

**MINUTES OF A JOINT MEETING OF THE
REGULATORY COMMITTEE AND THE TECHNICAL COMMITTEE
OF THE EUROPEAN BOATING ASSOCIATION
HELD IN GRAZ ON 13 OCTOBER 2007**

INTRODUCTION

1. The Chairman welcomed those present and confirmed that the meetings of both the Regulatory Committee and the Technical Committee would again be held together.
2. The minutes of the previous meetings of the two Committees having already been circulated, these were agreed as a true record.

MATTERS ARISING

3. There were no matters arising from the minutes of the previous meeting.

TECHNICAL COMMITTEE

4. General

Since the last Oslo meeting, reports on any EBA Technical activities will have been posted on the EBA Website under the Technical page.

The agenda for the meeting was revised to reflect the order of meetings and other activities involving EBA Technical representation since the Oslo meeting.

5. International Standards Organisation TC188

Context

ISO TC 188 is the Technical Committee of the International Standards Organisation dealing with approximately 60 standards for small craft, the majority of which are mandated to the EU Recreational Craft Directive. This means that craft built to the standard are legally presumed to comply with the RCD. Accordingly it is of interest to the EBA that these standards offer a reasonable level of safety without becoming over onerous possibly leading to increases in cost. The EBA has observer status on the 29 ISO TC 188 Working Groups (WGs) and monitors the work of each. However, for reasons of resource, EBA involvement is restricted to key WG work.

WG15 – Liferafts

A meeting of the WG had been held during January.

During 2006 a proposal for a new work item entitled “inflatable safety tenders” had been circulated for ballot but had failed to receive the required number of votes to be taken forward. The proposal did however gain positive responses from a number of countries including Belgium and France where domestic laws required recreational craft to carry liferafts or similar. For this reason the Convenor requested the Working Group reconsider a revised new work item which might be acceptable and would satisfy the legal requirements of those countries that had such. After consideration the

WG concluded that it might be unwise to introduce a standard which might be taken to imply a greater level of safety than it required. Accordingly no new work item should be proposed.

WG 18 – Scantlings

A meeting of the WG had been held during June.

The meeting gave consideration to Part 8 of the Standard covering rudder structures. The problem of 'making the US and Japanese boats fit' was not resolved. The US did not provide any engineering method to support their boat rudder diameters whereas the Japanese method did not fit to existing boats. RL's method for semi-skeg was explained, 'discussed' and generally accepted. It was decided to go to FDIS.

Subsequent to the meeting, a considerable amount of work was done developing a revised method. This would result in the circulation of a revised part 8 on 28 July 2007. Comments are awaited. Further validation took place for the type III (skeg) rudders.

WG22 – Stability

A meeting of the WG was held during June.

The meeting considered the updates on Amendment of Parts 1 & 3 – Offset Load Test. The final text of the amendments had been sent to TC188 Secretariat on 25 January for processing for voting. There had been delay because of uncertainty whether a complete new text was required in order to incorporate the new tables and figures.

Consideration was given to the updates on Amendment of Part 2 – Sailing Multihulls.

The Sailing Multihulls Sub-Group had met in Paris on 2nd April.

Two principal issues had been addressed viz: calculation of safe wind speed with respect to sail plan set, and determination of design category. Summarising progress to date the Convenor re-emphasised the need to ensure that the methods being developed will also be suitable for form-stable monohulls assessed using clause 6.3.2 of Part 2. Data on such vessels is to be added to the safe wind speed spreadsheet.

Agreement was made that WG22 has the necessary approval to include the seaworthiness index (SWIX) in ISO 12217. The original purpose of this index was to eliminate unsuitable boats from Design Categories A and B. However it was concluded that there is merit, in Part 1, to extend the application of SWIX to all Categories.

Given the limited number of smaller Category C and D boats currently on the SWIX spreadsheet, it was considered that more under 6m boats need to be added before a decision could be made as to whether or not to include SWIX in Part 3. A number of points were considered for the Standards systematic reviews.

TC 188 Plenary

The Plenary meeting was held during June.

Reports were received from all WG and agreed. Points of note included:-

ISO/TC 188 requests that a further meeting of WG2 (inflatable boats) was called as soon as possible specifically to address problems identified in ISO/TC 188 – N852, N678, Resolution 343 adopted at Plenary 2005 and Resolution 360 adopted at Plenary 2006 concerning ISO 6185 Part 3 and DIS 6185 Part 4. These problems, which covered inadequacies in the standards, had been flagged to ISO by the EBA.

ISO/TC 188 agreed that no changes, other than editorial correction, should be made to FDIS 12215 Part 5 before it is adopted as an ISO. This should be progressed as quickly as possible.

ISO/TC 188 agreed to progress the (EBA) Standard for Quick Release Trapeze Harness to a DIS at the earliest time.

6. International Standards Organisation TC8

Context

ISO TC 8 is the Technical Committee of the International Standards Organisation dealing with standards for Ship and Marine Technology. This is of interest to the EBA where such standards cover items of common use to sea goers such as radar reflectors. TC 8 has both Working Groups (WGs) and Sub Committees (SC).

7. International Standards Organisation SC6

SC 6

An EBA representative to ISO TC8 SC6 - Radar Reflectors and will shortly be attending a meeting of this Sub Committee.

8. Recreational Craft Directive – Recreational Sectoral Group

Context

The RSG (Recreational Sectoral Group) is a group made up primarily of the Notified Bodies for the RCD. The EBA has representation. The RSG task is to carry out the necessary technical interpretation of the RCD for approval by the Commission.

The RSG met in May.

The main items of interest covered included:-

- Accreditation Efforts
- RYA NB Independence.
- Post Construction Assessment
- EBA RIB PFE

9. ADCO

Context

ADCO is an official EU Committee which primarily considers enforcement aspects of the RCD. It is made up of representatives from Member States plus industry, RSG,

CEN and the EBA as the user. Meetings are in two sessions – open and closed. Only Member States attend closed session with the open sessions attended by the other participants including the EBA.

A meeting of ADCO was held in May.

Items on the agenda of interest to the EBA included:-

- The inadequacies of the ISO inflatable boat standards.
- Notified bodies and denial of EC Type-examination certificate (UK)
- The EBA re-presented its policy concerning Post Construction Assessment and its wish for ADCO to direct more flexibility in this respect.

10. Technical Requirements for Inland Waterway Vessels Directive

This item had been dealt with during the EBA Inland Waterways meeting the previous day. There is to be a meeting with the Commission during November to progress EBA concerns as to conflicts between this Directive and the RCD.

11. The Marine Accident Investigation Branch (MAIB)

This organization carries out investigations on marine accidents. A number of publicised digests are produced by the MAIB each year giving a brief report of any accident or marine incidents. A short presentation was given outlining those accidents/incidents that had RYA and EBA involvement. The presentation will be posted on the EBA Technical page for reference.

REGULATORY COMMITTEE

12. Sardinia Taxes

It was reported that there has been no movement from the Sardinian authorities in relation to their tax on visiting yachts. An explanation of the rate of charges levied was made and it was indicated that it was possible that the tax was contrary to EU law.

Confirmation that the secretariat would continue to monitor the situation was made and that, although the EBA could write to the European Commission, the tax had limited impact on the size of craft owned by the members of most of the constituent associations of the EBA since the tax is intended to bite on the super yacht sector.

Reported action was being taken by the Italian Government and the Professional Yachtsman's Association.

13. ICC Update

It was reported that, since the last meeting, no other states had signed up to Resolution 40. The issue had been discussed in relation to inland waterways at the inland waters pre-meeting held on 12 October 2007 and as comment was made that there was a concern that the training provided to candidates for the ICC was not

always tailored sufficiently to the waters on which the candidate intended to make use of their ICC. Some holders of inland waters ICCs had not experienced locks and that this could be viewed as a weakness in the system. It was proposed that it may be worth writing to the various issuing authorities to highlight the concern.

It was pointed out that Resolution 40 does not specifically refer to the difference between inland and coastal ICCs, other than in the model Certificate appended to the Resolution. It was also observed that it would be very difficult for an ICC issuing authority in, say, the UK to give candidates the experience of navigating specific features of some continental waterways.

It was observed and noted that Norway only has one inland waterway.

If a navigator was sufficiently competent to navigate between nations then they would be capable of coping with locks. This statement was agreed with and the view that closer communication between ICC issuing authorities would be beneficial in terms of closer alignment of the various standards adopted.

The comment was made that there were variations between different types of lock or lift and that there will always be novel types that even experienced navigators will encounter for the first time and that it would be very difficult to arrive at any common training programme to take such locks and lifts into account.

A comment was made that the ICC was effectively a driving licence and that it was not possible for drivers to experience all types of road and driving situation prior to obtaining their driving licence.

At the last meeting it was recalled that delegates were encouraged to seek to persuade their national Governments to adopt Regulation 40 and it was asked what progress had been made. It was reported that the issue had been raised with the European Commission in relation to the proposed maritime policy but that no feedback had been received.

The Swedish Government, it was reported, was intending to extend the compulsory skippers' licences to a wider range of craft and that this may incorporate adoption of Regulation 40 to enable visitors to navigate vessels lawfully in Swedish waters.

Norway was introducing compulsory skippers' licences in 2008 but that this would be independent of the ICC. The comment was also made that there was some political resistance in Norway to the adoption of the ICC, partly due to doubts as to the rigor of the qualification process for obtaining ICCs.

It was suggested that it might be helpful if the EBA were able to apply some pressure at the UN for states to adopt Resolution 40. It was agreed that this may have some success but observed that not all European states are represented at the relevant UN committee dealing with the ICC so there would be a limit to how effective such pressure might be. Of the 55 states that could adopt Resolution 40, 10 had adopted it and a similar number had accepted the precursor Resolution but that all had made some modifications or reservations to the Resolution in its implementation.

Some national authorities, such as Belgium, recognised ICCs even though those authorities had not adopted Resolution 40 themselves.

The US Coastguard is proposing to modify its jurisdiction to enable it to exercise authority over recreational vessels and, if it succeeds in doing so, the US may then be in a position to consider adopting Resolution 40.

It was agreed to raise the issue at the next meeting of the relevant UN Economic Council for Europe committee. In the mean time, it was agreed to identify those nations that might be targeted as a priority.

14. Maritime Policy “Blue” Paper

It was reported that the European Commission published a communication on 10 October 2007 setting out a draft work programme for developing a maritime policy. The communication outlines how the European Commission intends to develop and deliver the policy and specifically focuses on the following areas:-

- A European Maritime Transport Space without barriers
- A European Strategy for Marine Research
- National integrated maritime policies to be developed by Member States
- A European network for maritime surveillance
- A Roadmap towards maritime spatial planning by Member States
- A Strategy to mitigate the effects of Climate Change on coastal regions
- Reduction of CO₂ emissions and pollution by shipping
- Elimination of pirate fishing and destructive high seas bottom trawling
- A European network of maritime clusters
- A review of EU labour law exemptions for the shipping and fishing sectors

It was indicated that the European Commission had abandoned plans for a pan-European coastguard and also its proposals for a European ship registry, although there was no guarantee that these issues would not be resurrected in the future. There was also no awareness of any new proposal to change the European Commission’s status at IMO.

Delegates were reminded that the proposed deadline for implementing the maritime policy was the end of 2009 and it was also observed that the indication from the communication was that there would be further opportunities for comment as the policy developed.

The EU white paper on sport was mentioned and it was indicated that delegates might wish to consider its potential implications within their respective jurisdictions.

15. Italian IMO Proposals for Amended Collision Regulations

The 53rd meeting of NAV (the navigation sub-committee of the IMO Maritime Safety Committee) was held in July and was attended by the ISAF delegation.

It was mentioned that the Italian proposal was not on the agenda for NAV 53, although the Italian Government submitted a paper at the last moment, to which ISAF submitted a response. At NAV 53, the Italian delegation was permitted to speak to their paper and the ISAF delegation to theirs but the Chairman of NAV 53 did not permit any substantive discussion of the proposal from other delegations.

The recent meeting of MSC was attended in Copenhagen and attendees were able to garner the informal support of several national delegations (including the UK, US and Finland) and non-Government organisations. It was hoped that the matter could be laid to rest at NAV 54 and it was suggested that ISAF would seek to put forward a paper endorsed by the various supportive delegations.

It was confirmed that the NBA was strongly opposed to the Italian proposal and would be making submissions to this effect to the US Government.

The European Commission's position arose from the meeting of the European Maritime Safety Authority prior to the last MSC meeting at which the issue was not addressed in detail. The protocol is that if member states did not make their objections to the proposal known to EMSA then they would be expected to support the proposal. The European Commission's current stance was therefore based on a default procedure and it was hoped that the European Commission could be persuaded to allow member states a free vote at IMO on the issue.

The comment was made that the Italian proposal did not have a significant level of support from the UK and international commercial shipping community, many of the representational organisations for which were represented at NAV.

A suggestion was made that the EBA might wish to make a press statement to promote the work of the EBA generally, which could refer to the Italian proposal. It was also proposed that the Secretariat should liaise with the President to produce a draft then circulate it to the delegates for publication.

16. Loss of Red Diesel Derogation

It was reported the forthcoming end of the derogation applicable to red diesel for use in pleasure vessels.

The UK's proposed solution was to continue to permit red diesel to be supplied to recreational vessels but with the full rate of duty levied. It was confirmed that the UK Government acknowledged that this would not solve the problem of non-acceptance of red diesel in some EU states but that the continuing use of red diesel would preserve the availability of fuel to recreational craft in the UK.

As Germany does not permit the use of red diesel for propulsion in recreational craft, the UK's proposed solution would not solve this problem and the view was expressed that the proposal was potentially flawed in this respect.

An observation was made that Norwegian yachtsmen had experienced great difficulty navigating in Germany with red diesel, although this had improved with yachtsmen being encouraged to carry receipts showing where and when the fuel was purchased.

It was confirmed that the issue was to be discussed in the German Parliament regarding the supply of red diesel to recreational vessels. For craft arriving from overseas, they are obliged to declare the fuel to customs on arrival although the customs offices are not open at all hours. The boating associations in Germany were hoping to persuade the authorities to permit visitors to navigate in German waters provided that they could prove that the red diesel was purchased overseas, although no progress had been made to date.

There was an agreement of comments made but also that the EBA could take steps to educate member states that the red dye remained in vessel fuel tanks notwithstanding refuelling with white diesel.

It was confirmed that, when the Netherlands converted from red to white diesel, 40% of filling stations ceased supplying fuel to recreational craft

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17. The delegates were asked to supply examples where local regulations effectively managed the interrelation between pleasure craft and commercial vessels, as this may assist with ISAF's submissions to IMO.

CONCLUSION

18. There being no other business, the Chairman brought the meeting to a close.