

EBA Position Statement International Certificate for Operator of Pleasure Craft

Executive Summary

The European Boating Association¹ (“EBA”) considers the standards set out in Resolution 40¹ to provide a reasonable and appropriate level of competence for the Certificate’s intended use and urges Governments to accept this resolution.

The EBA urges the Commission to encourage Governments to accept the resolution rather than seek to introduce its own licensing regime.

Background

The origins of an International Certificate came about from an [increase in recreational boat traffic wishing](#) to navigate the length of the Rhine and the Danube and the need for reassurance that vessel operators were competent to ensure safety of navigation and protection of the environment as they moved from one country to another. As a result, on 29 January 1979, the United Nations Working Party on Inland Water Transport adopted Resolution 14² which recommended the introduction of a European document for an International Certificate (International Card) to provide those assurances. The Resolution was also intended to facilitate ‘waterborne tourism’. Prior to that, operators could well have been expected to produce competence certificates issued by each government whose waters they were on.

In the mid-1990s, the Working Group on Inland Water Transport considered that Resolution 14 needed updating and strengthening and on 16 October 1998 the Working Party adopted their revisions as Resolution 40; this replaced Resolution 14.

Resolution 40 not only included operators of pleasure craft bound for or on the inland and coastal waters of foreign countries but specifically included bareboat charter vessels. Significantly, it also set out the nautical, regulatory and technical competency requirements to be achieved and a minimum age (16 years of age) for the issue of an International Certificate irrespective of individual national schemes. In addition, Resolution 40 prescribed an updated model for the certificate to conform to.

¹ 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.

² UN Economic Commission for Europe Inland Transport Committee Working Party on Inland Water Transport Resolution 14 (revised) – International Certificate (International Card) concerning the Operators of Pleasure Craft.

Application of the ICC

The International Certificate for Operators of Pleasure Craft created in Resolution 40 is now more commonly referred to as the International Certificate of Competence or simply ICC. A government that has adopted Resolution 40 may nominate competent authorities and /or approved bodies to issue certificates on its behalf to its nationals and residents for use on its registered craft. However, the ICC is only applicable where the visited country has adopted or recognises the ICC as a valid indicator of competency.

To date, 23 of the 56 members of UNECE have adopted Resolution 40; a further 4 operate in accordance with its predecessor Resolution 14. Of these 27 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 foreign yachtsmen as evidence of competence.

The EBA Position

It is the considered opinion of the EBA that the standards set out in Resolution 40 provide a reasonable and appropriate level of competence for day sailing in recreational boats² with due regard to the safety of navigation and crew and the protection of the environment. The EBA urges governments to adopt 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 Resolution 40 but will readily accept and sometimes demand an ICC from visiting recreational boaters as evidence of competence should be encouraged to adopt Resolution 40.

While the EBA is supportive of EU harmonised legislation on recreational boat construction, it strongly believes that recreational boat usage regulations should be 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.

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, which could have far reaching effects economically in the leisure marine industry and for yachting tourism.

The EBA therefore urges the EU Commission not to seek to introduce its own EU recreational boat skipper's licensing regime but instead to encourage member states to adopt the United Nations Economic Commission for Europe 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.

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

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 industry groups and similar yachting federations to promote the adoption of the ICC as widely as possible.

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 currently comprises 28 organisations from 18 European states, which 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 this 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.