

## **EBA Position Statement Boat Registration**

### **Executive Summary**

The European Boating Association<sup>1</sup> (EBA) is aware of the perceived security risk from non-SOLAS shipping, but believes that the focus should be on the likeliest attack options rather than recreational boaters of which the vast majority are perfectly law abiding citizens who pose no security threat.

The EBA believes that an EU wide registration scheme would not improve security, believing instead that the most effective security is achieved by engaging with the recreational boating<sup>2</sup> community rather than by alienating them.

The EBA believes that the substantial bureaucratic and financial effort that would be required to develop and maintain an accurate register of all boats in the EU would increase the costs of participation and discourage people from boating. This could have far reaching effects economically in the leisure marine industry.

The EBA opposes any move to establish a supra-national compulsory requirement for recreational boats to be registered.

### **Background**

The freedom of the high seas is open to signatory states of the 1982 United Nations Convention of the Law of the Sea (UNCLOS).

Every signatory state has the right to sail ships flying its flag on the high seas. As this freedom is granted to the UNCLOS signatory state, in order to enjoy the freedom of the high seas, a boat must be granted the nationality of a signatory state.

Although the national legislation of the signatory state may in some circumstances entitle unregistered ships to fly that country's flag, this right is in most countries granted to ships registered in that country.

Once a vessel leaves her home country's territorial waters and wishes to exercise the freedom of the high seas, it might be called upon by the warships of any nation to demonstrate its right to fly its home country's maritime flag. For all practical purposes this means the boat must carry on board the appropriate registration and/or ownership documents.

What is required within the home country's territorial waters is currently a matter for that country's Government alone to decide.

## **Compulsory registration for recreational boats**

Since 2007 there has been concern surrounding the perceived security risk from non-SOLAS ships.

The Maritime Safety Committee (MSC) of the International Maritime Organisation (IMO) sought to develop guidelines on practical security measures to be applied to non-SOLAS ships and to port facilities not covered by SOLAS chapter CI-2 and the ISPS code, both to protect non-SOLAS ships themselves and to protect other ships and port facilities from the risk of an attack using a non-SOLAS ship for example a fishing vessel, pleasure craft [recreational boat] or a craft of traditional or primitive build.

Responding to the IMO correspondence group responsible for developing the guidelines the EBA suggested that the pragmatic focus should be on the likeliest attack options. It also noted that the vast majority of citizens who enjoy recreational boating are perfectly law abiding citizens who pose no security threat. The EBA requested that the Correspondence Group kept to its remit for practical, sustainable and proportionate recommendations. It recommended that as a starting point, Contracting Governments could implement the ISPS Code much more effectively. It also noted that there were a number of pragmatic and proportional measures that could be implemented in non-ISPS and recreational ports with the support of the recreational boating community. The EBA believed that a 'heavy touch' would simply generate distrust and create conditions in which a potential terrorist attack could be hatched. The resultant IMO guidance for pleasure craft can be found in MSC.1/Circ.1283 Appendix D.

In 2011 the EU launched Project Secure Seas, a study on the possible impact of extending in the EU, the IMO security measures to ships which do not fall within the scope of SOLAS Chapter XI/2 and the ISPS Code with respect to commercial and special purpose vessels, passenger vessels, fishing vessels and pleasure craft [recreational boats]. The project was, with special emphasis on recreational/pleasure ships, to study:

- The registration process of recreational craft [recreational boats]
- The maintenance of computerised data for registration
- Provide an overview of the current situation for shipping on domestic routes in compliance with Regulation 725/2004 of the EU

## **The EBA Position on Boat Registration**

The EBA and the European recreational boating community support the EU Commission and the member states' Governments in their efforts to prevent terrorist attacks. However, the EBA believes that an EU wide registration scheme would not improve security, believing instead that the most effective security is achieved by engaging with the recreational boating community rather than by alienating them.

Mandatory registration will also not increase safety at sea or harbour security for recreational boaters or improve their access to, or enjoyment of, boating.

The EBA believes that the registration of all recreational boats in the EU would require a substantial bureaucratic and financial effort both initially and subsequently in order to keep the registers accurate. This would certainly increase the costs of participation and so could discourage people from boating, which could have far reaching effects economically in the recreational marine industry.

The EBA position is therefore that the EBA opposes any move to establish a supra-national compulsory requirement for recreational boats to be registered.

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## Notes

### **<sup>1</sup> European Boating Association**

The European Boating Association, 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 member organisations (see <http://www.eba.eu.com/participantorgs>) collectively represent in excess of 1.5 million recreational boaters and an estimated 20 million active participants.

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.

### **<sup>2</sup> Recreational Boating**

The EBA is the European representative organisation for recreational boating.

There is no general consensus as to the terminology used to describe the types of boat used for "recreational boating", with expressions such as "recreational craft" or "private pleasure craft" being used to describe only subsets of such types of boat for the purposes of specific pieces of EU legislation. "Recreational boating" also includes the use of beach- or slipway-launched water toys such as wind surfers, sailing dinghies, inflatable boats and personal watercraft.

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Boats used for “recreational boating” may be small or large, propelled by sail and/or power and used on inland waters and/or at sea. “Recreational boating” at sea can range from close-to-shore to trans-oceanic.

“Recreational boating” also includes the use of such boats privately owned and operated by the owner, hired (on bareboat or skippered charter) or used to provide a service (such as training or race participation).

In the context of this document, therefore, the EBA considers “recreational boating” to mean using boats that are designed or adapted for sport or leisure, whether propelled by sail and/or power, for the purposes for which they are designed or adapted.