



EBA Position Statement Boat Registration

Executive Summary

The European Boating Association¹ (EBA) understands the need for boat registration when a boat is used outside its home country's internal and territorial waters. The freedom of the high seas is open to signatory states of the 1982 United Nations Convention of the Law of the Sea (UNCLOS) and a recreational boat must be granted the nationality of a signatory state in order to enjoy the freedom of the high seas and to be recognised as a foreign vessel in the waters of another signatory state.

However, recreational boating² is a leisure activity with a wide range of health and economic benefits; caution is therefore needed to ensure that boat registration does not lead to unnecessary costs and administration which could be a barrier to participation and tourism.

The EBA encourages voluntary national boat registration, as this is essential to facilitate boats being used abroad. Accessible and affordable voluntary national boat registration should be available in every country.

The cost of any registration system and the steps necessary to register should be proportional to the benefit boat registration provides to the boat owner. Such costs and benefits are better assessed at a national level.

Background

Boat registration at the national level usually provides a boat with a nationality and permits the boat to wear the country of registration's maritime flag. Some boat registration schemes also provide evidence of ownership of the boat and/or record that taxes have been paid.

In many countries it is not compulsory to register a recreational boat. It generally becomes necessary to do so if the owner wishes to use the boat abroad.

Every signatory state of the 1982 United Nations Convention of the Law of the Sea (UNCLOS) has the right to sail ships flying its flag on the high seas. Therefore, in order to enjoy the freedom of the high seas, a boat must be granted the nationality of a signatory state^a. This is usually achieved

^a Although EU Member States agree their position and present a single view to the International Maritime Organization (IMO), maritime legislation remains a national competence. Whether or not registration is compulsory for recreational boats is therefore determined at the national (or sub-national) level.

through boat registration, but the national legislation of the signatory state may in some circumstances entitle unregistered ships to fly that country's maritime flag.

If a vessel leaves its home country's territorial waters and exercises 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 be registered and carry onboard the corresponding documentary evidence.

UNCLOS differentiates the treatment of a foreign ship from that of a ship of the coastal state, determining when the coastal state has jurisdiction over a foreign ship.

The nationality of a boat may not necessarily correspond with the nationality of the owner, or (if different) their country of residence. However, many countries have restrictions on who is eligible to register a boat in that country, for example registration might be available to that country's own citizens and residents only.

In some European countries registration of recreational boats is compulsory but in many it is not. If boat registration is optional, a recreational boater may also be able to choose where to register their boat. In making that decision, they are deciding the boat's nationality and the national maritime flag it will fly and the boat will need to comply with the legislation of that country.

In those countries where the registration of recreational boats is compulsory, the requirement to register may not necessarily be applicable to all recreational boats. The requirement to register may vary depending on the length of the boat, the engine power, the speed the boat is capable of or whether it normally operates on inland waters or the sea.

Temporary admission & customs formalities

It can be important for fiscal reasons for a recreational boat to have a nationality when crossing international borders. In countries that have acceded to the 1990 Istanbul Convention on Temporary Admission^b, the nationality of a recreational boat (together with where the owner is established or resident) can determine whether a boat intended for re-export is eligible to enter a country for a limited period of time without the owner becoming liable for import duty and taxes.

To benefit from temporary admission under the Convention a means of transport^c must be registered and be imported and used by persons resident in a territory other than the territory of temporary admission.

If a boat is not registered the authorities of a country cannot be certain of the boat's nationality. Voluntary registration should therefore be available and affordable in all countries to enable boating abroad.

^b Member States of the European Union as a group are contracting parties to the Convention.

^c For the purposes of Annex C of the 1990 Istanbul Convention on Temporary Admission the term "means of transport" means any vessel (including lighters and barges, whether or not shipborne, and hydrofoils), hovercraft, aircraft, motor road vehicles (including cycles with engines, trailers, semitrailers and combinations of vehicles) and railway rolling stock; together with their normal spare parts, accessories and equipment carried on board means of transport (including special equipment for the loading, unloading, handling and protection of cargo)

Boat registration data

Registration data for recreational boats may be used to develop national statistics on boat ownership and use. Compulsory registration does not necessarily result in accurate data, which is reliant on compliance and the removal of decommissioned boats from the register. Also, the fact that a recreational boat is registered does not prove that it is being used.

When registration data was used in France, to estimate the number of recreational boats that were likely to need to be decommissioned in the coming years, the resulting figures were around 20% higher than what actually transpired.

Recreational boats are often seen as a symbol of wealth. Some countries therefore tax owners of recreational boats. Owners may then choose to register the boat in another country which may also mean that boat registration data statistics do not present an accurate picture of recreational boating.

Safety and security

There is no evidence to suggest that compulsory registration of recreational boats delivers enhanced safety for recreational boat users. Boat registration cannot prevent accidents that result from human error, such as incorrect navigation or collisions.

The vast majority of recreational boaters are law-abiding citizens who pose no security threat. Steps to address any perceived security risk from non-SOLAS shipping should focus on the likeliest attack options rather than recreational boaters. In the past an EU wide registration scheme was considered to address the threat of terrorist attacks in small boats. The EBA believes that a supranational boat register would not improve security. Compulsory boat registration does not deter migrants from using small boats to reach another country. Security is more likely to be effectively achieved by engaging with the recreational boating 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(s) of all boats would increase the costs of participation and discourage people from boating. This could have far-reaching effects economically in the leisure marine industry.

Search and rescue

Although there is an argument that boat registration data can be useful in the event of an emergency at sea, this is only the case if that data is available to the bodies responsible for search and rescue (SAR), which is often not the case.

Voluntary safety identification schemes designed for SAR purposes have been developed and are successfully used to access information about a recreational boat in the event of an incident.

SafeTrx is one such scheme which has been adopted in a number of countries. In addition to storing data about recreational boats, SafeTrx enables recreational boaters to record voyage data, which in the event of an emergency provides the last known position of the user. Schemes such as SafeTrx provide more detailed and more accurate data for SAR than would be provided by boat registration data.

Abandoned boats

Issues with abandoned boats are not confined to countries without compulsory boat registration. The last registered owner of an abandoned boat may be traceable, but after it was sold a boat may have been registered in a different country meaning the owner that abandoned the boat still cannot be traced.

Parameters for compulsory boat registration

Currently there appears to be no consensus between countries with compulsory registration on which types of recreational boats must be registered.

Registration may be compulsory for inland waterways but not for sea-going vessels or vice versa. Local or regional registration schemes can result in a boat being registered twice.

Some countries require registration for all boats over 2.5m whereas others only permit registration for boats over 7m. Elsewhere the requirement to register the boat is determined by the power of the engine or the speed the boat is capable of.

Where the smallest boats must be registered, the question arises whether a tender must be registered separately or if it is simply part of the equipment of the registered boat. Its use may then be restricted to within the vicinity of the registered boat. On occasion, criminals have used the marking on tenders to identify boats at anchor which may be unoccupied and have then targeted those vessels.

Maintaining an accurate register of boats

When a motorised road vehicle changes hands there is generally a requirement for the registration authority to be notified that the seller has sold the vehicle and who has taken over its ownership. Vehicle dealers generally bear a responsibility to ensure records are updated if they are involved in the transaction. Such requirements are supported by traffic police and networks of number plate recognition cameras which seemingly increase compliance amongst the majority of vehicle owners.

Although it might be possible for boat manufacturers, dealers and brokers to bear a similar responsibility to update records, it is unlikely that the deterrent to non-compliance afforded by traffic police and cameras could be replicated on the water. It is therefore unlikely that a boat register could achieve a similar level of accuracy.

The EBA Position on Boat Registration

The EBA believes that compulsory registration does not increase safety at sea or harbour security for recreational boaters or improve their access to, or enjoyment of, boating.

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.

The EBA opposes the introduction of compulsory registration where it cannot be demonstrated that the substantial bureaucratic and financial effort both initially and subsequently in order to keep the registers accurate can be justified by a clear benefit.

Consideration should be given to avoiding increasing the cost of participation as this could discourage people from boating, which could have far reaching effects economically in the recreational marine industry.

An affordable voluntary recreational boat registration scheme should be available in every country to facilitate boating abroad. The steps necessary to register should be minimised to ensure registration is accessible and affordable for all recreational boat owners.

Notes

¹ **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.

² 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.

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.