



Department
for Transport

UK National Maritime Single Window (Pilot)

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Guideline for Use
Moving Britain Ahead



January 2016

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Introduction

These guidance notes have been prepared by the United Kingdom Department for Transport's Maritime Directorate to aid and assist users of the **UK's National Maritime Single Window (NMSW)**, which has now been launched **as a pilot**. This guidance has been drafted in conjunction with Border Force, HMRC, MCA, and trade contacts.

The NMSW implements **EU Directive 2010/65/EU** (the Reporting Formalities Directive, or RFD). This Directive requires Member States to provide a national **'Single Window'** through which maritime reports can be made, including data covered by the International Maritime Organization's standard forms under the "IMO FAL Convention". The forms provide advance data regarding the ship, its voyage, stores, crew, passengers, dangerous cargo, and security, waste / health information.

At present, many of these forms are submitted in hard copy, faxed, or emailed from ships' masters and ships' agents to various bodies including: ports, port health authorities, local and central Government (across various Departments and Agencies). In some cases (e.g. cargo manifests) data is already transmitted electronically and automatically to other databases.

The aim of the NMSW is to simplify and digitise the process of handling legally required pre-arrival/departure paperwork, where necessary, so that data can be submitted simply and quickly via one online portal, alongside existing portals, in an electronic format, and meeting the Directive's requirements.

The data is presented over separate forms available for download on the NMSW site. Instructions as to how to use the NMSW to upload data in these forms in practice is available on the NMSW site. Formal training will also be available around the UK **later in 2016**.

The purpose of these guidance notes is to explain the scope of the NMSW, who is required to use it and when, and which elements must be completed. This information **will be subject to further review as the current system is being run as a pilot alongside existing arrangements**. Any feedback should be sent to NMSW@dft.gsi.gov.uk and will be considered.



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1. National Maritime Single Window: Reporting Scope

Reporting Arrangements

The scope of the original IMO FAL Convention includes **all commercial ships engaged in international voyages**. Subsequent EU and UK legislation in the fields of customs, immigration, security, health and safety, and waste handling may have different, and more specific requirements for ships to report, though in many cases this extends beyond the information in the IMO's FAL forms.

The National Maritime Single Window is a new mechanism for providing these reports, where they are currently required. NMSW does not extend the scope of any existing reporting requirements.

Under individual items of UK legislation, exceptions do apply to the reporting of a number of the FAL forms (see 'Reporting Requirements (and Exceptions)' below and in the description for each form). Existing exceptions are not altered by the introduction of the NMSW.

If you already have a legal obligation to provide data as part of FAL forms, some of these will need to be reported via the NMSW, except where advised otherwise. If you are aware of an existing exception from submitting certain reports, or if you currently send reports elsewhere (see 'Report Destinations' below), e.g. to Ports, you will not be required to report these via the NMSW.

This guidance is intended to advise users on the NMSW during the pilot stage, where **General Declarations, and Passenger/Crew manifesto only** can be submitted, and available **only for Customs and Security/Immigration purposes by Border Force and Her Majesty's Revenue and Customs (HMRC)**.

However, all parties are encouraged to use the NMSW as much as possible during this pilot phase so as to become familiar with the system.

Responsibility for Reporting

The ship's Master, or a person authorised by him/her (i.e. a "ship's agent"), is responsible for making the report. A shipping agent usually lodges the report on the master's behalf. Original documents can be uploaded as an attachment to the form if necessary. Users of the NMSW must first **register** to use the system; this requires a company name and contact details, including an email address (see upload instructions on the NMSW site). The NMSW is password protected and details will not be passed on to any other third party. These contact details may be used to communicate with users, e.g. in the case of an expected outage or planned system downtime.

Timing of Reporting - Arrivals to and Departures from the UK

The RFD requires that the NMSW receives relevant data **at least 24 hours in advance** of arrival at the port in the United Kingdom.

If the voyage length is under 24 hours, the report must be completed **at the time the ship leaves the previous port**. If the port of call changes during the voyage, or is unknown at departure, the report must be submitted **as soon as this information becomes available**. The time of report will be taken from the receipt of the package (as stated in the email receipt NMSW users will receive upon successful submission).

Ships are typically also required by port operators to provide information before or upon arrival, to ensure that the ship is serviced appropriately during its call. These arrangements are **outside the scope** of the NMSW and will be unaffected by its introduction.

For ships departing the UK, if necessary (e.g. to comply with the UK's 'Exit Checks' scheme introduced across all transport modes in April 2015), a NMSW report must be made **at the time of departure** from the UK. The departure submission should be made via the NMSW and **will require both FAL 1 (General Declaration) and FAL 5&6 (Crew / Passenger manifests)** to be submitted.

Availability of NMSW

If the NMSW is, for any reason, unavailable, reports should be submitted as soon as the NMSW becomes available. Planned outages will be signposted on the log-in page in advance, and will be planned to take place during less busy times to minimise disruption to users.

In the case of an extended or unplanned outage, existing methods of submitting reports (e.g. paper, fax or email) should be used instead (see more detailed instructions on the NMSW site) and all users will be contacted via their registered email address to alert them to this.

Transitional Arrangements - Existing Reporting / NMSW

The pilot NMSW will open to receive reports in **January 2016**. Throughout the pilot, **existing reporting arrangements will remain available**. The pilot NMSW will run alongside existing reporting arrangements until at least **summer 2016**. An announcement will be made nearer that time to provide details of the end of paper-, email- and fax-based reporting arrangements and broadening the scope of the pilot NMSW to fully implement the RFD's requirements.

We welcome your view during the period of dual-running; please send any comments/feedback to NMSW@dft.gsi.gov.uk.

These guidance notes and the instructions available on the NMSW site will be updated each time a significant change is made to the NMSW, not least upon the cessation of paper reporting as mentioned above. Other changes may be made in conjunction with upgrades to other systems, e.g. the MCA CERS system, or legislative changes.

Format(s) of Reporting

Users must only use the Excel forms available via the NMSW to input data.

Further instructions on how to complete the forms (based upon FAL 5/6) are available on the NMSW site. No other format of form will be accepted, although users may wish to alter some of the widths of columns to make input easier.

Please do not use the IMO's FAL forms or forms from any other source other than the NMSW site.

Supporting, or original, information (e.g. original documents, notes, additional reports such as certificates, etc.) can **optionally** be submitted in the 'Supporting Documents' section for each form, but **only in Word or Excel format. PDFs will not be accepted.** Information from scanned PDFs must be inserted into a Word or Excel file to be accepted as supporting evidence.

The NMSW will accept Excel files (*.xls and *.xlsx) from all versions of Microsoft Excel dating back to Excel '95. If a Microsoft Word file (*.doc and *.docx) is submitted (only permissible as supporting evidence), this must be in Word '95 format onwards.

Report Destinations (Pilot Stage)

The data reported by ships to the pilot NMSW will be available to the following HMG parties and fulfils the necessary reporting of some FAL forms to the UK Government:

- **Home Office** (inc. **Border Force, Police**) for customs / immigration purposes (FAL 1, 5/6);
- **Her Majesty's Revenue and Customs** (HMRC) for customs purposes (FAL 1, 5/6);

A notification containing the information submitted will be sent to the user's registered email address. In addition, users can provide a secondary email address which will receive a notification that a report has been submitted via the NMSW. **This additional notification will not contain any personal details of the information submitted. It is recommended that this secondary email address be a representative at the arrival port, or a Port Health Authority email address if a Maritime Health Declaration is submitted as part of the NMSW report.**

The pilot NMSW data is **not** currently accessible to:

- **Ports** (inc. Port Facility Security Officers and Port Community Systems);
- **Local Authorities** (including Port Health Authorities);
- **Freight handlers, freight forwarders or logistics operators;**
- **Trade bodies or trades unions;**
- **Ship operators;**
- **Ships' customers, crew/passengers, or owners;**
- **Any other party or organisation.**

Therefore, any documentation or reports currently sent to the parties above must continue to be sent via existing methods (e.g. email, fax, and/or post).

Reporting Requirements (and Exceptions)

The NMSW does not alter the current requirements for reporting.

As a guide to the requirements for each form to be reported and for each type of vessel/voyage for customs purposes, please refer to HMRC's guidance available at:

<https://www.gov.uk/government/publications/notice-69-report-and-clearance-by-ships-masters/notice-69-report-and-clearance-by-ships-masters>.

Border Force has similar guidance relating to its requirements at:

<https://www.gov.uk/government/collections/send-advance-passenger-information>.

Please note that exceptions may exist, please check the relevant legislation (see **section 4** below).

Pleasure craft, pilot launches, lifeboats, HM Ships (other than Royal Fleet Auxiliaries), Border Force cutters, police launches, and HM Coastguard boats are outside the scope of this reporting requirement.

2. Submitting Forms

Submitting forms via the NMSW (Figure 1 - flowchart)

Figure 1 below illustrates which of the FAL forms are to be submitted to the NMSW during this pilot, which should be submitted to the Port either directly, or via a machine-to-machine link to a Port Community System (**PCS**), and which should be submitted to the MCA's **CERS** system - the UK's reporting system for the EU SafeSeaNet (SSN).

CERS is being upgraded by MCA in parallel to the launch of the NMSW to capture additional information to be submitted to SSN.

During the pilot, work will be carried out to identify methods to integrate NMSW data required to be submitted via CERS to SSN.

Figure 1, along with this Guidance Note, will be revised in advance of full RFD implementation in summer 2016, to reflect the changing scope of the NMSW as greater functionality is added.

UK NMSW / CERS reporting requirements – upon launch of Pilot NMSW & CERS3

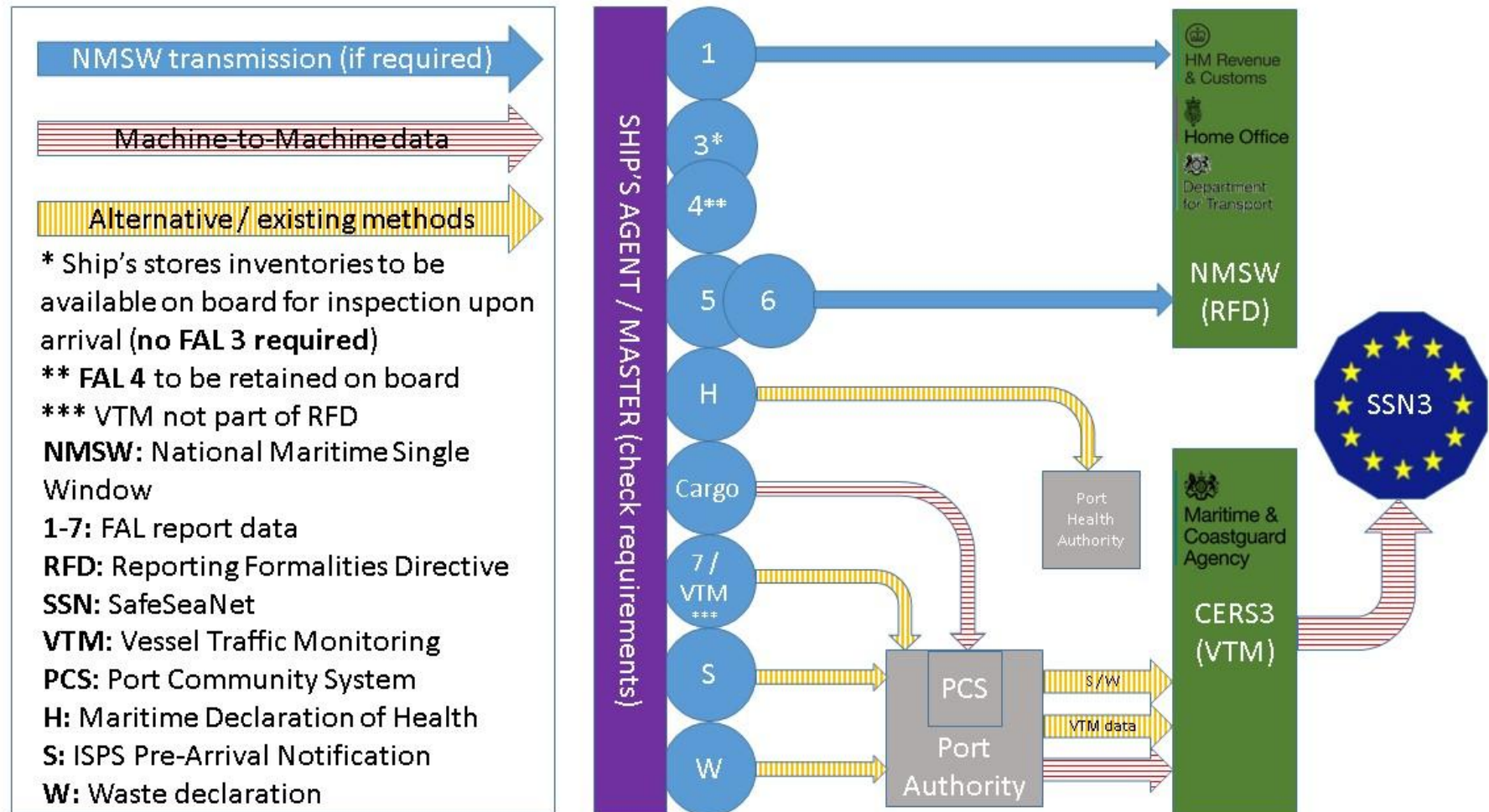


Figure 1 Illustration of information captured by **Pilot** NMSW and MCA's CERS3 (subject to change)

FAL 1 (General Declaration) - Mandatory on pilot NMSW

The FAL 1 form must always be reported when using the pilot NMSW. This form concerns arrival/departure particulars of the ship, its voyage, crew/passengers numbers, cargo description, and indicates which other FAL forms are to be completed as part of the final submitted package. The data submitted via the pilot NMSW will be available to Border Force and HMRC only. Any necessary submission of this data to other parties must be made using alternative, existing methods.

Where for outward clearance purposes you require the FAL 1 form returned to you with a customs stamp, you should continue to use existing arrangements to obtain the stamped copy. **It will not be returned via the NMSW.**

FAL 2 (Cargo Declaration) - Not to be used

The FAL 2 form is a declaration of cargo carried and is generally not used. Instead, cargo manifests are communicated electronically into Ports' Community Services systems (PCSs) to which relevant Government parties e.g. HMRC, MCA already have, or will shortly have, access.

Where a bulk item of cargo is being carried, this should still be declared in the relevant section of the FAL 1 form.

FAL 3 (Ships' Stores Declaration) - Not required

The FAL 3 form is a declaration of surplus stores. Ships arriving in UK have historically been required to submit such a form upon arrival of any unconsumed dutiable stores that will remain on board while the ship is in port.

As a result of a recent review, HMRC arrangements for controlling stores are changing. In the future, ships will be required instead to **keep details (an inventory or account) of their stores on board and to make this information available on request to HMRC officers and Border Force officers who board the ship when it is in port. There will be no need to submit a stores declaration, and the NMSW will not accommodate such declarations.**

If firearms are being carried as part of the ship's stores, this should be recorded in the "Remarks" box of the FAL 1.

HMRC will shortly be issuing further guidance on this arrangement.

FAL 4 (Crew Effects Declaration) - to be retained on board

The FAL 4 form is used to declare certain personal effects of individual crew members and is required for HMRC purposes. Each member of the crew is only required to complete this form in respect of any personal effects that are in excess of their travellers allowance or subject to prohibitions or restrictions.

The FAL 4 form is to be made available for inspection when requested by Border authorities. For this reason, the FAL 4 does not need to be submitted in advance via the NMSW.

However, the relevant box should be ticked on the FAL form 1 (General Declaration) to indicate that a Crew's Effects declaration will be made available on demand.

If firearms are being carried in the crew effects, this must be recorded in the "remarks" box on the FAL 1 form.

HMRC will shortly be issuing further guidance on this arrangement.

FAL 5 (Crew List) / FAL 6 (Passenger List) - Mandatory on pilot NMSW

A combined form for FAL 5 and 6 is available via the NMSW (the passenger list section of the form should not be used when no passengers are on board).

The FAL5 and FAL6 combined form must always be reported when using the pilot NMSW for all applicable voyages/vessels. The crew and passenger manifests are required for security / immigration and customs purposes, and the submitted NMSW report must contain the combined FAL5/6 form in order to accept any report.

The NMSW will use the data contained in the combined FAL5/6 submission to form the basis of the whole report. It is therefore imperative that the FAL5/6 form is completed accurately. Supporting documents (e.g. original lists as provided) can be uploaded, as long as they are in either Excel or Word formats and uploaded using the 'supporting documents' function on the pilot NMSW.

The NMSW will identify data format errors relating to the completion of the FAL 5/6. Unless any errors identified are corrected, the package of forms will not be successfully submitted (see detailed instructions, including a full list of error messages, on the NMSW site).

The completed FAL5/6 data will be submitted via NMSW to Border Force and HMRC only. Any necessary submission of this data to other parties must be made using alternative, existing methods.

FAL 7 (Dangerous Goods Manifest) - send to Port if required

Ships carrying dangerous goods as cargo (defined in guidance and legislation) must submit a declaration of the dangerous goods in the manifest.

The FAL 7 form constitutes the minimum information required, which in many cases may have been superseded by more modern methods of cargo data transfer (as is also the case with the FAL 2 cargo declaration) including Vessel Traffic Monitoring information.

The information is currently sent directly to ports, and/or the MCA, and **must continue to do so under existing methods. Please submit FAL 7 (or Vessel Traffic Monitoring) forms to ports directly, to ensure receipt** (although users may submit an additional copy via the NMSW should they wish). The next version of MCA's CERS will accept the FAL 7 electronically from ports and consideration will be given to reviewing interaction via the NMSW during the pilot phase .

ISPS Security Declaration (Pre-Arrival Notification) - send to Port if required

The ISPS code requires ships engaged on international voyages to provide pre-arrival notification. It applies to all passenger vessels and cargo vessels over 500GT, unless a specific exception is in place (further guidance is available on applying for an exception from the Department for Transport).

The ISPS declaration (also known as the Pre-Arrival Notification or PAN) is currently submitted in advance **directly to the Port's Port Facility Security Officer (PFSO)**. **Existing arrangements for submitting the PAN must therefore continue** although users can submit an additional PAN via the NMSW should they wish.

The next version of MCA's CERS will accept the ISPS declaration electronically from ports and consideration will be given to reviewing interaction via the NMSW during the pilot phase.

Health Declaration - send to Port Health Authority if required

The legislative requirement to complete and submit a World Health Organisation 'Maritime Declaration of Health' form varies depending upon the country (England, Wales, Scotland, or Northern Ireland) of the arrival port. The Declaration is usually required when the ship's Master believes that a serious infectious disease or contamination may be present on board the ship, for example because someone has died during the voyage (other than in an accident - in which case this should be reported to the HM Coastguard and/or UK Marine Accident Investigation Branch) or is showing signs of infection. The declaration is submitted to Port Health Authorities (sometimes these are part of the Port's Local Authority) and can also be submitted following a request from the Port Health Authority.

In circumstances, which are for the Master to determine, a Declaration of Health must be submitted using existing methods directly to the Port Health Authority (although users may submit an additional copy via the NMSW should they wish).

Waste Declaration - send to Port if required

The Waste Declaration, in conjunction with the Port's Waste Management Plan, is currently declared by a ship directly to the Port in advance of arrival. Exceptions apply to "scheduled traffic with frequent and regular port calls".

This declaration should continue to be submitted directly to the Port using existing methods, not via the NMSW (although users may submit an additional copy via the NMSW should they wish). The next version of MCA's CERS will require the Waste declaration electronically from ports and consideration will be given to reviewing interaction via the NMSW in 2016.

Completed Reports

Once a **minimum** of both the FAL 1 and FAL 5/6 forms are completed, the report can be submitted via the NMSW. If any errors are found in the FAL form 5/6 these will be

raised with the user and can be corrected (on both the NMSW and the individual forms). Submitted reports can also be withdrawn and replaced if information changes (see instructions on the NMSW site for more information).

3. Questions and Answers

Why must I use the NMSW?

The NMSW is a solution to the issues faced by international shipping with regard to submission of certain paperwork to national authorities. Equivalent systems to the NMSW exist in many EU Member States, and other countries. The UK has a legal obligation to the EU to provide a NMSW under the RFD.

By providing a digital report instead of hard copies, ships can be certain that their information has been received. Data can be accessed by a number of different parties, rather than a single recipient. The system has been designed to be user-friendly, simple and logical to use. Problems such as using incorrect contact details, faulty or unreliable equipment, unclear handwriting, and lack of clarity around reporting, are minimised by using the NMSW.

The NMSW pilot allows ships' agents and other users to give feedback throughout. Feedback will be used to refine the NMSW at the next phase of development. During the pilot, only some reports are to be submitted (FAL form 1 and FAL form 5/6) and use of the NMSW is optional). **From summer 2016 use of the NMSW will be mandatory for all ships' reports covered by the RFD.**

How do I use the NMSW?

Detailed instructions on completing the FAL forms on the NMSW, using the mandatory combined FAL form 5/6 as a guide, are on the NMSW site.

In addition, training will be available **from early 2016** and at multiple locations around the UK, for all users of the NMSW, in collaboration with Border Force and trade associations.

Feedback on use of the NMSW is welcomed and should be submitted to NMSW@dft.gsi.gov.uk.

How do I know which forms to submit?

These guidelines should provide a basic level of information on which forms are required. The introduction of the NMSW makes no change to any of the current reporting requirements. If you are in doubt, please refer to individual Department's requirements. The 'supporting documents' upload box can additionally be used to provide as much detail as possible. **During the pilot, only Border Force and HMRC will have access to NMSW reports and only FAL form 1 and FAL form 5/6 should be submitted via the NMSW.**

The forms on the NMSW have been designed to be as easy to complete as possible, including a standardised header so information on the ship and its voyage can be copied/pasted between forms. Instructions are available on each aspect of the forms on the NMSW site.

How long will the NMSW and existing arrangements run together?

The NMSW is being launched as a pilot and existing ship reporting arrangements will run alongside for a period of at least six months, until **at least** summer 2016. A further announcement will be made closer to the time regarding the refusal of non-NMSW reporting methods. This will be communicated clearly on the NMSW front page and possibly via email to registered users.

Why and how does the NMSW co-exist with the MCA's CERS?

The MCA's CERS is currently separate to the NMSW and the two systems currently serve different, though related, purposes.

The NMSW is to be used by ships/ships' agents to submit reports necessary for HMG and other authorities, prior to arrival. CERS is for individual ports to directly report vessel traffic monitoring pre-arrival information to the MCA, principally for safety reasons. CERS also has access to Port Community Systems.

The CERS system is in the process of being upgraded and the new version will accept data from FAL 7, Waste Declaration and ISPS Pre-Arrival Notifications from ports in addition to existing data. MCA is working with ports to define the information and method of reporting the necessary documents.

In future, consideration will be given to the use of and interaction between NMSW and CERS, and any decisions will be clearly communicated to users of both systems. For now, a hyperlink is provided to CERS on the NMSW.

Will ports use the NMSW?

No. While the pilot is ongoing, information provided to ports will continue to be retained, or passed on by ports to Government authorities using existing methods, including CERS.

How can I report feedback on the NMSW?

Please email your feedback to NMSW@dft.gsi.gov.uk. The NMSW is currently a pilot and feedback will be considered while updates are to be made. Please keep an eye on the NMSW front page for any updates as a result of this feedback.

How can I insert a signature into the FAL forms?

If desired, a signature can be submitted (in Word format) as 'supporting information' for each of the FAL forms on the NMSW. This can be the signature of the ship's master.

Are there any penalties for a late report?

Existing penalties, where these are defined in legislation by individual HMG departments, will continue to apply if reports are not made in the time specified.

What security is applied to the data I submit?

The NMSW is a secure site protected by password and subject to Government-level security protocols. The data provided will not be passed to any unauthorised party but may be shared at Government level (see 'Data Sharing within UK Government' in Section 4 below).

Glossary of Terms

CERS: Consolidated European Reporting System

CION: European Commission

DfT: Department for Transport

EU: European Union

FAL: IMO Reporting Formalities Convention

HMG: Her Majesty's Government

HMRC: Her Majesty's Revenue and Customs

ICS: Institute of Chartered Shipbrokers

IMO: International Maritime Organization

NMSW: National Maritime Single Window

MCA: Maritime and Coastguard Agency

PCS: Port Community System

RFD: Reporting Formalities Directive

SSN: SafeSeaNet

UK: United Kingdom

4. Legislative Background

The Reporting Formalities Directive does not amend any UK domestic legislation and there are no direct transposing regulations in UK domestic legislation. However, required information provided in reports may fall under (or be specified in) the existing EU/UK legislation below. The list below is not exhaustive and may be subject to change.

EU Legislation

- **Directive 2010/65/EU (Reporting Formalities Directive):**
 - Directive 2002/59/EC (as amended by Directives 2009/17/EU, 2011/15/EU and 2014/100/EU).
 - Directive 2000/59/EC.
 - Regulation 562/2006.
 - Regulation 725/2004.
 - Regulation 2913/92.

UK Domestic Legislation

- The Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997
- The Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) Regulations 2003
- The Public Health (Ships) Regulations 1979 (as amended)
- Immigration Act 1971
- Immigration and Police (Passenger, Crew and Service Information) Order 2008 (SI 2008/5)
- Immigration (Form and Manner of Passenger Information) Direction 2015
- Immigration Act 2014
- Customs and Excise Management Act 1979

Data Sharing within UK Government

The information provided via the (pilot) NMSW will be accessible **only** by parties with a legislative requirement to receive that information.

The Immigration, Asylum and Nationality Act 2006 (Duty to Share Information and Disclosure of Information for Security Purposes) Order 2008 specifies travel-related information which the border agencies must share with each other where it is likely to be of use for immigration, HM Revenue & Customs, or police purposes.

The Order also specifies that the border agencies may also disclose this information to the security and intelligence agencies, if the information is likely to be of use for certain security purposes.

The Order is made under sections 36 and 38 of the Immigration, Asylum and Nationality Act 2006. In this context, the border agencies are the responsibility of Secretary of State (the Home Secretary), to the extent that the Home Secretary has functions under the immigration acts; HM Revenue & Customs; and a chief officer of police. This order underpins the required data sharing by the agencies under Border Systems and other joint working arrangements that pursue their shared aim of securing the border.

The Code of Practice

The Immigration, Asylum and Nationality Act 2006 (Data Sharing Code of Practice) Order 2008 also brought into force, on 1 March 2008, the Code of Practice on the management of information shared by **Border Force, Her Majesty's Revenue and Customs and the Police**.

This Code of Practice imposes certain obligations on the border agencies when handling and sharing data under section 38 of the Immigration, Asylum and Nationality Act 2006. It sets out what data may be shared, the ways in which and purposes for which it may be shared and the safeguards that must be applied.

In particular it highlights that the data must be handled and shared in compliance with the European Convention on Human Rights and the Data Protection Act 1998. It also sets out the sanctions which may be imposed on staff for the misuse of data. The Code of Practice will be subject to regular review by the border agencies in conjunction with the Information Commissioner's Office.