

EBA Position Statement Coastal and Maritime Tourism

Executive Summary

The European Boating Association¹ (EBA) in principle supports the development of an EU strategy to address the challenges and opportunities for Coastal and Maritime Tourism in the EU and any initiative that enhances and facilitates the unhampered movement of recreational boats across Member State borders.

Recreational Boating² provides an exceptional opportunity, particularly in the coastal region, for wealth and job creation. The contribution that Cruising Boat Tourism^a 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 away from the cruise ship routes 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 seasonality.

Very often obstacles to free movement of recreational boats (and Cruising Boats^b 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 recreational boats not engaged in trade. That said, the EBA considers it unreasonable to expect a recreational 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 Flag State Law, rather than the imposition of Coastal State Law for visiting recreational boats.

^a 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.

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

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. This must include Cruising Boat Tourism in addition to cruise ship tourism.

Following on from the EU Commission's public consultation on the Challenges and Opportunities for Maritime and Coastal Tourism, completed in summer 2012, the European Parliament made the following Written Declaration (0038/2012), Pursuant to Rule 123 of its Rules of Procedure, which concerns boosting nautical tourism in the European Union:

...

- A. *whereas Article 195 of the Treaty on the Functioning of the European Union states that the Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of EU undertakings;*
- B. *whereas Europe is the world's No 1 tourist destination, and whereas a new political framework for tourism has been established at EU level, with Parliament taking on new competences and creating a Tourism Task Force, in order to increase the competitiveness and capacity for sustainable growth of this sector;*
- C. *whereas the EU's oceans, seas, rivers, internal waters and waterways possess enormous potential for nautical tourism, which should be developed within the EU's future policies and actions;*
 1. *Notes that the aim of ensuring that Europe remains the world's top tourist destination should be achieved through stronger promotion of its greatest nautical tourism assets in order to strengthen the EU's image at a global level and attract numerous foreign tourists;*
 2. *Stresses that nautical tourism provides an opportunity to give the EU's external and internal harbours a boost and to enhance economic growth and the development of coastal fishing areas, jobs and trade activities, such as the cruise industry, yachting and marinas;*
 3. *Recalls the importance of the Blue Growth initiative in nautical tourism and underlines its role in the promotion of leisure and sport activities, such as surfing, bodyboarding, kitesurfing, sailing, diving and recreational fishing;*
 4. *Instructs its President to forward this declaration, together with the names of the signatories, to the Commission, the Council and the governments and parliaments of the Member States.*

The EBA in principle supports the development of an EU strategy to address the challenges and opportunities for Coastal and Maritime Tourism in the EU, the purpose of Written Declaration 0033/2012 and the adoption and recognition by individual state governments, not only those of EU

Member States, of any initiative that boosts nautical tourism, particularly those that facilitate unhampered movement on the territorial seas as a prime enabler for Cruising Boat Tourism.

The Recreational Boating Contribution

There is a trend in the changing, or rather, diversified way that coastal tourism is developing, from the traditional 'sea and sun' concept, to other more demanding and varied types of nautical recreation which includes recreational boating and the facilities needed to support it.

Properly done, recreational boating (including Cruising Boat Tourism, charters and water sports) and the economics associated with it, provide a vibrant opportunity for many coastal communities which have seen their traditional sea 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 ports and port communities that are at risk of being bypassed due to changes in commercial maritime and fishing traffic. Little used ports could be developed into marinas, to provide secure berthing for recreational boats. Recreational boating therefore provides an exceptional opportunity, particularly in the coastal region, for wealth and job creation.

However, with such development, population changes may lead to the 'gentrification' of parts of working maritime areas such as harbours, river sides and coastal 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 maritime areas for recreational boating and associated amenity and commercial services.

Given a safe and accessible environment recreational boating activities (in particular sailing^c) can be accessible to able-bodied and disabled alike. New ports, marinas and water sports 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 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 coastal regions, stimulating the local hospitality, transport, construction and supporting trades.

- In real terms in the Netherlands, it is estimated that every time a recreational boat stops, it spends between €150 - €180 into the local economy^d which supports the diverse small and

^c The UK Charity RYA Sailability reports that 37,000 people with a disability have been able to experience sailing and sail regularly. Sailing is one of the very few sports in which able-bodied sailors and disabled sailors can participate on equal terms.

^d MAYA 2 INTEREG 3 project findings

- medium enterprises that have been set up to exploit and support the boating industry.
- In the Channel Islands, the States of Jersey estimate that visiting cruising boaters spend in the order of £1.2 million during the months of July and August alone.
 - **It is estimated that the spending power of recreational boaters is 45% more than those who visit the coast by land.**

Cruising Boat Tourism will frequently involve remote destinations that are difficult to reach by air 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 Cruising Boats will also reach places away from the cruise ship routes – 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 seasonality.

Barriers to Cruising Boat Tourism

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 provides a frame work for the use of the world's oceans. It was however drafted 30 years ago, with the goal to ensure the free passage of military and merchant vessels on the high seas and through the territorial waters of signatory states.

The Convention was not designed to cater for Cruising Boat Tourism. If the principles of UNCLOS are applied to recreational boats engaged in Cruising Boat Tourism, then such vessels are required to comply with both the rules of its Flag State (the country in which it is registered) and can be required to comply with the rules of the Coastal State (the country whose waters it is voyaging in).

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.

Whist it is not an onerous expectation for the skipper of a recreational boat to understand and comply with the laws of the vessel's Flag State, 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 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 recreational boats across the EU. The EBA is supportive of EU harmonised legislation on recreational boat construction but is also fully supportive of recreational boat usage regulations being devolved to the national or regional level to

accommodate local conditions, features and cultures. The EBA's position in this regard is entirely consistent with the subsidiarity principle.

Instead, it is the considered opinion of the EBA that the underlying intentions of UNCLOS should be applied to usage regulations for recreational boats not engaged in trade.

The EBA firmly believes that the EU should promote the recognition of Flag State Law, rather than the imposition of Coastal State Law for visiting recreational boats not engaged in trade. For example: if 3 hand held red flares are all that are required by the vessel's Flag State, the Coastal State should not demand that the vessel carries 4 or 8. This would also enable Cruising Boat Tourism from outside the EU, such as from Australia, the USA, Canada, South Africa etc. as it would remove the uncertainty currently experienced by skippers as to what rules apply and when. Similarly, 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.

Policies for expanding all forms of Cruising Boat Tourism must be addressed in both the maritime 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 implemented in the coastal zone 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.

Reduce Unnecessary Bureaucracy and Expense

EU States should be encouraged to give foreign flagged recreational boats that are in compliance with their own Flag State Law and are not engaged in trade the freedom to visit their waters. Unnecessary practices such as the application of Coastal State Law should be discouraged, as should unnecessary bureaucracy; without the use of cruising permits such as the DEKPA in Greece, forms such as the Schengen Crew Lists sometimes used in the Netherlands and Belgium, and equipment checks such as those conducted in Portugal, it would become easier for tourists to enjoy Europe by recreational boat.

Furthermore, ensuring that EU Member States clearly identify any taxes they expect a foreign flagged recreational boat to pay, such as harbour dues, contributions to light dues and requiring Member States to advise visitors or clearly publicise any other regulations (such as restrictions on anchoring) 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 flagged 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^e. 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 cruising boat tourism on the maritime periphery where income is needed.

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^f.

The EU should encourage voluntary codes of conduct and the identification and promotion of best practice in the recreational boating sector before introducing any statutory or 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). A similar voluntary code of conduct might be an appropriate way to tackle the issue of black water discharge and holding tanks. This is another area where there are significant differences in national legislation and 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.

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.

^e 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.

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

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 Coastal and Maritime Tourism

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 Flag State Law, rather than the imposition of Coastal State Law for visiting recreational boats (not engaged in trade) and 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 UN Economic Commission for Europe Inland Transport Committee would greatly ease the movement of recreational boats between member state borders.

The EBA supports the adoption and recognition by individual state 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 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.

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.