ship's departure or to indicate that no such change has occurred during the ship's stay in the port.

6. FAL form 6: Passenger List

   For ships certified to carry 12 passengers or fewer, the passenger list is the basic document provided to the authorities of a Member State containing the data relating to passengers on arrival and departure of a ship.

7. FAL form 7: Dangerous Goods

The Dangerous Goods Manifest is the basic document providing information on dangerous goods to the authorities of a Member State. In the case of multimodal transport, this document may be replaced by the multimodal transport form for dangerous goods contained in the IMDG code reproduced in the Annex to the IMO FAL Convention.

8. Form for providing security information prior to entry into a port of a Member State

The form containing security information prior to arrival in a port of a Member State is the basic document providing security authorities in a Member State with the necessary information relating to security and meets the requirements laid out in the SOLAS XI-2/9 regulation and Regulation (EC) No 75/2004.

9. Maritime declaration of health

The declaration of health is the basic document required by the Member State's authorities containing information relating to the ship's sanitary condition, whilst at sea and on arrival in port.

The following correlation table provides a comparison between the FAL Convention forms and, where they exist, the formalities required under EU directives which can be considered to overlap as regards subject matter:

Correlation table

IMO FAL Convention forms	**Specific Community or international legislation providing equivalent information**
IMO General Declaration (FAL Form 1)	Notification prior to entry into ports of the Member States (Article 4 of Directive 2002/59/EC)
IMO Crew List (FAL form 5) and IMO Passenger List (FAL form 6)	Border checks on persons (Article 7 of Regulation (EC) No 562/2006)
IMO Dangerous Goods Manifest (FAL form No 7) IMDG multimodal dangerous goods form	Notification of dangerous or polluting goods carried on board (Article 13 of Directive 2002/59/EC) Declaration of dangerous goods (IMDG Code chapter 5.4)
Declaration of security described in Annex III until the adoption of a security form by the FAL committee	Provision of security information prior to entry into a port of a Member State (Article 6 of Regulation (EC) No 725/2004)
Relevant annex to the IMO General Declaration	Maritime declaration of health

Relevant box in the IMO General Declaration	Notification [of waste] (Article 6 of Directive 2000/59/EC)

ANNEX II

Definitions for the purposes of the reporting formalities referred to in this Directive

1. ‘Cargo’ shall mean any goods, merchandise, objects or items of any kind transported on board a ship, with the exception of post, ship’s stores, spare parts, apparel and tackle, crew’s effects and baggage accompanied by passengers;

2. ‘Ship’s stores’ shall mean goods for use on the ship, including consumable goods, goods meant for sale to passengers and crew members, fuel and lubricants, but excluding ship’s equipment and spare parts;

3. ‘Ship’s equipment’ shall mean articles other than ship’s spare parts which are on board a ship for use thereon and are removable but not of a consumable nature, including accessories, such as lifeboats, life-saving devices, furniture, ship's apparel and similar items;

4. ‘Ship’s spare parts’ shall mean articles of a repair or replacement nature for incorporation into the ship in which they are carried;

5. ‘Crew’s effects’ shall mean clothing, items in everyday use and other articles, which may include currency, belonging to the crew and carried on the ship;

6. ‘Crew member’ shall mean any person actually employed for duties on board during a voyage in the working or service of a ship and included in the crew list;

7. ‘Passenger’ shall mean any person on board a ship other than crew members or children under one year of age.