

## **EBA Position Statement Cruising Boat Tourism on Inland Waterways**

### **Executive Summary**

The European Boating Association<sup>1</sup> (EBA) supports in principle any initiative that enhances and facilitates the unhampered movement of recreational boats across member state borders.

Recreational Boating<sup>2</sup> provides an exceptional opportunity for wealth and job creation. The contribution that Cruising Boat Tourism<sup>3</sup> in particular makes to local economies should be given far greater recognition and should not be underestimated. However, money spent by recreational boaters is discretionary; it is therefore particularly sensitive to legislation.

Recreational boaters generally have an adventurous nature and Cruising Boat Tourism will frequently involve remote destinations with the voyage itself being very much a part of the experience. These visitors provide a target market for less frequented destinations wishing to develop their tourist offering.

Many recreational boaters continue to use their boat off season and some owners live aboard all year round, contributing to the local economy on an on-going basis. Cruising Boat Tourism does not cease out of season and the maintenance work that is carried out on the boat if it is laid up for any period also contributes to the local economy. Cruising Boat Tourism is therefore also an important consideration in terms of out-of-season spend.

Very often obstacles to free movement of recreational boats (and Inland Cruising Boats<sup>b</sup> in particular) are caused by nothing more than bureaucracy. The EBA's position in this regard is entirely consistent with the subsidiarity principle as the EBA would not support any move to harmonise regulations concerning the equipping or manning of small (i.e. less than 20m in length) recreational boats not engaged in trade. That said, the EBA considers it unreasonable to expect a small Inland Cruising Boat engaged in tourism (and not engaged in trade) to adjust its equipment, manning and practices to match differing legislation in each country or region it visits. In order to encourage both intra-EU tourism and to encourage recreational boats to visit from outside the EU, the EBA encourages the recognition of the laws of the boat's country of registration, rather than the imposition of the laws of the visited country, for visiting recreational boats.

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<sup>a</sup> Cruising Boat Tourism is the movement of recreational boaters (sail and motor) through, on and between the inland and coastal waters of foreign states. The boats are primarily privately owned and operated by the owner.

<sup>b</sup> Inland Cruising Boats are recreational boats which are capable of voyages which involve navigating (conducting the vessel from one place to another) on inland waterways. Such recreational boats may have sail or motor propulsion and will normally have accommodation and domestic facilities on board.

Recreational boaters bring new life to waterways, no longer required for commercial purposes and help isolated waterways and lakes thrive.

## **Background**

The EU Commission is committed to developing an EU strategy to address the challenges and opportunities for Coastal and Maritime Tourism in the EU, with a view to developing the EU as the world's premier destination for Coastal and Maritime Tourism. However, the EBA believes that the EU Commission should also develop a strategy to address the equivalent challenges and opportunities for inland waterways tourism in the EU.

The EBA in principle supports the development of an EU strategy to address the challenges and opportunities for inland waterways tourism and the adoption and recognition by individual state governments, not only those of EU member states, of any initiative that boosts such tourism, particularly those that facilitate unhampered movement on inland waterways as a prime enabler for Cruising Boat Tourism.

The importance of recreational boating was acknowledged by Ministers in the United Nations Economic Commission for Europe (UNECE) Ministerial declaration of the International Ministerial Conference on Inland Water Transport, Wroclaw, Poland, 18 April 2018 in which Ministers asked "to increase the role of freight and passenger transport as well as recreational navigation on inland waterways for social and economic development, enhancing the international cooperation."

## **The Recreational Boating Contribution**

Properly done, recreational boating (including Cruising Boat Tourism) and the economics associated with it provide a vibrant opportunity for many communities which have seen their traditional water-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 also offers a particularly valuable opportunity to retain or revive the economies of smaller inland ports and port communities that are at risk of being bypassed due to changes in commercial traffic. Little used inland ports could be developed into marinas, to provide secure berthing for recreational boats. Recreational boating therefore provides an exceptional opportunity for wealth and job creation.

However, with such development, population changes may lead to the 'gentrification' of parts of working waterfront areas such as harbours, riverbanks and canal-side 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 waterfront areas for recreational boating and associated amenity and commercial services.

Given a safe and accessible environment recreational boating activities (in particular inland

waterways boating) can be accessible to able-bodied and disabled alike. New ports, marinas and other boating centres should be encouraged (where viable and proportionate) to provide facilities to encourage and facilitate disabled participation.

### **Benefits of Cruising Boat Tourism**

The contribution visiting Inland Cruising Boats make 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 regulations that impose unreasonable additional expense and the right conditions must be created to foster growth in the sector.

Cruising Boat Tourism brings particularly high value, low impact tourism to often predominantly rural communities, stimulating the local hospitality, transport, construction and supporting trades.

Cruising Boat Tourism will frequently involve remote destinations that are difficult to reach by rail 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 Inland Cruising Boats will also reach places away from the routes used by commercial passenger boats – in fact many will choose such less frequently visited places as recreational boaters generally have an adventurous nature and at the same time respect for the environment.

Although Cruising Boat Tourism does see fluctuations with the seasons, it does not cease out of season and the maintenance 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. Cruising Boat Tourism is therefore also an important consideration in terms of out-of-season spend.

### **Barriers to Cruising Boat Tourism**

Although regulation of inland waterways has traditionally been a matter for the national and local governments of the areas through which such waterways pass, it has long been recognised that there was a need to ensure that national and local rules were as consistent with each other as possible, to facilitate navigation by through traffic and a number of inter-governmental organisations have been created with this object in mind. For example, the Central Commission for Navigation on the Rhine (CCNR) has its origins in the 1815 Congress of Vienna and the Danube Commission in the Paris Conferences of 1856.

Since its formation in 1947 the UN Economic Commission for Europe has taken a keen interest in inland water transport and pan-European technical requirements for the construction of inland navigation vessels were first harmonized in 1975 with the adoption by UNECE of the Recommendations on Technical Requirements for Inland Navigation Vessels (Resolution No. 17). The EU adopted its own technical requirements for inland waterways vessels in 1982 and has, in conjunction with the CCNR (though the formation of CESNI), since developed European standards covering such technical requirements.

However, none of these various sets of rules was intended, or designed, to cater for small Inland Cruising Boats or Cruising Boat Tourism. As a consequence, different countries or regions apply

different rules to recreational boats engaged in Cruising Boat Tourism and such boats could be required to comply with both the rules of the country in which they are registered and the rules of the country whose inland waters it is navigating.

One of the major challenges to Cruising Boat 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 the skipper of a recreational boat to understand and comply with the laws of the boat's country of registration, the EBA considers it unreasonable to expect the skipper of a visiting recreational boat (not engaged in trade) to understand the laws for recreational boats in every country and region (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 boats to visit from outside the EU, the EU should seek to address this issue, by reducing the 'red tape'.

The EU should not however seek to create harmonised rules for small recreational boats across the EU. The EBA is supportive of EU harmonised legislation on recreational boat construction (e.g. the Recreational Craft Directive) but the EBA believes that regulations relating to a recreational boat's equipment and manning should be the responsibility of the national Government of the country in which the boat is registered. The EBA also recognises that some usage restrictions may be necessary at a regional or local level to accommodate local conditions, features and cultures, although the EBA believes that these should be kept to a minimum for visiting small Inland Cruising Boats. The EBA's position in this regard is entirely consistent with the subsidiarity principle.

The EBA firmly believes that the EU should promote the recognition of the laws of the boat's country of registration, rather than the imposition of the laws of the visited country, for the equipment and manning of visiting recreational boats not engaged in trade. This would also enable Cruising Boat Tourism from outside the EU as it would remove the uncertainty currently experienced by skippers as to what rules apply and when. By way of example, 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 for boats visiting from non-RAINWAT countries.

Policies for expanding all forms of Cruising Boat Tourism must be addressed in both inland waterways 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 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 Cruising Boat Tourism.

## **Infrastructure**

Many smaller rivers and canals were originally modified to accommodate commercial needs.

However, the development of other modes of transport have led to formerly profitable smaller waterways now having little, if any, economic interest for commercial shipping. Recreational boating is a secondary use of larger waterways (particularly international routes), but many waterways that were originally developed for commercial traffic, provide an ideal environment for recreational boating and in particular Cruising Boat Tourism to prosper. In some cases waterways which had fallen into disrepair have been revived and now prosper in response to recreational boating demand.

Whilst a net of inland waterways connected with maritime waters is ideal, particularly to facilitate the arrival of cruising boats from abroad, even isolated waterways and lakes are valuable areas for inland boating as they can be used by owners of trailered boats.

## **Reduce Unnecessary Bureaucracy and Expense**

All national Governments should be encouraged to give the freedom to visit their inland waterways to foreign-registered recreational boats that are in compliance with the boats' own national laws and are not engaged in trade. Unnecessary bureaucracy should be discouraged.

Furthermore, ensuring that national Governments clearly identify any taxes they expect a foreign flagged recreational boat to pay, such as navigation dues, and requiring member states to advise visitors or clearly publicise any other regulations (such as restrictions on mooring) they are required to follow could only be a positive step to opening up Europe as the premier Cruising Boat Tourism destination. Where local rules apply to visiting recreational boats this information should be readily available, as very often the first a tourist knows of a restriction is when they are presented with a fine.

Although the EBA does not consider it necessary for other countries to impose their requirements for evidence of competence on visiting foreign-registered recreational boats (not engaged in trade), 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>c</sup>. Adoption of this Resolution by member states or a least recognition of certificates issued under this Resolution and held by other nationals would greatly ease the movement of recreational boats between member state borders, thereby promoting and enabling high value, low impact Cruising Boat Tourism.

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 VHF radio operator certificates should be the norm<sup>d</sup>.

National Governments should encourage voluntary codes of conduct and the identification and promotion of best practice in the recreational boating sector before introducing any statutory or

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<sup>c</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).

<sup>d</sup> The process of harmonising the VHF Short Range Certificate (SRC) has been started by the CEPT/ERC/RC Recommendation 31-04.

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 World Sailing (then the International Sailing Federation) produce voluntary environmental guidelines for recreational boats for adoption by the International Maritime Organisation (IMO) Marine Environment Protection Committee (MEPC). Such voluntary codes of conduct might be an appropriate way to tackle other significant differences in national legislation where it is not always physically possible, let alone practical, for a boat to comply with another country's legislation for the time that it may be visiting and contributing to the local economy.

### **Transfer of Inland Waterways from State to Private Sectors**

When considering the transfer of inland waterways from the state sector to the private sector, the EBA urges Governments to consider the interests of boaters and the potential impact changes could have on recreational boating. The actual and potential benefits of Cruising Boat Tourism should not be undermined through loss of rights of access to navigate on inland waterways.

Changes to charging for use of inland waterways should be carefully managed to ensure that they do not act as a deterrent to Cruising Boat Tourism. Fees should be commensurate across all users of inland waterways and it should be clear how the revenue raised from such fees is being spent. Recreational boaters should not be required to pay for facilities that are of benefit only to commercial vessels.

Caution is needed to ensure that a transfer of inland waterways from the state sector to the private sector does not exacerbate the difficulties associated with fractured regulations applicable inland waterways navigation.

### **Heavily Modified Waterbodies**

Under the Water Framework Directive (WFD) natural waterbodies are required to meet Good Ecological Status (GES) and a Good Ecological Potential (GEP) is the target for Heavy Modified Water Bodies (HMWB). The use of waterways by shipping is protected and should not be overruled by environmental demands. Consequently waterways utilised by shipping should have GEP.

In spite of this, environmental stakeholders claim to have returned some smaller waterways, where there was no commercial shipping activity, to their natural state and GES disregarding recreational boating.

In 2017 the European Commission started to harmonize the approaches of member states in an effort to find a common level of GEP in rivers heavily modified for shipping. The EBA believes that ongoing discussions between environmental, shipping, waterways administrations and other stakeholders, including recreational boaters are crucial to ensure that environmental demands are balanced with the economic benefit afforded by recreational boating.

## Schengen Tourist Visa

In the framework of Schengen intergovernmental cooperation, detailed rules were established concerning the entry and stay of third-country nationals with the aim of ensuring the security of the Schengen area and providing a right to move freely within it. These rules were then further developed and consolidated in the framework of the European Union, following the entry into force of the Treaty of Amsterdam, and the time period was extended to allow a stay of 90 days in any 180-day period.

While the limit of 90 days in any 180-day period might have been appropriate when the Schengen area comprised only five countries, the Schengen area now extends to more than 25 countries. As such, tourists may have perfectly legitimate reasons for remaining in the Schengen area for more than 90 days in a given 180-day period without being considered to be “immigrants”. They do not want and/or do not need to reside in a particular member state for longer than three months but they may wish to remain in the Schengen area as a whole for in excess of this period.

A significant number of individuals falling within this description of long-term tourist are engaged in Cruising Boat Tourism. Many recreational boaters engaged in Cruising Boat Tourism spend extended periods of time voyaging in EU waters, often in their retirement or having taken sabbatical leave. Long-term tourists generally make a significant contribution towards the local economies of the places that they visit and this certainly the case for recreational boaters.

The European Commission recognised the difficulty that the Schengen Agreement caused to long-term tourists as long ago as 2001 and its most recent attempt to address the problem was a [proposed Regulation](#) published for consultation in April 2014. The Commission’s proposal would have established a touring visa to enable long-term tourists to remain in the Schengen area for a period of up to one year (renewable for a further period of one year) but, in the event, the Commission’s proposal was not progressed.

## The EBA Position on Cruising Boat Tourism on Inland Waterways

Recreational boating and Cruising Boat 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.

Recognition of the laws of the boat’s country of registration, rather than the imposition of the laws of the visited country, for visiting recreational boats (not engaged in trade) should be encouraged. Simplified procedures for arriving and moving around other countries without the need for cruising permits, and with local rules and restrictions clearly published, would enable Cruising Boat Tourism and encourage boaters to venture further afield.

Adoption and/or formal recognition by member states of the International Certificate for the Operation of a Pleasure Craft (commonly referred to as the ICC) created under Resolution 40 of the

UNECE Inland Transport Committee would greatly ease the movement of recreational boats between member state borders.

The EBA supports the adoption and recognition by individual national Governments, not only those of EU member states, of any initiative that facilitates unhampered movement of recreational boats as a prime enabler for nautical tourism. Cruising Boat Tourism should be encouraged, not hampered by regulation.

The EBA would support the introduction of touring visa to enable long-term non-EU tourists to remain in the Schengen area for a period of up to one year (renewable for a further period of one year).

### **The EBA will**

- Encourage its members to recommend full adoption of Resolution 40 to their respective governments where they have not already done so.
- 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 recreational 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 recreational boaters not engaged in trade.**

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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



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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.

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.