

## **EBA Position Statement**

### **Port Reception Facilities for the Delivery of Waste from Ships**

#### **Executive Summary**

The European Boating Association<sup>1</sup> (EBA) takes a keen interest in the European Commission's work in protecting the marine environment, which is to the general advantage of the recreational boating<sup>2</sup> community.

We are broadly supportive of the intent of the proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on port reception facilities for the delivery of waste from ships, repealing Directive 2000/59/EC and amending Directive 2009/16/EC and Directive 2010/65/EU. However, given that the definition of "ship" in the proposed Port Waste Reception Facilities Directive includes recreational craft of any size, the EBA is concerned that the definition of "port" in the proposed Directive is unreasonably wide and would have unintended adverse consequences for the recreational boating community.

#### **Background**

Recreational boating provides an exceptional opportunity, particularly in the coastal region, for wealth and job creation. The contribution that Cruising Boat Tourism<sup>a</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. As such, if the European Commission's efforts to control discharges of waste from ships were to place a disproportionate burden on recreational boating then this could in turn have a detrimental effect on Cruising Boat Tourism.

#### **Definition of 'port'**

The definition of "port" used in the proposed Directive is as follows:

*"port' means a place or a geographical area made up of such improvement works and equipment as to permit the reception of ships, including the anchorage area within the jurisdiction of the port."*

This definition is sufficiently wide to include any private water-front house that happens to have a jetty or pontoon on the premises, yet it is clearly not the Commission's intention that the Directive should apply to such private houses.

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<sup>a</sup> The movement of recreational boats (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.

In addition, many recreational boating clubs throughout the European Union offer some sort of “improvement works and equipment as to permit the reception of ships” for their members, often comprising nothing more than a small slipway or a few mooring buoys, yet those clubs simply do not have the capacity to implement the proposed Directive.

In the EBA’s view, the text of the proposed Directive does not take account of the fact that there are myriad small facilities for small recreational boats throughout the European Union that do not have a harbour authority, a harbour master and/or a regulatory jurisdiction but which would nevertheless fall within the definition of a “port” proposed in the Directive. The EBA considers that it would be unreasonable for such facilities to be required to implement the proposed Directive.

The EBA considers that the definition of a “port” in the Directive should be more specific and should refer (as intended) to a place or a geographical area where there is a port or harbour authority with legal jurisdiction. The EBA therefore proposes the following amendment to the definition of “port”, with the proposed additional text underlined in red:

“‘port’ means a place or a geographical area that is subject to the jurisdiction of a port or harbour authority and which is made up of such improvement works and equipment as to permit the reception of ships, including the anchorage area within the jurisdiction of the port”.

The EBA also takes the view that Article 7 of the proposed Directive is potentially unduly onerous for recreational boaters, many of whom simply take their garbage home with them at the end of their voyage. The EBA’s concern in this regard would, however, be reduced by the adoption of the alternative definition of “port” set out above.

## **The EBA Position on Port Reception Facilities for the Delivery of Waste from Ships**

The EBA considers it unreasonable to expect a private water-front house that happens to have a jetty or pontoon on the premises to implement the proposed Directive. Similarly the EBA believes that the myriad small facilities for small recreational boats throughout the European Union that do not have a harbour authority, a harbour master and/or a regulatory jurisdiction should not be within the scope of the Directive.

The EBA believes that it is the definitions of ‘port’ and ‘ship’ in the Directive which make the scope of the Directive is unreasonably wide. The definition of a ‘port’ should be altered to indicate that a port is a place or a geographical area where there is a port or harbour authority with legal jurisdiction, to prevent unintended adverse consequences for the recreational boating community.

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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’

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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.

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.