

EBA Position Statement Licensing of Portable Radio Devices

Executive Summary

The International Radio Regulations prohibit the establishment of a transmitting station by a private person or an enterprise without a licence.

Excellent products are now available which have the potential to significantly enhance safety in the Recreational Boating¹ sector. The portable nature of the products means that they are likely to be used on multiple vessels in multiple countries.

However, the European Boating Association² (EBA) has identified that the use of these products is being hampered by an international issue surrounding the licensing of such devices. The current regulatory regime simply does not allow these products to legally be used in the way they have been designed and manufactured to be used, because it is impossible to gain the required licence.

Background

Worldwide the radio spectrum is governed by the International Radio Regulations which are binding on all International Telecommunication Union (ITU) Members States.

Radio signals do not stop at national borders, therefore, in order to preserve radio as a reliable means of communication, an international approach to the management of the radio spectrum is necessary. Without management, interference between different usages of the spectrum would be inevitable.

In recent years travel has become more accessible leading to many more recreational boaters venturing beyond their home waters. With the increase in availability and take up of charter boats for or during a holiday has come variation in quality of the boats on offer. The level and quality of equipment provided can vary considerably.

Concurrently there have been significant advances in the technology available to recreational boaters and technology has become increasingly affordable. This, coupled with the variable quality of charter boats and an increased awareness regarding safety issues, has resulted in a desire amongst recreational boaters to take a handheld VHF, a Personal Locator Beacon or other portable radio device on holiday.

Encouraging the safety mind set

Voluntary steps to improve safety afloat among recreational boaters is a trend which should be actively encouraged. 20 years ago, distress flares were considered to be essential (but dangerous) equipment when going afloat; in the 21st century we have much safer, modern alternatives to distress flares, which recreational boaters are willingly embracing. This willingness to invest in modern technology should be encouraged, but on a cross border basis that is not possible due to restrictions imposed by spectrum licensing.

Significant national variations

Although worldwide the radio spectrum is governed by the International Radio Regulations, in practice the licensing requirements vary considerably at a national level. Portable equipment designed for an individual can often only be licenced to a specific vessel, or where it can be licensed to an individual that licensing is only valid within a particular country's Territorial Waters.

These limitations mean that although a recreational boater may own a piece of equipment which has the potential to save his or her life in the event of an incident, taking it to another country on holiday cannot be done legally.

The International Radio Regulations are written with ships in mind and Radio Device Licensing is linked to the vessel's flag state. The existing rules cannot simply be changed at the national level, the need for change needs to be recognised internationally.

Next steps

New devices are being developed and made available to recreational boaters with surprising frequency. In the main, they are not simply 'nice to have' gadgets, they are equipment which has the potential to save lives, if the worst should happen. It is therefore essential that their importance is recognised and a method by which they can be licenced for use in multiple countries, on multiple vessels and under multiple flag states is developed.

We know what was needed to control the use of the radio spectrum in the past, but is the same level of control needed for all of the devices that now use the radio spectrum? Internationally, consideration needs to be given to Radio Device Licensing in the 21st Century.

The EBA Position on Licensing of Portable Radio Devices

The EBA believes that, in terms of the licensing of portable radio devices, the International Radio Regulations are no longer fit for purpose.

The EBA considers it to be essential that licensing regime is brought up to date, to allow recreational boaters to use the safety devices available to them, legally.

Not only is a new licensing regime for maritime radio devices used on recreational craft needed, it must also be ‘future proof’ and able to protect the radio spectrum from misuse, whilst allowing for the development and inclusion of new equipment designed to aid safety of navigation.

The EBA believes that regulators should take steps to develop a licensing regime proportionate to current and future spectrum usage and equipment.

Notes

¹ 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.

² 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.