



## EBA Position Statement Yacht Tourism

### Background

The EU Commission is committed to developing an EU strategy to address the challenges and opportunities for Maritime Tourism in the EU, with a view to developing the EU as the world's premier destination for Marine and Coastal Tourism.

Following on from the EU Commission's public consultation on the challenges and opportunities for Maritime Tourism, completed in summer 2012, the European Parliament has made the following Written Declaration (0038/2012), Pursuant to Rule 123 of its Rules of Procedure, which concerns boosting nautical tourism in the European Union:

*A. whereas Article 195 of the Treaty on the Functioning of the European Union states that the Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of EU undertakings;*

*B. whereas Europe is the world's No 1 tourist destination, and whereas a new political framework for tourism has been established at EU level, with Parliament taking on new competences and creating a Tourism Task Force, in order to increase the competitiveness and capacity for sustainable growth of this sector;*

*C. whereas the EU's oceans, seas, rivers, internal waters and waterways possess enormous potential for nautical tourism, which should be developed within the EU's future policies and actions;*

*1. Notes that the aim of ensuring that Europe remains the world's top tourist destination should be achieved through stronger promotion of its greatest nautical tourism assets in order to strengthen the EU's image at a global level and attract numerous foreign tourists;*

*2. Stresses that nautical tourism provides an opportunity to give the EU's external and internal harbours a boost and to enhance economic growth and the development of coastal fishing areas, jobs and trade activities, such as the cruise industry, yachting and marinas;*

*3. Recalls the importance of the Blue Growth initiative in nautical tourism and underlines its*

*role in the promotion of leisure and sport activities, such as surfing, bodyboarding, kitesurfing, sailing, diving and recreational fishing;*

*4. Instructs its President to forward this declaration, together with the names of the signatories, to the Commission, the Council and the governments and parliaments of the Member States.*

The EBA in principle supports the development of an EU strategy to address the challenges and opportunities for Maritime Tourism in the EU, the purpose of Written Declaration 0033/2012 and the adoption and recognition by individual state governments, not only those of EU Member States, of any initiative that boosts nautical tourism, particularly those that facilitate unhampered movement on the territorial seas as a prime enabler for Yacht Tourism<sup>1</sup>.

## **Purpose of the EBA**

The European Boating Association (EBA), Europäischer Sportschiffahrtsverband, Association Européenne de Navigation de Plaisance, is a civil, not for profit association of recreational boat users' organisations, founded in 1982, and established as an Unincorporated Association whose members agree to be governed by its constitution. The EBA currently comprises 29 organisations from 18 European states and represents in excess on 1.5 million recreational boaters.

The purpose of the EBA is to represent the mutually agreed common interests of national recreational boat users' organisations in Europe, and in particular to:

- Coordinate and develop recreational boating activities in Europe by exchange of information, and action on matters of mutually agreed common interest.
- Promote the practice of all activities on the water, promoting and exchanging knowledge and experience between recreational boat users' organisations in Europe.
- Represent EBA members in Environmental, Regulatory and Technical matters affecting their safe enjoyment of recreational boating activities on the water.
- Encourage the safe, unhampered and environmentally sustainable use of recreational boats on all European waters.
- Provide the link between the European institutions and EBA Members for consultation and information on proposed EU directives and regulations.
- Provide the link between other relevant global and regional organisations and EBA Members.

## **Benefits of Yacht Tourism**

The contribution Yacht Tourism makes to local economies should be given far greater recognition and should not be underestimated. However, it is important to understand from the outset that money spent by recreational boaters is discretionary, it is therefore particularly sensitive to legislation and/or regulation that imposes unreasonable additional expense and the right conditions must be created to foster growth in the sector.

This activity brings particularly high value, low impact tourism to coastal regions, stimulating the local hospitality, transport, construction and supporting trades.

- In real terms in the Netherlands, it is estimated that every time a recreational cruising boat stops, it spends between €150 - €180 into the local economy<sup>2</sup> which supports the diverse small and medium enterprises that have been set up to exploit and support the boating industry.

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<sup>1</sup> Yacht Tourism is the movement of recreational boaters (sail and motor) through, on and between the inland and coastal waters of foreign states. It provides a significant opportunity for wealth and job creation.

<sup>2</sup> MAYA 2 INTEREG 3 project findings

- In the Channel Islands, the States of Jersey estimate that visiting yachtsmen spend in the order of £1.2 million during the months of July and August alone.
- **It is estimated that the spending power of recreational boaters is 45% more than those who visit the coast by land.**

There is a trend in the changing, or rather, diversified way that coastal tourism is developing, from the traditional 'sea and sun' concept, to other more demanding and varied types of nautical recreation which includes boating and the facilities needed to support it. Properly done, recreational boating and the economics associated with it provide a vibrant opportunity for many coastal communities who have seen their traditional sea based industry and associated businesses sharply decline. Many of these communities are situated in areas of natural interest and are geographically well positioned to support the recreational boating community. **Recreational boating therefore provides an exceptional opportunity, particularly in the coastal region, for wealth and job creation.**

Recreational boating also offers a particularly valuable opportunity to retain or revive the economies of smaller ports and port communities that are at risk of being bypassed due to changes in commercial maritime and fishing traffic. However, population changes may lead to the 'gentrification' of parts of working maritime areas such as harbours, riversides and coastal areas. In some cases new residents often then discourage the working use of these facilities on 'nuisance' grounds. Planning authorities must recognise and fully support the continuing use of maritime areas for recreational boating and associated amenity and commercial services.

Yacht Tourism will frequently involve remote destinations that are difficult to reach by air or road. The voyage itself is as much a part of the experience as the destinations and experiences ashore. Longer voyages to visit otherwise inaccessible places of interest are more appealing and yachts will also reach places away from the cruise ship routes – in fact many will choose such less frequently visited places as yachtsmen generally have an adventurous nature.

Although Yacht Tourism does see fluctuations with the seasons, it does not cease out of season and the work that is carried out on the boat if it is laid up for any period also contributes to the economy. Many boaters continue to use their boat off season and some owners live aboard all year round. Yacht Tourism is therefore also an important consideration in terms of seasonality.

### **Barriers to Yacht Tourism**

The United Nations Convention on the Law of the Sea (UNCLOS) 1982, provides a frame work for the use of the world's oceans. It was however drafted 30 years ago, with the goal to ensure the free passage of military and merchant vessels on the high seas and through the territorial waters of signatory states.

The Convention was not designed to cater for Yacht Tourism. If the principals of UNCLOS are applied to recreational vessels engaged in Yacht Tourism, then such vessels are required to comply with both the rules of its Flag State (the country in which it is registered) and can be required to comply with the rules of the Coastal State (the country whose waters it is voyaging in).

One of the major challenges to Yacht Tourism is the regulatory disincentives to move from one country to another. There might be very good reasons for neighbouring countries adopting

different rules, however, very often obstacles to free movement are caused by nothing more than bureaucracy.

Whilst it is not an onerous expectation for a recreational vessel's skipper to understand and comply with the laws of the vessel's Flag State, the EBA considers it unreasonable to expect vessel engaged in tourism to understand the laws for recreational craft in every country (and every language) the vessel visits and to adjust its equipment, manning and practices to match such legislation. In order to encourage both intra EU tourism and to encourage recreational craft to visit from outside the EU, the EU should seek to address this issue, by reducing the 'red tape'.

The EBA is supportive of EU harmonised legislation on recreational boat construction but is also fully supportive of recreational boat usage regulations being devolved to the national or regional level to accommodate local conditions, features and cultures. The EBA's position in this regard is entirely consistent with the subsidiarity principle.

The EU should not however seek to create harmonised rules across the EU. Instead it is the considered opinion of the EBA that the underlying intentions of UNCLOS should be applied to boat usage regulations. UNCLOS was intended to facilitate the passage of visiting vessels, whilst allowing Coastal State law to be applied to foreign flagged vessels based in another country.

The EBA firmly believes that the EU should promote the recognition of Flag State Law, rather than the imposition of Coastal State Law for visiting yachts and other recreational craft. For example: if 3 hand held red flares are all that are required by the vessel's Flag State, the Coastal State should not demand that the vessel carries 4 or 8. This would also enable Yacht Tourism from outside the EU, such as from Australia, the USA, Canada, South Africa etc. as it would remove the uncertainty of what rules apply, that the vessels' skippers currently experience. Similarly the requirement to fit an ATIS enabled VHF radio to the boat and to obtain an ATIS number and permission from the national communications authority for such a system, as required under the RAINWAT agreement, is detrimental to tourism on the European Inland Waterways.

Policies for expanding all forms of Yacht Tourism must be addressed in both the maritime and tourism policies. There are now clear policies for towing and for driving from country to country on an international basis and tourism by all other means is readily enabled by simple internet procedures. Yet in the recreational boating world there are often bizarre requirements implemented in the coastal zone that not only vary from country to country but often by region within the same country. This often leads to a confusing picture that can only deter Yacht Tourism.

### **The EBA Position**

The EBA holds the conviction that recreational boating and Yacht Tourism are important elements of the EU economy. In order to increase the contribution these activities make to the economy, efforts should be made to reduce unnecessary bureaucracy and expense.

By encouraging EU states to adopt the position that foreign flagged boats do not need to comply with Coastal State law and by discouraging the unnecessary use of cruising permits such as the DEKPA in Greece, forms such as the Schengen Crew Lists sometimes used in the Netherlands and Belgium, and equipment checks such as those conducted in Portugal it would become easier for tourists to enjoy Europe by recreational craft.

Furthermore, ensuring that EU Member States clearly identify any taxes they expect a foreign flagged yacht to pay, such as harbour dues, contributions to light dues and requiring the Member States to advise visitors or any other regulations they are required to follow could only be a positive step to opening up Europe as the premier Yacht Tourism destination.

Vessels that are operated within the laws of their Flag State should not unnecessarily be subject to the laws of the country they are visiting. However where a country does consider compliance with its legislation to be essential to the safety of vessels operating there, the requirements should be readily available in all the languages of the EU, to allow citizens of all EU Member States to understand their obligations and therefore have the opportunity to comply with the requirements.

Where evidence of the skipper's competence to operate the vessel is required the EBA strongly supports the use of the International Certificate for the Operation of a Pleasure Craft (commonly referred to as the ICC) created under Resolution 40 of the UN Economic Commission for Europe Inland Transport Committee<sup>3</sup>. Adoption of this by member states would greatly ease the movement of recreational boats between member state borders, thereby promoting and enabling high value yachting tourism on the maritime periphery where income is needed.

The ICC should also be accepted as suitable evidence of competence for chartering vessels and mutual recognition of other essential documents for chartering such as Radio Licences should be the norm.

The EU should encourage voluntary codes of conduct and the identification and promotion of best practice in the recreational boating sector before introducing any statutory or legislative measures to control activities. There are a number of projects and publications in the recreational sector aimed at promoting the sustainable development of boating and its associated facilities and these have met with a high level of support and compliance from both industry and users.

The EBA helped the International Sailing Federation (ISAF) produce voluntary environmental guidelines for recreational craft for adoption by the International Maritime Organisation (IMO) Marine Environment Protection Committee (MEPC). A similar voluntary code of conduct might be an appropriate way to tackle the issue of black water discharge and holding tanks. This is another area where there are significant differences in national legislation and it is not always physically possible, let alone practical, for a boat to comply with another country's legislation for the weeks it is visiting.

The EBA supports the adoption and recognition by individual state governments, not only those of EU Member States, of any initiative that facilitates unhampered movement of recreational craft as a prime enabler for nautical tourism.

### **The EBA will**

- Encourage its members to recommend full adoption of Resolution 40 to their respective governments where they have not already done so.

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<sup>3</sup> UN Economic Commission for Europe Inland Transport Committee Working Party on Inland Water Transport Resolution 40 – International Certificate for Operators of Pleasure Craft.  
[www.unece.org/trans/doc/finaldocs/sc3/TRANS-SC3-147e.pdf](http://www.unece.org/trans/doc/finaldocs/sc3/TRANS-SC3-147e.pdf).

- Work towards recognition of the ICC as a reasonable and appropriate certificate of competence for an operator regardless of Flag State.
- Work with its members to gather information on the regulations applicable to visiting foreign boats and encourage the publication of this information on national Government web-sites.

**The EBA will not support any proposal which seeks to impose unreasonable additional regulatory burdens or controls on private recreational boaters.**

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