

## EBA Position Statement Skipper Licensing

### Executive Summary

The European Boating Association<sup>1</sup> (EBA) considers that qualification requirements for recreational boating are a matter for Member State Governments and the International Maritime Organisation.

The EBA therefore urges the EU Commission not to seek to introduce its own EU recreational boating<sup>2</sup> skipper's licensing regime but instead to encourage member states to adopt the United Nations Economic Commission for Europe (UNECE) Resolution 40 - International Certificate for Operator of Pleasure Craft. This approach would be entirely consistent with the EU's approach to international merchant shipping legislation, by which the EU requires member states to adopt the rules agreed at the International Maritime Organisation.

### Background

Until the International Maritime Organisation (IMO)<sup>a</sup> International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 came into force in 1984, the training and certification requirements for ships officers and ratings were established by individual governments. This was usually done without reference to practices in other countries.

STCW introduced minimum standards relating to training, certification and watchkeeping for seafarers which contracting countries are obliged to meet or exceed. The Convention was amended in 1995 by a major revision (which entered into force 1997) and introduced the STCW Code. In general terms the basic requirements were detailed in the Convention and were enlarged upon and explained in the Code. The minimum standards of competence required for seagoing personnel are given in detail in a series of tables. A further revision major revision of STCW occurred in 2010 (and entered into force on 1 January 2012).

To date the IMO has not considered it necessary to mandate minimum standards of competence for recreational boats not engaged in trade, irrespective of size.

In its communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled *A European Strategy for more Growth and Jobs in Coastal and Maritime Tourism* the Commission has indicated that it intends to, "Assess the need for EU action on qualification requirements for professional yacht skippers and recreational

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<sup>a</sup> IMO is a specialized agency of the United Nations and is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

boating”.

## **International Certificate for Operators of Pleasure Craft**

The regulations for recreational boats can vary considerably from one country to another and the regime for skipper training and licencing can be equally disparate, however the solution to this already exists. The International Certificate for Operators of Pleasure Craft created in the United Nations Economic Commission for Europe (UNECE) Resolution 40<sup>b</sup>, commonly referred to as the International Certificate of Competence or simply ICC provides a solution for skippers that are crossing borders between EU Members States. UNECE Resolution 40 also provides a model syllabus and a model certificate.

The ICC is however only applicable where the visited country has adopted or recognises the ICC as a valid indicator of competency. To date, 19 of the 56 members of UNECE have adopted Resolution 40; a further 3 operate in accordance with its predecessor Resolution 14. Of these 22 countries, 19 are EU member states. Notwithstanding this there are some countries that have not yet adopted Resolution 40 that will readily accept or even demand an ICC from visiting recreational boaters as evidence of competence.

The EBA urges the Commission to encourage or require EU Member State Governments to accept UNECE Resolution 40 rather than seek to introduce its own licensing regime. If the ICC were readily accepted for all foreign nationals skippering recreational boats in other EU Member States, whether privately owned and operated by the owner or chartered / hired, it would resolve the difficulties national licences and differing flag state rules create in a way that is consistent with the subsidiarity principle and would not be dissimilar to the system in operation across the EU for vehicle driving licences.

## **The EBA Position on Skipper Licensing**

It is the considered opinion of the EBA that the standards set out in UNECE Resolution 40 provide a reasonable and appropriate level of competence for daytime operation of recreational boats with due regard to the safety of navigation and crew and the protection of the environment. The EBA urges governments to adopt UNECE Resolution 40 rather than to seek to compare the many national schemes with each other and the ICC itself.

The countries that have not yet adopted UNECE Resolution 40 but will readily accept and sometimes demand an ICC from visiting recreational boaters as evidence of competence should be encouraged to adopt UNECE Resolution 40.

While the EBA is supportive of EU harmonised legislation on recreational boat design and construction in order to harmonise the rules governing the sale of recreational boats within the EU, it strongly believes that recreational boat operating regulations should be devolved to the national or regional level to accommodate local conditions, features and cultures. The EBA’s position in this

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<sup>b</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)

regard is entirely consistent with the subsidiarity principle.

The EBA has a clear position that manning regulations should be dealt with at a national / sub-national level and opposes any move to establish a supra-national compulsory certificate of competence for skippers. The development of an EU recreational boat skipper's licence would require substantial bureaucratic and financial effort. This would certainly increase the costs of participation and so could discourage people from boating. This may have far reaching effects economically in the leisure marine industry and for yachting tourism.

Consequently, the EBA strongly recommends that all governments follow the lead taken by those that have adopted UNECE Resolution 40 so far, recognise it as an acceptable standard in its own right and notify the Executive Secretary of the UN Economic Commission for Europe accordingly.

### **The EBA will**

- Encourage its members to recommend full adoption of UNECE 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 industry groups and similar yachting federations to promote the adoption of the ICC as widely as possible.

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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.

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- 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.