Commission Delegated Decision of 3 February 2012 amending 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 (Text with EEA relevance) (2012/186/EU)

COMMISSION DELEGATED DECISION

of 3 February 2012

amending 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

(Text with EEA relevance)

(2012/186/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2009/42/EC of the European Parliament and of the Council of 6 May 2009 on statistical returns in respect of carriage of goods and passengers by sea[(1)], and in particular Article 3(4) thereof,

Whereas:

(1) In the production of European statistics there should be a balance between the needs of the users and the burden on respondents.

(2) A technical analysis of the existing data collected under the Union legislation on statistical returns in respect of carriage of goods and passengers by sea, and of the dissemination policy, has been carried out at European level in order to propose possible technical solutions to simplify, as much as possible, the various activities necessary for the production of statistics, while keeping the final output in line with present and foreseeable needs of users.

(3) As a result of this analysis, the variable ‘direction’ in the existing quarterly statistics on vessel traffic in the main European ports should be simplified, while the legal status (mandatory vs voluntary) of the corresponding data sets F1 and F2 should be clarified.

(4) In addition, a harmonised legal framework should be established for a voluntary collection of statistics on Ro-Ro containers. Moreover, the type of cargo classification should be extended.

(5) The nomenclature on the maritime coastal areas needs to be adapted to technical developments.

(6) Directive 2009/42/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Status: *Point in time view as at 03/02/2012.*
Changes to legislation: *There are currently no known outstanding effects for the Commission Delegated Decision of 3 February 2012 amending 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 (Text with EEA relevance) (2012/186/EU). (See end of Document for details)*

Article 1

Annexes I, II, IV and VIII to Directive 2009/42/EC are replaced by the text set out in the Annex to this Decision.

Article 2

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

The first reference year for the application of this Decision shall be 2012, covering the data for 2012.

Done at Brussels, 3 February 2012.

For the Commission

The President

José Manuel BARROSO

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ANNEX

ANNEX I

VARIABLES AND DEFINITIONS

1. **Statistical variables**

(a) *Cargo and passenger information*

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

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

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

(b) *Information on the vessel*

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

2. **Definitions**

(a) “Freight container” means an article of transport equipment:

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

(b) "Ro-Ro unit" means wheeled equipment for carrying cargo, such as a truck, trailer or semi-trailer, which can be driven or towed on to a vessel. Port or ships' trailers are included in this definition. Classifications should follow United Nations ECE Recommendation No 21 "Codes for types of cargo, packages and packaging materials".

(c) "Container cargo" means containers with or without cargo which are lifted on to or off the vessels which carry them by sea.

(d) "Ro-Ro cargo" means goods, whether or not in containers, on Ro-Ro units, and Ro-Ro units which are rolled on and off the vessels which carry them by sea.

(e) "Gross weight of goods" means the tonnage of goods carried, including packaging but excluding the tare weight of containers or Ro-Ro units.

(f) "Deadweight (DWT)" means the difference in tonnes between the displacement of a ship on summer load-line in water with a specific gravity of 1,025 and the total weight of the ship, i.e. the displacement in tonnes of a ship without cargo, fuel, lubricating oil, ballast water, fresh water and drinking water in the tanks, usable supplies as well as passengers, crew and their possessions.

(g) "Gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the International Convention on Tonnage Measurement of Ships, 1969.

(h) "Cruise passenger" means a sea passenger making a sea journey on a cruise ship. Passengers on day excursions are excluded.

(i) "Cruise ship" means a passenger ship intended to provide passengers with a full tourist experience. All passengers have cabins. Facilities for entertainment aboard are included. Ships operating normal ferry services are excluded, even if some passengers treat the service as a cruise. In addition, cargo-carrying vessels able to carry a very limited number of passengers with their own cabins are also excluded. Ships intended solely for day excursions are also excluded.

(j) "Cruise passenger excursion" means a short visit by a cruise passenger to a tourist attraction associated with a port while retaining a cabin on board.

(k) "Ro-Ro container cargo" means containers with or without cargo loaded on Ro-Ro units which are then rolled on and rolled off the vessels which carry them by sea.

(l) "Shipborne port-to-port trailer" means a trailer intended to carry cargo (including containers) between two ports on Ro-Ro vessels. It is primarily designed to operate

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either on board of Ro-Ro vessels or in areas on land within the control of the port authority.

(m) "Ro-Ro vessel" means a vessel designed to carry Ro-Ro units.

ANNEX II Type of cargo classificationCategoryCode1 digitCode2 digitsDescriptionTonnageNumber of unitsLiquid bulk11XLiquid bulk goods (no cargo unit)X11Liquefied gasX12Crude oilX13Oil productsX19Other liquid bulk goodsXDry bulk22XDry bulk goods (no cargo unit)X21OresX22CoalX23Agricultural products (e.g. grain, soya, tapioca)X29Other dry bulk goodsXContainers33XLarge containersXX3120 ft freight unitsXX3240 ft freight unitsXX33Freight units > 20 ft and < 40 ftXX34Freight units > 40 ftXXRoll on roll off(self-propelled)55XMobile self-propelled unitsXX51Road goods vehicles and accompanying trailersXX52Passenger cars, motorcycles and accompanying trailers/caravansX53Passenger busesX54Trade vehicles (including import/export motor vehicles)XX56Live animals on the hoofXX59Other mobile self-propelled unitsXXRoll on roll off(non-self-propelled)66XMobile non-self-propelled unitsXX61Unaccompanied road goods trailers and semi-trailersXX62Unaccompanied caravans and other road, agricultural and industrial vehiclesXX64Rail wagons engaged in goods transportXX65Shipborne port-to-port trailers engaged in goods transportXX66Shipborne barges engaged in goods transportXX69Other mobile non-self-propelled unitsXXOther general cargo(including small containers)99XOther cargo, not elsewhere specifiedX91Forestry productsX92Iron and steel productsX99Other general cargoXSupplement to the type of cargo classification for ro-ro containersThese categories are consistent with United Nations ECE Recommendation No 21.The quantity recorded is the gross weight of the goods including packaging but excluding the tare weight of containers and Ro-Ro units.Only total number of units.CategoryCode1 digitCode2 digitsDescriptionTonnageNumber of unitsLarge Ro-Ro ContainersRRXLarge Ro-Ro containersXR120 ft freight unitsXR240 ft freight unitsXR3Freight units > 20 ft and < 40 ftXR4Freight units > 40 ftX

ANNEX IV

MARITIME COASTAL AREAS

The nomenclature to be used is the Geonomenclature (the nomenclature of countries and territories for the external trade statistics of the Union and statistics of trade between Member States)[(2)] in force in the year to which the data refer.

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

Code	***Maritime coastal areas***
FR01	France: Atlantic and North Sea
FR02	France: Mediterranean
FR03	French overseas departments: French Guiana
FR04	French overseas departments: Martinique and Guadeloupe

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FR05	French overseas departments: Réunion
DE01	Germany: North Sea
DE02	Germany: Baltic
DE03	Germany: Inland
GB01	United Kingdom
GB02	Isle of Man
GB03	Channel Islands
ES01	Spain: Atlantic (North)
ES02	Spain: Mediterranean and Atlantic (South), including the Balearic and Canary Islands
SE01	Sweden: Baltic
SE02	Sweden: North Sea
TR01	Turkey: Black Sea
TR02	Turkey: Mediterranean
RU01	Russia: Black Sea
RU03	Russia: Asia
RU04	Russia: Barents and White Seas
RU05	Russia: Baltic, Gulf of Finland only
RU06	Russia: Baltic, excluding Gulf of Finland
RU07	Russia: European inland waterways, including Caspian Sea
MA01	Morocco: Mediterranean
MA02	Morocco: West Africa
EG01	Egypt: Mediterranean
EG02	Egypt: Red Sea
IL01	Israel: Mediterranean
IL02	Israel: Red Sea
SA01	Saudi Arabia: Red Sea
SA02	Saudi Arabia: Persian Gulf
US01	United States of America: Atlantic (North)
US02	United States of America: Atlantic (South)
US03	United States of America: Gulf of Mexico
US04	United States of America: Pacific (South)
US05	United States of America: Pacific (North)
US06	United States of America: Great Lakes

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US07	Puerto Rico
CA01	Canada: Atlantic
CA02	Canada: Great Lakes and Upper Saint Lawrence
CA03	Canada: West Coast
CO01	Colombia: North Coast
CO02	Colombia: West Coast
MX01	Mexico: Atlantic
MX02	Mexico: Pacific
With the additional codes	
ZZ01	Offshore installations not elsewhere specified
ZZ02	Aggregates and not elsewhere specified

ANNEX VIII

STRUCTURE FOR STATISTICAL DATA SETS

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

SUMMARY AND DETAILED STATISTICS

— The data sets to be provided for selected ports for goods and passengers are A1, A2, A3, B1, C1, C2, D1, E1, F1 and F2.

— The data sets to be provided for selected ports for goods but not for passengers are A1, A2, A3, B1, C1, C2, E1, F1 and F2.

— The data sets to be provided for selected ports for passengers but not for goods are A3, D1, F1 and F2.

— The data set to be provided for ports which are not selected (for either goods or passengers) is A3.

LEGAL STATUS OF DATA SETS

— Data sets A1, A2, A3, B1, C1, D1, E1 and F2 are mandatory.

— Data sets C2 and F1 are voluntary.

Data set A1	:	Seaborne transport in the main European ports, by port, type of cargo and counterpart
Periodicity of data transmission	:	quarterly

	Variables	**Coding detail**	**Nomenclature**
Dimensions	Data set	Two-character alphanumeric	A1
	Reference year	Four-character alphanumeric	(e.g. 1997)

Data: Gross weight of goods in tonnes.

Status: *Point in time view as at 03/02/2012.*
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Data set A1 : Seaborne transport in the main European ports, by port, type of cargo and counterpart

Periodicity of data transmission : quarterly

	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/ unloading	Five-character alphanumeric	EEA-ports in the port list
	Maritime coastal area	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	One-character alphanumeric	Type of cargo, Annex II

Data: Gross weight of goods in tonnes.

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

Periodicity of data transmission : quarterly

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

Data: Gross weight of goods in tonnes.

Status: *Point in time view as at 03/02/2012.*
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Data set A2	:	Non-unit-load seaborne transport in the main European ports, by port, type of cargo and counterpart
Periodicity of data transmission	:	quarterly

			21, 22, 23, 29, 9X, 91, 92 and 99)

Data: Gross weight of goods in tonnes.

Data set A3	:	Data required both for selected ports and ports for which detailed statistics are not required (see Article 4(3))
Periodicity of data transmission	:	annual

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

Data: Gross weight of goods in tonnes.
Number of passengers (excluding cruise passengers).Number of cruise passengers starting and ending a cruise.Number of cruise passengers on cruise passenger excursion: direction: inwards (1) only – (optional).

Data set B1	:	Seaborne transport in the main European ports, by port, type of cargo, goods and counterpart
Periodicity of data transmission	:	annual

	Variables	**Coding detail**	**Nomenclature**
Dimensions	Data set	Two-character alphanumeric	B1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(0)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)

Data: Gross weight of goods in tonnes.

Status: *Point in time view as at 03/02/2012.*
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Data set B1 : Seaborne transport in the main European ports, by port, type of cargo, goods and counterpart

Periodicity of data transmission : annual

	Port of loading/ unloading	Five-character alphanumeric	EEA-ports in the port list
	Maritime coastal area	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	One-character alphanumeric	Type of cargo, Annex II
	Commodity	Two-character alphanumeric	Goods nomenclature, Annex III

Data: Gross weight of goods in tonnes.

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

Periodicity of data transmission : quarterly

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	C1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/ unloading	Five-character alphanumeric	EEA-ports in the port list
	Maritime coastal area	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	Two-character alphanumeric	Type of cargo (container, Ro-Ro only) Annex II (subcategories 3X, 31, 32, 33, 34, 5X, 51, 52, 53, 54, 56, 59, 6X, 61, 62, 64, 65, 66 and 69)

Data: Gross weight of goods in tonnes (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 54, 56, 59, 6X, 61, 62, 64, 65, 66 and 69).
Total number of units (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 52, 53, 54, 56, 59, 6X, 61, 62, 64, 65, 66 and 69).Number of units without cargo (type of cargo: subcategories 3X, 31, 32, 33, 34, 5X, 51, 59, 6X, 61, 64, 65, 66 and 69).

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Data set C2 : Ro-Ro container seaborne transport in the main European ports, by port, type of cargo, counterpart and loaded status

Periodicity of data transmission : annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	C2
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(0)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)
	Port of loading/ unloading (optional)	Five-character alphanumeric	EEA-ports in the port list
	Maritime coastal area (optional)	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Type of cargo	Two-character alphanumeric	Type of cargo (Ro-Ro container only) Annex II (subcategories RX, R1, R2, R3, R4)

Data: Total number of units (type of cargo: subcategories RX, R1, R2, R3, R4).
Number of units without cargo (type of cargo: subcategories RX, R1, R2, R3, R4) – (optional).

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

Periodicity of data transmission : annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	D1
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards, outwards (1, 2)

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

Status: *Point in time view as at 03/02/2012.*
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Data set D1 : Passenger transport in the main European ports, by port, counterpart and nationality of registration of vessel

Periodicity of data transmission : annual

	Port of embarkation/ disembarkation	Five-character alphanumeric	EEA-ports in the port list
	Maritime coastal area	Four-character alphanumeric	Maritime coastal areas, Annex IV
	Nationality of registration of vessel (optional)	Four-character alphanumeric	Nationality of registration of vessels, Annex V

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

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

Periodicity of data transmission : annual

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

Data: Gross weight of goods in tonnes.

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

Periodicity of data transmission : annual

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

Data: Number of vessels.
Deadweight of vessels in tonnes.

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

Periodicity of data transmission : annual

	Variables	Coding detail	Nomenclature
Dimensions	Data set	Two-character alphanumeric	F2
	Reference year	Four-character alphanumeric	(e.g. 1997)
	Reference quarter	One-character alphanumeric	(1, 2, 3, 4)
	Reporting port	Five-character alphanumeric	Selected EEA ports in the port list
	Direction	One-character alphanumeric	Inwards (1) only

Data: Number of vessels.
Gross tonnage of vessels.

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

Periodicity of data transmission : annual

	Type of vessel	Two-character alphanumeric	Type of ship, Annex VI
	Size of vessel GT	Two-character alphanumeric	Gross tonnage size classes, Annex VII

Data: Number of vessels.
Gross tonnage of vessels.

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(**1**) OJ L 141, 6.6.2009, p. 29.

(**2**) The version currently in force is laid down in Commission Regulation (EC) No 1833/2006 of 13 December 2006 on the nomenclature of countries and territories for the external trade statistics of the Community and statistics of trade between Member States (OJ L 354, 14.12.2006, p. 19).

Status:
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