



Reporting procedures under the Schengen Borders Code and Maritime Security Regulation

Two regulatory frameworks determine reporting procedures

- Reporting procedures under the Schengen Borders Code (Regulation EC No. 562/2006) and amendments in EU Regulation No. 1051/2013 regarding application of the Schengen Borders Code
- Regulation (EC) No. 725/2004 on enhancing ship and port security.

The Schengen Borders Code and the regulation for enhancing ship and port security together impose an obligation, a duty to notify, on all merchant shipping, fishing vessels, and pleasure boating. The information to be provided and the vessels required to notify are largely the same as specified in both these regulatory frameworks. The Swedish Coast Guard has implemented a coordinated system for advance notification in order to facilitate compliance with these obligations for all shipping, to the degree possible. This system means that only merchant shipping is required to notify in order to meet the provisions of both the Schengen Border Code and the regulation for enhancing ship and port security.

The Schengen Borders Code, Regulation (EC) No. 562/2006 and Regulation (EU) No. 1051/2013 regarding application of the Schengen Borders Code

Sweden has been part of the Schengen cooperation since 25 March 2001. The purpose of this cooperation is to create free movement for individuals in the EU and to reinforce restrictions regarding illegal immigration and cross-border crime. Practically, the Schengen Treaty eliminates all cross-border checks of individuals for travel between member states, while external border control to third countries is reinforced (referring to non-Schengen countries). Swedish border control is, as a member of the Schengen community, regulated in the Schengen Borders Code (EC No. 562/2006) and by national legislation, and in particular immigration law.

Specific rules for various types of means of transport used for crossing the Member States external sea borders applies according to the Schengen Borders Code.

General and specific procedures on maritime traffic

Vessels arriving from a foreign location are required to submit information regarding the vessel and all persons on board to the Swedish Coast Guard. This information shall be submitted:

— at the latest twenty-four hours before arriving in the port, or

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

— if the port of call is not known or it is changed during the voyage, as soon as this information is available (Annex VI p. 3.1.2, Schengen Border Code).

Postal address	Street address:	Phone:	Fax:	Email and Internet
Swedish Coast Guard Headquarters Box 536 371 23 KARLSKRONA	Bastionsgatan 18 Stumholmen KARLSKRONA	+46 (0)455-35 34 00	+46 (0)455-105 21	registrator@kustbevakningen.se www.kustbevakningen.se

Specific procedures for certain types of shipping**Fishing vessels**

Fishing vessels arriving from a location outside the Schengen area are required to submit information regarding the vessel and the persons on board as above mentioned for merchant shipping (Annex VI p. 3.1.2 and p. 3.2.8-9).

Pleasure boating

Pleasure boating arriving from or travelling to a location outside the Schengen area are required to call at a port with a Swedish border crossing point where they can submit their information using the Leisure boat Entry - Exit form. This applies to all pleasure boating regardless the nationality of the crew or passengers, or of the vessel. All persons on board shall hold valid travel documents. Pleasure boating arriving from a location outside the Schengen area can still, in the exceptional case, call at a port that is not classed as a border crossing point. In such cases, a Police or Coast Guard permit is required to be obtained in advance. This requirement for documentation is the same as for passing land border crossing points. The list of ports that are classed as border crossing points for pleasure boating is available from [Swedish National Police Board in their regulations regarding border crossing points](#), RPSFS 2008:11 - FAP 272-2.

List of crew and passengers

The Schengen Borders Code requires that a list of crew and any passengers shall be sent to the Swedish Coast Guard. This list shall include the name, last name, birth date, nationality, and the number on their travel documents and any visa number. Further, a copy of the list shall be kept on board the vessel.

This list shall be submitted no later than at the latest twenty-four hours before arriving in the port, or at the latest at the time the ship leaves the previous port, if the voyage time is less than twenty-four hours, or if the port of call is not known or it is changed during the voyage, as soon as this information is available.

The information can be sent, when appropriate, together with the Maritime Security Notification (pre-arrival security information as described below).

The master or their representative, shall also

- notify of the time of departure for the vessel
- immediately notify of any changes to the crew or passenger list.

Written notification shall be submitted to the Coast Guard

Advance notification from merchant or fishing vessels shall be forwarded by fax or e-mail. This documentation shall be in Swedish or English. After reviewing the documentation, the Coast Guard will return a stamped copy of the form that is to be carried on board throughout its entire stay in Sweden. An advance notification form from a merchant or fishing vessel can also serve, when appropriate, as a request to call at a port that is not a border crossing point. In such cases, the approved returned copy of the notification form shall therefore also serve as a permit to call at the specified destination port.

The notification form submitted by pleasure boats shall be sent to the Police Authority or the Coast Guard shall be submitted in writing, and can be sent in advance by fax or e-mail.

The master or the company's representative (shipbroker) shall submit or forward advance notification regarding maritime security and the information required under the Schengen Borders Code to:

Swedish Coast Guard Maritime Clearance, The Swedish Coast Guard, Regional Command North-east:

Phone: +46 (0)8-5789 7630

Fax: +46 (0)611-20190

E-mail: sweden24@coastguard.se or sweden24@kustbevakningen.se

Act (2004:487) on Maritime Security and (EC) 725/2004

Regulation (EC) No. 725/2004 of the European Parliament and of the Council on enhancing ship and port facility security is in force throughout the EU. The Swedish national legislation implementing this regulation is the Act (2004:487) and related ordinance (2004:283), and further, the Swedish Maritime Administration has issued rules regarding ship and port security (SJÖFS 2004:13).

According to regulation 7.2 of annex 1 to the regulation (EC) No. 725/2004 a contact point shall be established for ships sailing in Sweden's territorial sea or those having notified their intention to enter this territorial sea, from whom advice or assistance can be requested, and to whom they can report regarding all the security issues involving ships, movements or notifications. In Sweden, responsibility for this contact has been assigned to the Coast Guard through the Swedish Coast Guard Maritime Clearance (SMC) at the Coast Guard Regional Command North-east in Stockholm. The requirement to notify, does not apply to ships travelling between two Swedish ports that otherwise do not meet the criteria for international shipping.

According to the rules for inspections specified in Regulation 9 in Annex 1 to (EG) No. 725/2004, a member state may require information from any ship that intends to call at a port within that nation's territory. After reviewing this information the supervising authority shall determine whether the ship may call at that port or if further inspection measures must be taken. According to Article 6.1 of this regulation, every member state must require this information from every ship calling at a port.

Vessels having gross tonnage of 500 or greater shall submit advance notification:

- no later than **24 hours** prior to the expected arrival time at the port of destination or;
- no later than when the vessel leaves the previous port, if the voyage will last less than 24 hours or;
- if the port of call is not known or if it is changed during the voyage, as soon as the port of call becomes known.((EC) 725/2004 art. 6).

Certain international scheduled passenger service need not comply with this requirement to submit advance notification in accordance with a separate decision.

The Content of the Notification as specified in the rules for maritime security

The information that shall be submitted to the Coast Guard is specified in the form:

- "International Maritime Organisations General Declaration (IMO FAL Form 1)"
- "National Enclosure to IMO FAL form 1"
- "International Maritime Organisation's Crew Declaration (IMO FAL Form 5)"

and when appropriate:

- “International Maritime Organisation Passenger List (IMO FAL Form 6)” satisfies the requirements for information as specified in the Schengen Borders Code and the regulations covering maritime security.

The master or their representative, shall also

- notify of the time of departure for the vessel
- immediately notify of any changes to the crew or passenger list.

Written notification shall be submitted to the Coast Guard

Advance notification from the merchant or fishing vessel shall be forwarded by fax or e-mail. This documentation shall be in Swedish or English. After reviewing the documentation, the Coast Guard will return a stamped copy of the form that is to be carried on board throughout its entire stay in Sweden. An advance notification form from a merchant or fishing vessel can also serve, when appropriate, as a request to call at a port that is not a border crossing point. In such cases, the approved returned copy of the notification form shall therefore also serve as a permit to call at the specified destination port.

The notification form submitted by pleasure boats that shall be sent to the Police Authority or the Coast Guard shall be submitted in writing, and can be sent in advance by fax or e-mail.

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Regulation of liability

The requirement to notify and submit information is highly important in regard to overall maritime security since it provides a basis for determining the security level necessary for each case. Companies and masters that intentionally or negligently submit incorrect or incomplete information prior to calling at a port in accordance with the regulations specified in Regulation (EC) No. 725/2004, can be sentenced to fines or prison (not more than six months) in accordance with the Act (2004:487) on Maritime security.

Supervisory regulations related to maritime security

The Swedish Transport Agency has primary legal responsibility for the regulations and supervision of maritime security. The Coast Guard and Transport Agency have entered specific agreement that fully regulates their cooperation regarding maritime security. For more information about Maritime Security regulations please see the Swedish Transport Agency information at (www.transportstyrelsen.se)