

Update on European Boating Association (EBA) activity

Hull Fouling and Transfer of Invasive Alien Species

The EBA has continued to input to the Ospar and Helcom Joint Task Group work on biofouling management and the application of IMO guidelines to recreational craft.

A draft document for submission to the October meeting of the task group has been finalised. It contains useful guidance and information for boaters on managing biofouling, taking a risk-based approach, and the EBA has successfully lobbied against compulsory record keeping across all vessels. Guidance on record-keeping is included, but there is a recognition that requirements differ depending on boat size and usage patterns.

An updated EBA position statement has been agreed, in which the EBA urges regulators to take steps to mitigate the contradiction that is created between the Biocide Directive and the Global initiative to reduce the risk of introducing alien aquatic species by hull fouling by supporting the rapid development and implementation of new antifouling technologies. This may require financial support as many new approaches have high up-front costs, though with similar lifetime costs.

In the position, the EBA notes the moves within the IMO and the Regional Seas Conventions to more tightly regulate the management of antifouling on larger vessels. The EBA is opposed to automatic extension of such regulations to recreational vessels under 24m length due to the significant administrative burden that they may introduce and the lack of a realistic enforcement regime.

Black Water Management

The EBA is seeking for authorities to ensure sufficient provision of black water disposal systems that meet the needs of boaters, including direct disposal and pump-outs.

There are increasing concerns regarding the pumping of raw sewage into waterways and inshore around the coast. Boaters do not wish to pollute the environment in which they undertake their recreational activities. However, affordable and suitable facilities need to be provided so that they can regularly pump out any holding tanks at reasonable cost. Currently, such facilities are in short supply and are frequently poorly maintained.

In its position statement the EBA acknowledges that on larger recreational boats black water could be treated on board before discharge if suitably sized, reliable and affordable equipment were available. The EBA would welcome the development of such equipment. The competent authority would need to indicate the standard treated water needs to meet.

International Certificate for Operators of Pleasure Craft (ICC)

The EBA has been actively involved with a study, commissioned by the European Commission to determine the advantages and drawbacks of a possible mutual recognition of boating licenses for recreational boat operators. At a workshop held in April those

present clearly favoured an approach based on the EU requiring Member States to adopt and issue the ICC, rather than creating a new EU boating licence. The report from the study, which will make recommendations to the European Commission, has not yet been published.

By coincidence the UN ECE Working Party on Working Party on Inland Water Transport (SC.3), has begun a review of Resolution 40, to decide if the Resolution should be revised. A questionnaire is to be distributed to Member States and bodies authorised to issue the ICC. The EBA has requested that views of boaters are also considered during the review.

It is clear from the enquiries the UN ECE Secretariat receives that recreational boaters find it incredibly frustrating if they need to re-certify their boating competence because they have moved from one country to another.

EU VAT and customs status for recreational boats

The EBA works closely with the European Boating Industry (EBI) and the organisations have jointly approached the European Commission to seek solutions for the problems recreational boaters face when needing to determine the customs status for a recreational boat, in particular that VAT has been correctly accounted for.

The European Commission has acknowledged the problems recreational boat owners face if they need to demonstrate that their boat is in free circulation in the EU or it is eligible to enter the EU as returned goods (i.e. without VAT being payable). There is no simple solution. The Commission is consulting Member States and developing a guidance document.

EU Water Framework and Marine Strategy Framework navigation task groups

The EBA inputs where required. Current key issues are:

- Free flowing rivers and the removal of barriers to river flow. The latest information from the Commissions suggests that heavily modified navigations will not be impacted by this work.
- Drought and minimum flow levels, ensuring that abstraction does not reduce water levels below those required for safe navigation.
- Environmental Quality Standards for pollutants. Currently these are mostly measured in the water column. Additional standards are proposed for sediment, and port authorities are concerned that this will impact their ability to dredge channels, with particular concerns around historic TBT deposits. There is also an interesting discussion around the greenhouse gas emissions impacts of dredging, with significant methane releases from disturbing the seabed.

Through this group the EBA has input to the consultation on water management. The group has successfully lobbied to include non-consumptive water use (i.e., navigating) as a key consideration.

Recreational Craft Directive

The European Commission has confirmed that it will be appointing a contractor to undertake an evaluation of the current Recreational Craft Directive (RCD) which it is anticipated will be completed in 2025.

General Product Safety Regulation

The General Product Safety Regulation (EU) 2023/988 enters into force at end of this year. Article 20 of the Regulation requires that the manufacturer shall ensure that, through the Safety Business Gateway, an accident caused by a product placed or made available on the market is notified, without undue delay from the moment it knows about the accident, to the competent authorities of the Member State where the accident has occurred. The European Commission has indicated that, as recreational craft have not been excluded from the regulation, this will apply to manufacturers of recreational craft. The Safety Business Gateway is not yet available.

Licensing of Portable Radio Devices

The EBA has reconfirmed its existing position on Licensing of Portable Radio Devices.

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 Boating 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 Association (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.

In its position the EBA indicates that it believes that, in terms of the licensing of portable radio devices, the International Radio Regulations are no longer fit for purpose and that it 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.

Autonomous Shipping

The EBA Position on Autonomous Shipping has been re-confirmed. The EBA strongly supports the fundamental principle underpinning the current steering and sailing rules set out in COLREG and CEVNI in which a vessel's rights and responsibilities are determined by the characteristics of the vessel rather than the manner in which it is crewed. The EBA believes that this fundamental principle should apply to autonomous vessels as much as it applies to fully crewed vessels.

The EBA will resist the 'risk' of vessels being operated autonomously being transferred to recreational boat users and with that, any requirement for recreational craft to be equipped to facilitate detection by autonomous ships.

Reclamation of Club Land for other uses

Most recreational boating clubs have existed for decades and some a century or more. When they were founded recreational boating activities were considered a positive culture activity for the people living nearby. Creating recreational boat harbours opened up undeveloped areas near to water suitable for such activities and provided a place for participants to gather. Clubs were often supported by local authorities in order to develop leisure opportunities.

The land that recreational boating clubs are using was very often given to the club free of charge or the club was given a long-term lease contract that was affordable for the club and its members in recognition of the perceived importance for local residents. Work in the club was usually done on a voluntary basis by the members and all but the largest clubs are normally operated on a not-for-profit basis.

The 21st Century has brought with it many pressures both on public finances and on natural resources. With the increased need for housing, the premium sites clubs have been occupying have become in demand. As a result, in recent years clubs have found themselves facing significant rent increases and landowners have sought to reclaim the land used by clubs, resulting in clubs having to move premises or close.

The EBA has agreed a position to assist its EBA member organisations dealing with situations, where land that has historically been used by clubs, is being requisitioned or reclaimed for other purposes.

The position highlights that access to recreational boating facilities is vital for the EBA's members (and those people who they represent) to be able to continue their recreational boating activities, and the health benefits of recreational boating. It urges national and local governments not to view recreational boating clubs as being suitable land for re-development (e.g. for residential or commercial purposes) and not to approve re-development schemes that would result in the loss (or degradation) of recreational boating facilities. The social impact and the damage such re-development could have on the local community should not be overlooked or undervalued.

The EBA urges landowners considering increasing rents payable by recreational boating clubs or evicting clubs from premises they occupy to consider the impact on those clubs and on the health and wellbeing of club members.

Rights to Access to Water

Access to water is a necessity for people to participate in all forms of Recreational Boating. Anyone who cannot access water, cannot participate in recreational boating activities. Supporting steps to ensure that anyone wishing to participate in recreational boating can

access the sea or a water body appropriate to the type of recreational boating they wish to participate in is, therefore, a key aim of the EBA.

The EBA's new position on access to water is intended to help EBA members resist proposals that remove, reduce or detrimentally impact access to water. Where there is an established right to access water, whether this is by law or through long term use, the EBA will support its members in upholding that right.

Boat Registration

The EBA's position on boat registration has been re-confirmed with some additional explanatory text added to the document.

The EBA believes that compulsory registration does not increase safety at sea or harbour security for recreational boaters or improve their access to, or enjoyment of, boating.

The EBA opposes the introduction of compulsory registration where it cannot be demonstrated that the substantial bureaucratic and financial effort both initially and subsequently in order to keep the registers accurate can be justified by a clear benefit.

Consideration should be given to avoiding increasing the cost of participation as this could discourage people from boating, which could have far reaching effects economically in the recreational marine industry.

An affordable voluntary recreational boat registration scheme should be available in every country to facilitate boating abroad. The steps necessary to register should be minimised to ensure registration is accessible and affordable for all recreational boat owners.

Marine Litter

Marine litter is a recognised and increasing problem for the marine environment. Marine litter is not only ugly – it can harm ocean ecosystems, wildlife, and humans. The EBA's position on this subject has been reconfirmed with minor amendments

Recreational boating is not a significant contributor of marine litter, a high percentage of which comes from land based sources. Nevertheless, recreational boaters have a vested interest in protecting the environment where they spend their leisure time and a role to play in helping to reduce the incidence of marine litter. The EBA considers that the availability of efficient waste collecting facilities is a prerequisite to the avoidance of marine litter.

The EBA strongly urges all national maritime administrations to encourage the acceptance of ISO 13687 minimum standard for all recreational boat harbours and marinas as a pre-requisite for safeguarding marine waters and habitats. The EBA will use its resources to promote general knowledge about the protective measures required to obtain a Good Ecological Potential (GEP) for the marine environment.

Other activity

The EBA is involved with a Life Cycle Assessment programme looking at Life cycle impacts and end-of-life boats, which is being led by the EBI. The EBA is also engaged with OSPAR RAP ML End of Life Boats (ELB) meetings and document editing. The focus on boat registration as a solution for ELB remains a concern.

The EBA continues to monitor activities around underwater noise and alternative fuels, mainly being addressed through OSPAR and HELCOM for now. Within OSPAR there is increased focus on recreational boat noise.

Also within OSPAR the EBA continues to monitor progress on the cumulative impact of offshore renewables. Although this is mainly focused on birds and benthic habitats progress is being followed as wider socio-economic questions may arise later. The current research programme runs to 2026.

The EBA continues to represent the interests of recreational boaters at the meetings of the European Committee for drawing up standards in the field of inland navigation (CESNI) and in particular the working group on technical requirements (CESNI-PT) meetings, which deals with the development of the European Standard laying down Technical Requirements for Inland Navigation vessels (ES-TRIN).

Note:

Agreed EBA position statements can be found on the EBA website at <https://eba.eu.com/about/position-statements/>. However, the latest EBA General Assembly meeting was held on 4 & 5 October. At the time of writing new and updated position statements had not been uploaded.

Carol Paddison, EBA Secretary, 8 October 2024

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