



Council of the European Union  
General Secretariat

Brussels, 09 February 2023

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**Interinstitutional files:  
2022/0424 (COD)**

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WK 1912/2023 INIT

LIMITE

IXIM  
ENFOPOL  
FRONT  
AVIATION  
DATAPROTECT  
JAI  
COMIX  
CODEC

**DOCUMENT PARTIALLY ACCESSIBLE  
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## WORKING DOCUMENT

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From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 15720 2022 INIT + ST 15720 2022 ADD 1 + ST 15720 2022 ADD 2 + ST 15720 2022 ADD 3 + ST 15720 2022 ADD 4
Subject:	Working Party on JHA Information Exchange (IXIM) of 8 February 2023 - Presentations

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Delegations will find attached presentations made at the IXIM Working Party meeting held on 8 February 2023.



# Regulation (EU) 2019/1239 on a European Maritime Single Window environment (EMSWe)

8 February 2023

*Roberto Alongi  
DG Mobility and Transport (MOVE)  
Unit D1 - Maritime transport and logistics*

# The network of Maritime National Single Windows

***Maritime National Single Window (MNSW)*** means a nationally established and operated technical platform for receiving, exchanging and forwarding electronically information to fulfil reporting obligations.

The technical architecture set up by Regulation (EU) 2019/1239 on EMSW is based on the network of MNSWs established in 2010 by the Reporting Formalities Directive 2010/65/EU.

MNSWs are up and running since 2015.

# EMSWe Regulation (EU) 2019/1239: objectives and measures

**Reduction of administrative burden for shipping industry through:**

**Harmonisation of data**

**EMSWe data set**  
↳ Comprehensive  
↳ Controlled

**Harmonisation of channels**

System-to-System Interface (RIM)  
Graphical User Interfaces  
Harmonised spreadsheets

**Once-only principle**

Re-use of data (departure/arrival)  
Sharing of information between authorities  
Common EU databases

# Reporting obligations in the scope of the EMSWe Regulation

## A. Legal acts of the EU, including, by others:

**Regulation (EU) 2016/399 (Schengen Borders Code) requiring:**

**FAL 5 – Crew list**

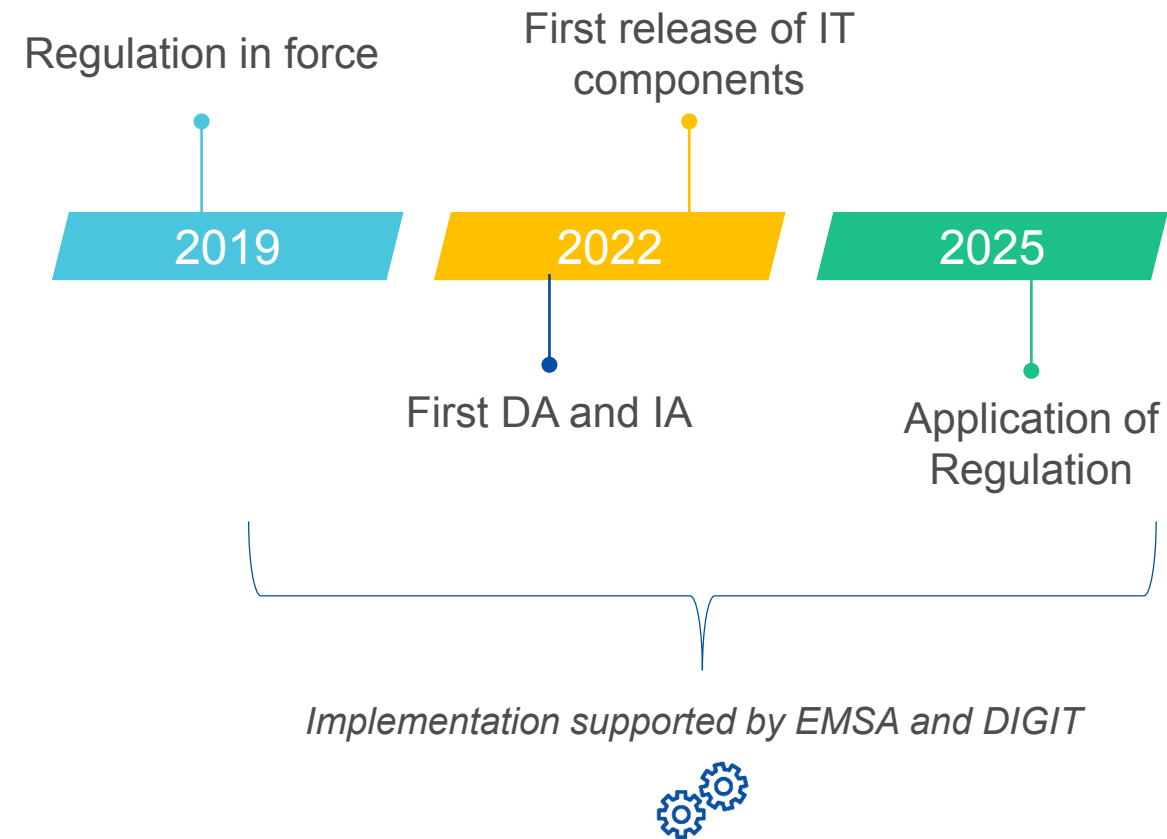
**FAL 6 – Passenger list**

## B. International legal instruments

**FAL Forms**

## C. National legislation and local requirements

# EMSWe implementation phase



- Delegated Acts

- Amendments to the list of reporting obligations
- Establishment of EMSWe data set

- Implementing acts

- Specifications of Reporting Interface Module
- Specifications of User Registry and Access Management system
- Common functionalities of GUIs
- List of data to be shared or re-used
- Uniform Internet addresses
- Specifications for arrival departure times of ships
- Common structure of support websites
- Specifications of common databases (ESD,CLD,CHD)

# Thank you

For more information:  
European Commission  
DG MOVE.D1  
Maritime Transport and Logistics

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LIMITED

# Finnish Border Guard and Finnish Police

IXIM / 8 February 2023: Advance (Passenger) Information in  
Different Transport Modes

1. External Borders
2. Intra-EU Traffic

Presented by: Valtteri Viitala (Finnish Border Guard) and Emma Patovuori (Police Department / Mol)

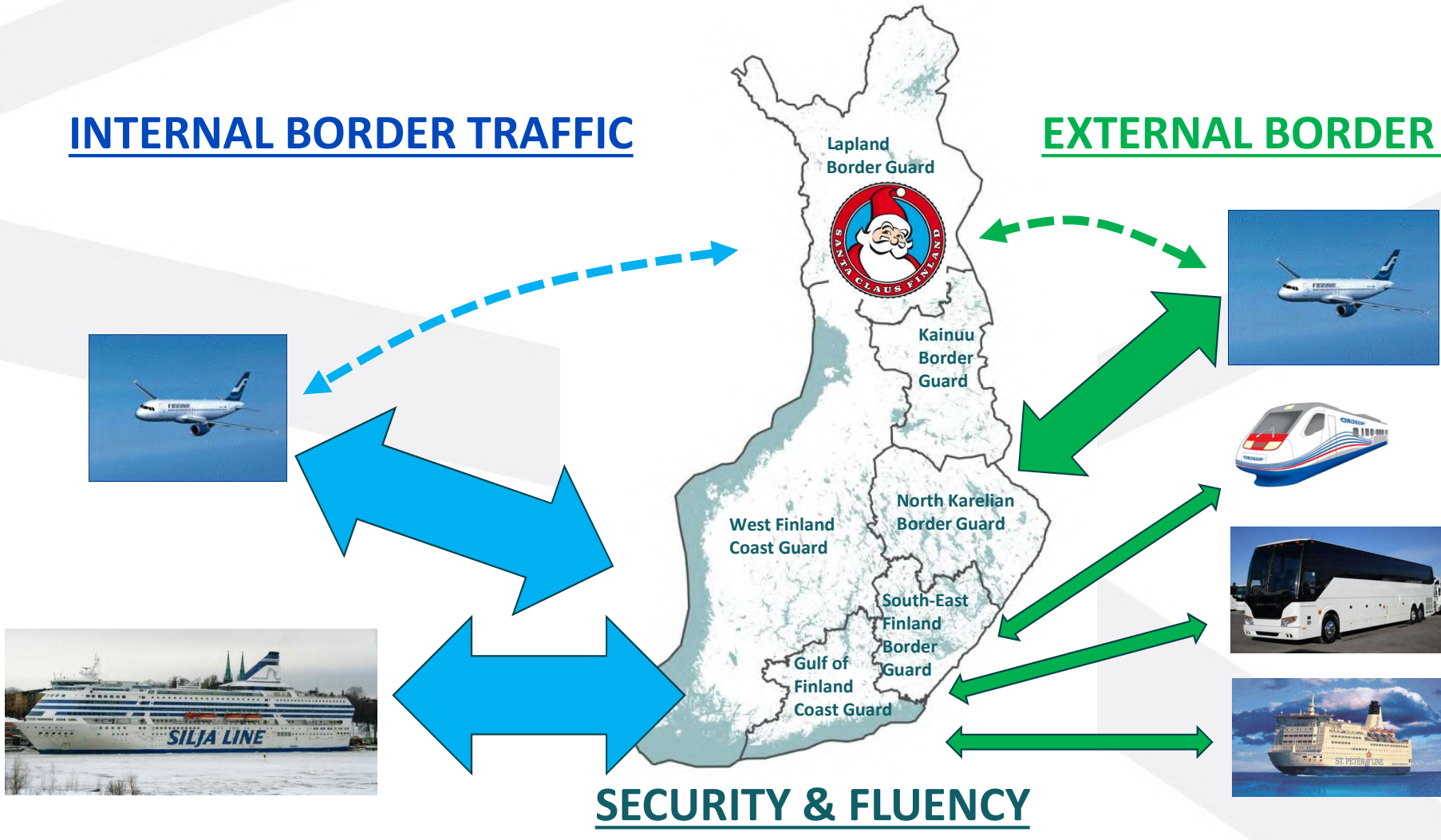


# Transport modes of interest (in general)

## INTERNAL BORDER TRAFFIC

## EXTERNAL BORDER TRAFFIC

## SECURITY & FLUENCY



**DELETED**

# Multimodality at External Borders of Finland: legislation, datasets and carriers liability (1/2)



PASSENGER LIST  
(IMO FAL Form 6)

	Arrival	Departure	Page Numl
1.2 IMO number	1.3 Call sign		
	3. Date of arrival/departure		4. Flag State of ship
11. Type of identity or travel document	12. Serial number of identity or travel document	13. Issuing State of identity or travel document	14. Expiry date of identity or travel document
			15. Port of embarkation

- API-data in **air** traffic
  - Legislation: API Directive, effectively implemented in national legislation (*Act on the Processing of Personal Data by the Border Guard*)
  - Dataset: API-data, Edifact PAXLST
  - Carriers liability: penalty is 3 000 € for each flight where API-data is missing or inadequate, or where false information has been supplied (legislated in *Finnish Aliens Act*)
- Advance information in **maritime** traffic
  - Legislation: SBC annex VI paragraph 3.1.2 (national legislation: *Act on the Processing of Personal Data by the Border Guard*)
  - Dataset according to SBC: IMO FAL forms 5 and 6; dataconversion to Edifact XML format enables automated processing in National Border Check System
  - Carriers liability: penalty is 3 000 € per each journey where passenger information is missing or inadequate, or where false information has been supplied (legislated in *Finnish Aliens Act*)

# Multimodality at External Borders of Finland: legislation, datasets and carriers liability (2/2)



- Advance information in **rail** traffic
  - Legislation: national legislation, *Act on the Processing of Personal Data by the Border Guard*
  - Dataset: last and first names, date of birth, gender and nationality, travel document type and number, seating information, nationality and registration information of train and the place of arrival and departure
  - Dataconversion to Edifact XML format enables automated processing in National Border Check System
  - Carriers liability: penalty is 3 000 € per each journey where passenger information is missing or inadequate, or where false information has been supplied (legislated in *Finnish Aliens Act*)

# PCB PASSENGER INFORMATION CENTER FINLAND

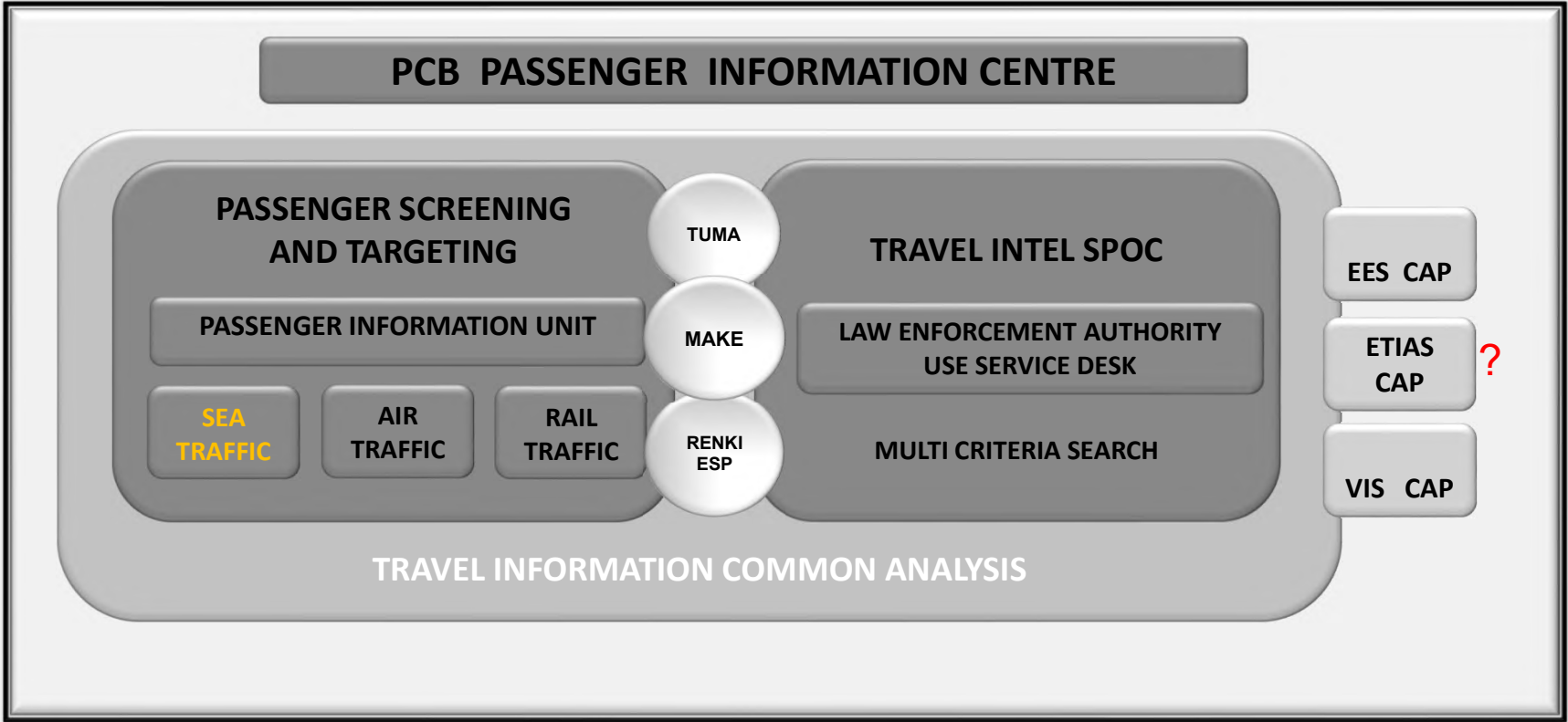
Travel modality neutral passenger data processing

**Maritime passenger data (LEA USE)**



# PRACTICAL IMPLEMENTATION OF PCB TRAVEL INFORMATION CENTRE FINLAND

-  National ETIAS -unit
-  Border Guard API -unit
-  Customs pax risk analysis



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# FRAMEWORK FOR OTHER TRAVEL MODALITIES

MARITIME, RAILWAY AND BUS TRAFFIC passenger data is received on the basis of national legislation

- Act on the Processing of Personal Data by the Police (616/2019) 16 § Police's rights to receive information and data from registers and databases (including all travel modalities)

“... through means of technical connection or the data set necessary for the prevention, detection, investigation and prosecution of criminal offenses, as well as the record of the communities and groups of persons and the staff of the vehicle personnel”

- PCB authorities are entitled to receive the information referred free of charge (if collected)
- Act on passenger ship's passenger lists (11.12.2009/1038); The law defines that the companies are responsible for the collection of the following data: **surname, first name, sex, nationality, date of birth ( for Search and Rescue purposes)**
- The shipping companies already collect a broader information of the customers in the booking system for commercial uses (contact details of the person, e-mail, language, travel data).
- Future changes => **API directive revision** (+ API LEA) and **EU EMSW act** ((EU)2019/1239) by 2025
- **JUDGMENT OF THE COURT C-817/19 (Grand Chamber) – The overall effects of the court’s decision and national implementation...**
  - Not only applies for API and PNR, but also all intra Schengen travel information...

# PCB PASSENGER INFORMATION CENTER FINLAND