

# STUDY ON THE LICENSE REQUIREMENTS FOR PLEASURE BOATS IN THE EUROPEAN UNION

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## ABSTRACT

**Many European countries require the skippers of a pleasure craft to be able to provide evidence of their competence. The pleasure craft operator card or boating license permits people operate a pleasure craft. One of the requirements of this license is intended to decrease the number of boat accidents. This paper analysis the regulation related on recreational boat licensing of some European Union (EU) members. As a result of this study, no uniformity at European Union in terms of the requirements for sailing in pleasure boats can be proven. It is also important to note that requirements for obtaining the licenses and the personal training of each future skipper are different depending on the member state of the European Union. So this diversity of training criteria should be regulated and standardized equity for all member states. The main purpose of this paper is to make clear that in the European Union there is a lack of coordination in this area, highlighting the differences training patterns depending on the member state in which the skipper has obtained the license and indicate the need to unify the training and licensing for recreational boating.**

**KEYWORDS:** recreational boat licensing, pleasure craft, regulation, European Union

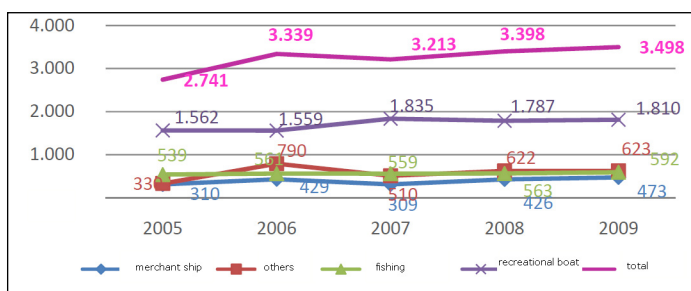
## INTRODUCTION

A pleasure craft is defined as any vessel in private ownership used wholly or mainly for sport and recreation purposes. It also covers private vessels that are hired out by third parties, provided that the vessel will be operated only by the hirers and will not require a crew to operate it (Merchant Shipping, 2000).

Many European countries require the skippers of a pleasure craft to be able to provide evidence of their competence. The pleasure craft operator card or boating license allows people navigate with a pleasure craft. Obtaining the license should ensure the minimum training required by the employer in order to steer the boat safely with the purpose of decrease the number of boat accidents.

Statistics show that the total number of pleasure crafts involved in maritime emergencies in European Union is high. For example, in Spain more than fifty percent of the emergencies are related to pleasure boats at sea. During 2009, in Spain there were a total of 3.498 emergency vessels, of which 1810 belonged to recreational craft (51%). In 2010 a total of 3.552 emergencies and 1.785 (52%) were related to recreational craft (Spanish Annual Report, 2010)

**Figure 1.** Total maritime emergencies in Spain by type of vessel



Source: Ministry of Development of Spain. NATIONAL MARITIME SAFETY AND RESCUE PLAN

According to the yacht industry report in Spain on “The Nautical Sports and Recreation 2009” developed by FIRA BARCELONA, fleet and number of boats per capita estimated in some European countries are shown in table 1:

**Table 1.** Fleet and number of boats per capita estimated in some European countries

<b>COUNTRY</b>	<b>Vessel: inhabitants</b>	<b>Fleet</b>
Norway	1:6	793.000
Finland	1:7	731.200
Sweden	1:12	753.000
Netherlands	1:32	523.473
Switzerland	1:75	100.093
Greece	1:84	130.552
Italy	1:98	592.000
UK	1:111	541.560
France	1:127	483.823
Ireland	1:168	25.830
Germany	1:183	450.273
Spain	1:207	220.000

Source: The Nautical Sports and Recreation 2009 report. FIRA BARCELONA

Considering data related to accidents in this type of boats we can observe that in 2009 on the 220.000 recreational boats on the Register of Spanish, 1,22% (1810) had an emergency situation.

On the other hand, if we regard another European Union country, such as France, results are similar: for a total estimated 483.823 pleasure boats, 3.264 boats had an accident, 0,67% (CROSS, 2008).

Statistical data shows that a large number of maritime accidents are related to recreational craft. However, in most cases, these accidents are not under investigation. For example the European Maritime Safety Agency (EMSA) is a European Union agency charged with reducing the risk of maritime accidents, marine pollution from ships and the loss of human lives at sea by helping to enforce the pertinent EU legislation. EMSA was established for the purpose of ensuring a high, uniform and effective level of maritime safety, maritime security as well as prevention of and response to pollution by ships within the EU (Regulation 1406/2002/EC, 2002). Safety of recreational boats does not enter into EMSA's remit and they do not have publications or studies on this matter.

Other similar examples may be found in the *Swedish Accident Investigation Authority (STA)*, the *Dutch Safety Board* or the

*Danish Maritime Accident Investigation Board.* In the case of *The Marine Accident Investigation Branch* (MAIB), responsible for examining and investigating all types of marine accidents to or on board UK ships worldwide, and other ships in UK territorial waters, there is no requirement for non-commercial leisure craft to report accidents to MAIB so they don't have any special information.

As has been demonstrated many organizations and agencies responsible for the investigation of maritime accidents do not perform a separate analysis and focused exclusively on recreational craft. This fact makes it even more difficult to determine the main causes of maritime accidents in recreational craft.

To improve the safety aspects of recreational craft, the existence of studies and statistics on maritime accidents in pleasure crafts would provide very important conclusions for dissemination and study. However, one of the most important aspects to ensure safety in these vessels is undoubtedly the training of future skippers. Update and deepen their knowledge, attitudes and develop skills to accommodate and take special care in training activities related to the human factor in situations of crisis, would be some of the aspects to consider.

On the basis of the importance of training, this paper analyses the differences training patterns according to each member state of the European Union, evincing a lack of uniformity on this topic.

## **RECREATIONAL BOATING AND THE INTERNATIONAL CONVENTIONS: SOLAS, COLREGS AND MARPOL**

The aim of this section is to highlight the international conventions that affect the formation of the skippers for recreational craft. These international conventions, regulated by the International Maritime Organization (IMO), are often referred exclusively to merchant ships, but in some aspects are also important and mandatory for recreational boating.

The International Convention for the Safety of Life at Sea (SOLAS), 1974, the main objective is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety.

On 1 July 2002, some new regulations of the SOLAS convention came into force, which directly affect the pleasure boat users. These regulations are part of Chapter V of the International Convention. Most of the SOLAS convention only applies to large commercial ships, but parts of Chapter V apply to small, privately owned pleasure craft.

Regulation V/34 ‘Safe Navigation and avoidance of dangerous situations’, is a new regulation. It concerns prior-planning for the boating trip, more commonly known as voyage or passage planning. So a pleasure boat user should particularly take into account some points when planning a boating trip as weather, tides, limitations of the vessel, safety equipment and experience and physical ability of the crew, navigational dangers, contingency plan and information ashore.

Other issues to take into account the agreement alone are:

- Regulation V/19 requires all small craft to fit a radar reflector ‘if practicable’.
- Regulation V/29 requires to have access to an illustrated table of the recognised life saving signals.
- Regulations V/31, V/32 and V/33 require to report the Maritime Authority and any other vessels in the vicinity if there is anything that could cause a serious hazard to navigation (by calling on VHF, or by telephoning) and to respond to any distress signal that the skipper sees or hears and helps anyone or any boat in distress.
- Regulation V/35 prohibits misuse of any distress signals.

Another Convention involving recreational boating is the International Convention for Preventing Collisions at Sea (COLREGs). This Convention requires skippers to ensure that the correct lights and shapes are carried, to know the steering and sailing rules and the sound and light signals.

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. MARPOL also applies to recreational boats and the skippers should not discharge oil or drop garbage into the sea

All these conventions are applicable to recreational craft and are mandatory. Their knowledge and application of skippers is essential to ensure navigational safety and pollution prevention. Knowledge of these conventions involves specific training for skippers. Such training should be ensured by licensing for navigation but unfortunately this is not true: compulsory licensing and training is different depending on the member of the European Union concerned. In the following sections of this paper there are examples of the diversity of boating licenses in some European countries.

## RECREATIONAL BOAT LICENSING IN THE EUROPEAN UNION

In the European Union we can find diversity in the training programs of the skippers, diversity in the attributions and types of licenses for recreational boats and diversity criteria when permitting navigation without any official training.

**Figure 2.** European Union countries



Source: [http://europa.eu/about-eu/countries/index\\_en.htm](http://europa.eu/about-eu/countries/index_en.htm)

The requirements for a boat license vary greatly with regard to the area of navigation, the distance from shore/shelter, the means of propulsion (sailing/motor boats), the boat's length and the engine's power. Though not shown in this paper, the age limits vary from a country to another.

From the 27 member countries of European Union, in this paper we will consider only eleven countries according to their large number of boats per capita and importance in length of coastline shown in Table 2:

**Table 2.** Number of boats per capita estimated in some European countries and kilometers of coastline (km)

Country	Vessel: inhabitants	Kilometers of coastline (km)
<i>Norway (non-EU member)</i>	1:6	25.148
<i>Finland</i>	1:7	14.018
<i>Sweden</i>	1:12	13.567
<i>Netherlands</i>	1:32	1.276
<i>Greece</i>	1:84	16.500
<i>Italy</i>	1:98	7.468
<i>UK</i>	1:111	17381
<i>France</i>	1:127	8.245
<i>Ireland</i>	1:168	4.578
<i>Germany</i>	1:183	2.389
<i>Spain</i>	1:207	6.584

<sup>1</sup> Calculation of coast length based on cartography of all continental and insular coasts excluding islands less than 1 km<sup>2</sup> and with a population less than 50 persons, inland shores, fjords etc where the mouth is less than 1 km wide.

Source: European Commission- DG Fisheries and Maritime Affairs

Norway, while is not a member of the European Union, has been referred because of its importance; the number of users of recreational boating as well as being one of the countries in Europe with more miles of coastline.

Of these countries will set out the type of licenses for recreational boats and descriptive features such as navigation permitted without license, number of licenses per country and miles of navigation allowed, maximum power or maximum length.

### **1. Norway**

- Boating license issued by The Norwegian Maritime Directorate ("Sjøfartsdirektoratet").
- Name and description of the boating license / Certificate: Norwegian Boating License ("Båtførerprøven")
- When do you need in Norway a boating license? Starting from the 1st of May 2010, you will need a boating license to operate a boat exceeding 8 meters in length and /or if the engine is 25 Hp or more in Norwegian waters. However the rule does not apply if you were born prior to the 1st of January 1980.

In 2010 Norway introduced a mandatory boating license. A license is needed to steer a boat with some exceptions: one need a license if is born in 1980 or later, and the length of the boat is more than 8 meters or the engine has more than 25 Hp. For those born before 1980, a license is not needed, but boat rental companies may demand that the skipper of their boats have one. Nobody receive the license until age 16. One younger than 16, can drive a recreational boat if it's under 8 meters in length, and has an engine up to 9,9 Hp, provided the boat can not go faster than 10 knots.

### **2. Finland**

- Boating license issued by Merenkulkulaitos – Sjöfartsverket.
- Name and description of the boating license/ Certificate: Kansainvälinen huviveneen kuljettajan pätevyyskirja/ International certificate for operators of pleasure craft, C (coastal waters), M (motor yacht), S (sailing ship).
- When do you need in Finland a boating license? Finland does not formally require a license to navigate coastal and



inland waters. However, it is recommended by authorities to have skills and knowledge training in navigation and maritime security.

### **3. Sweden**

- Boating license issued by Nämnden för Båtlivsutbildning (NFB).
- Name and description of the boating license / Certificate:  
Förarintyg Certificate of Competence: Provides the skipper with basic skills in navigation, sea sense and safety. Most insurance companies give discounts on boat insurance if the skipper holds a Certificate of Competence.  
Kustskepparintyg Coastal Skipper Certificate: The Coastal Skipper Certificate authorizes you to sail recreational craft larger than 12 x 4 meters.  
Utsjöskepparintyg Yachtmaster Offshore Certificate: Continuation of the Coastal Skipper Certificate course, authorizing the unlimited navigation in miles.
- When do you need in Sweden a boating license? No special training is required to operate a recreational boat less than 12 meters long and 4 meters wide. But every skipper of a recreational boat is subject to the provisions of the Swedish Maritime Code, which states that all vessels must be safely manned and that skippers must have good skills and seamanship, as otherwise may be fined or even jailed.

### **4. The Netherlands**

- Boating license issued by Vamex.
- Name and description of the boating license/ Certificate:  
Vaarbewijs I - The license is required for motor boat that can reach over 20 km/h. This license is also required for boats with a length of 15 meters or more. Navigation is allowed in rivers, canals and small lakes.  
Vaarbewijs II - This license allows navigation for all waters.
- When do you need in The Netherlands a boating license? No compulsory license for sea-going navigations (either sailing or motor). No Dutch navigation license is required for inland waterways for steering a motor or sailing boat of less than 15 meters or speed is under 20 km/h. The

skipper is expected, however, to be acquainted with the rules of the waterways.

### **5. Greece**

- Boating license issued by Port Authority.
- Name and description of the boating license / Certificate: Unknown
- When do you need in Greece a boating license? Compulsory license for all means of propulsion if power is over of 22,37 kW (30 HP).

### **6. Italy**

- Boating license issued by Uffici delle Capitanerie di porto.
- Name and description of the boating license/Certificate: The new regulation on licensing of pleasure boats came into force on January 16, 1998. There are two types of navigation licenses required by Italian law: within 12 miles and over 12 miles. Patente nautica entro le 12 miglia a motore: Allows navigation within 12 miles; Patente Senza limiti: no limitations; Patente Navi da diporto: over 24 m in length, must hold the Patente Senza limiti at least 3 years.
- When do you need in Italy a boating license? Compulsory license for sailing and motor boats if navigation exceeds 6 miles from shelter or power above 30 kW (40,8 HP).

### **7. United Kingdom**

- Boating license issued by Royal Yachting Association (RYA) by the British Government through the Maritime and Coastguard Agency (MCA).
- Name and description of the boating license/Certificate: Yachtmaster Ocean certificate of competence: any length in all parts of the world; Yachtmaster Offshore certificate of competence: no more than 150 miles from harbour; Yachtmaster Coastal (previously known as Coastal Skipper certificate of competence): on coastal cruises but does not necessarily have the experience needed to undertake longer passages; Day Skipper certificate of competence; Advanced Powerboat certificate of competence; Powerboat Level 2; Day Skipper shorebased certificate; Coastal Skipper/Yachtmaster Offshore shorebased certificate: Able to skipper a yacht on coastal

passages by day and night; Yachtmaster Ocean shorebased certificate.

- When do you need in UK a boating license? Boating around the coast or further out to sea is open to all and does not require a license. Passage down one of Britain's many inland waterways however requires a boating license or registration with the appropriate authority in charge of it. It may not be required by law, but the UK government recommends that if you use pleasure craft, like yachts, sailing boats and motorboats, there are certain safety regulations that must be followed.
- Other information: For boating on British Waterways water there are two main types of license to choose from – a pleasure boat license and a business license. A Private Pleasure Boat License allows a boat to be used for pleasure or personal residential use for standard periods of three, six and twelve months. It does not permit a boat to be used for hiring, carrying goods or passengers for payment or any other commercial function - these activities require a British Waterways Business License.

## **8. France**

- Boating license issued by Ministère de l'Écologie, de l'Énergie, du Développement durable et de l'Aménagement du territoire. Directions départementales des affaires maritimes.
- Name and description of the boating license / Certificate: The Order of 28 September 2007 on navigating licenses for pleasure boats establish two titles governing at sea - The option Coast – Côtière - To navigate to 6 miles from a shelter; Offshore extension –Hauturière. - To navigate more than 6 miles from a shelter.
- When do you need in France a boating license? The current license is necessary if engine power is greater than 6 HP (4,5 kW). For sailboats no license is required to navigate.

## **9. Ireland**

- Boating license issued by Irish Sailing Association (ISA).
- Name and description of the boating license/Certificate: The ISA organizes many courses such as Day Skipper

Certificate (sail and motor), Helmsman's Certificate (sail and motor), National Powerboat Certificate, Yachtmaster Coastal (sail and motor) and Yachtmaster Offshore (sail and motor).

- When do you need in Ireland a boating license? No compulsory licences are required in Ireland.

## 10. Germany

- Boating license issued by Deutscher Segel-Verband Deutscher Motoryachtverband.
- Name and description of the boating license/Certificate: Four levels of certificates for coastal waters: Sportbootführerschein – for boats of more than 3,68 kW (5 HP) of power; Sportküstenschifferschein (SKS) - navigation up to 12 miles offshore; Sportseeschifferschein (SSS) – navigation up to 30 miles offshore; Sporthochseeschifferschein (SHS) SHS - navigation offshore.
- When do you need in Germany a boating license? No license is required for sailing and motor boats with power under 3,68 kW (5 HP).

## 11. Spain

- Boating license issued by Dirección General de la Marina Mercante / Ministerio de Fomento / Comunidades Autónomas (Regions).
- Name and description of the boating license/Certificate: Four types of compulsory licenses. Patrón navegación básica: navigation up to 5 miles and maximum length of 8 meters for sailing boat, and up to 7,5 meters in length for motor boat; Patrón de embarcaciones de recreo: navigation for motor yachts and sailing or motor up to 12 meters in length and up to 12 miles; Patrón de yate (skipper): navigation of motor yachts and sailing or motor up to 20 meters in length and up to 60 miles ; Capitán de yate: no limits to navigation and boat's length.
- When do you need in Spain a boating license? For motor boats with a maximum power of 11,03 kW (15 HP) and maximum of 4 meters in length, and for sail boats (without motor) to a maximum 5 meters in length, it is not necessary to have any license, as long as the navigation is

daytime and area bounded by the Maritime Authority (Harbor Master).

- Other information: A part of the licenses noted, the legislation reflects the nautical sports federations sailing and boating (Federation Authority) may issue licenses for the government of boats up to 6 meters and a maximum engine power adequate to the same and in any case less than 40 kW valid for navigation done during daytime in areas delimited by the Maritime Authority.

## **PROPOSAL OF A EUROPEAN CERTIFICATE**

The origins of an International Certificate came about from the requirement 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, in 1979 was adopted Resolution 14 (Resolution No. 14, 1979) which recommended the introduction of a European document for an International Certificate (International Card).

Resolution 14 needed updating so in 1998 was adapted Resolution 40; which replaced Resolution 14. This new resolution not only includes operators of pleasure craft for 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.

The International Certificate for Operators of Pleasure Craft created in Resolution 40 (Resolution No. 40, 1998) is now more commonly referred to as the International Certificate of Competence (ICC). An International Certificate of Competence (ICC) is a certificate, which may be issued to anyone who has successfully completed certain national boating licenses or has successfully passed an examination to prove the necessary competence for pleasure craft operation.

Although only guaranteed to be accepted in countries that have adopted the relevant Resolution, the ICC is a useful document to carry and will generally be accepted where proof of competence is required.

In very general terms an ICC is required for the inland waterways of Europe and for inland and coastal waters of Mediterranean countries. For the coastal waters of Northern Europe the ICC is generally not required, however to all of these generalisations there are exceptions.

The ICC is a product of the United Nations Economic Commission for Europe Inland Water Committee (UN ECE IWC) Resolution 40. This states that the ICC may be issued by a government of one state to its nationals and residents who may be on the waters of a foreign state, on condition that both accept the requirements and conditions set out in Resolution 40. Governments may appoint competent authorities to issue ICC on their behalf. For example, in the United Kingdom the Royal Yachting Association (RYA) but globally International Yacht Training Worldwide (IYT) is such a competent authority.

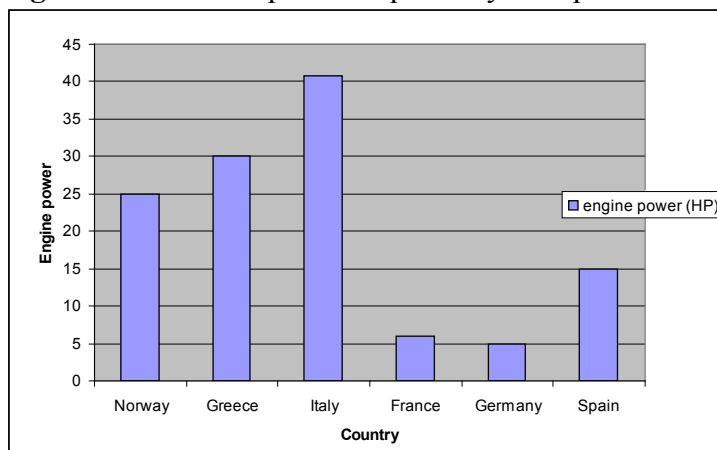
This Resolution 40 is not mandatory for the EU countries. Only 16 EU member states have adopted Resolution so far. Spain, Greece and Portugal, for example, have not adopted Resolution 40 but are still most likely to ask visitors for an ICC. But the unequal implementation of UN ECE resolutions 13, 14 and 40 creates differences in ICC practices and acceptance. The differences in ICC implementation concern the scope (inland waterways only/inland waterways and sea), the types of boats (length, speed, power) and the interpretation of conditions for applicants (residence, nationality, language).

For the issue of an international certificate the applicant must have reached the age of 16, be physically and mentally fit to operate a pleasure craft, and in particular, must have sufficient powers of vision and hearing, have successfully passed an examination to prove the necessary competence for pleasure craft operation. The applicant has to prove in an examination: sufficient knowledge of the regulations concerning pleasure craft operation and nautical and technical knowledge required for safe

navigation on inland waters and/or coastal waters and the ability to apply this knowledge in practice. This examination shall be held with regard to the zones of navigation (i.e. inland waters and/or coastal waters) and must include at least the following specific subjects: sufficient knowledge of the relevant regulations and nautical publications, traffic regulations applicable on inland waters, in particular CEVNI (European Code for Inland Waterways), and/or in coastal waters, in particular the Regulations for Preventing Collisions at Sea, including aids to navigation (marking and buoyage of waterways); Ability to apply the nautical and technical knowledge in practice: general knowledge of craft, use and carriage of safety equipment and serviceability of the engine/sails, operating the craft and understanding the influence of wind, current, interaction and limited keel clearance, conduct during meeting and overtaking other vessels, anchoring and mooring under all conditions, maneuvering in locks and ports, general knowledge of weather conditions, general knowledge of navigation, in particular establishing a position and deciding a safe course; Conduct under special circumstances: principles of accident prevention (e.g. man over board maneuvers), action in case of collisions, engine failure and running aground, including the sealing of a leak, assistance in cases of emergency, use of lifesaving devices and equipment, fire prevention and fire fighting and avoiding water pollution.

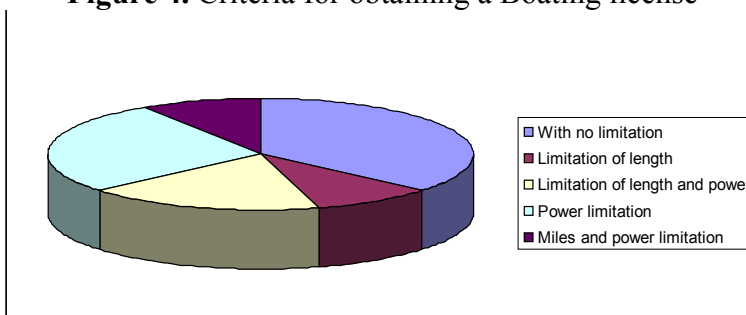
## **CONCLUSIONS AND FURTHER RESEARCH**

From the results obtained in the above sections, we can state, that there is no coordination and equivalence between the EU countries licenses for recreational crafts. So in some countries is not necessary license to navigate recreational crafts and other countries set length, power, miles of navigation or speed of the boat to make mandatory the boating license. The next figure shows the minimum power required by some countries to obtain a license:

**Figure 3.** Minimum power required by European country

Source: own

Of the eleven countries under study, the following graphs show the diversity of criteria at the time making boating license mandatory.

**Figure 4.** Criteria for obtaining a Boating license

Source: own

The training patterns of the skippers are very different depending on the country, leading to problems of safety of navigation. It would be necessary to create a European directive that regulates the licenses required for recreational boating throughout the European Union and a common training program for all skippers, thus improving boating safety on our coast. There is no single criterion for the minimum age required to obtain a license for recreational craft.



A large number of maritime accidents and emergencies are related to pleasure crafts. This should involve further study and analysis of accidents involving these kinds of vessels. However, in most cases are not investigated. Many organizations and agencies responsible for the investigation of maritime accidents do not perform a separate analysis and focused exclusively on recreational craft, being more difficult to determine the main causes of maritime accidents in pleasure crafts.

The diversity of licenses and requirements is confusing and does not augment boating tourism in Europe. All governments should follow the lead taken by those that have adopted Resolution 40 so far, that they recognise it as an acceptable standard in its own right. Standards set out in the UN ECE Resolution 40 provide a reasonable and appropriate level of competence for day sailing with due regard to the safety of navigation and crew and the protection of the environment. It would be necessary to regulate the licenses for recreational boats in the European Union members, ensuring the level of training of the skippers, and matching and making compatible the European licenses for pleasure craft.

The future aims of this study is extended to all 27 European Union countries, comparing and analyzing the most relevant aspects of each country and make a consolidated proposal that can be recognized in the European Union.

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