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Sir David Amess MP & Graham Stringer MP  
Chairs  
Committee on the Immigration and Social Security Co-ordination (EU  
Withdrawal) Bill 2017-19  
House of Commons  
London  
SW1A 0AA

15<sup>th</sup> February 2019

Dear Sir David and Mr Stringer

Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2017-19 – written evidence  
from the Royal Yachting Association

The Royal Yachting Association (RYA) is pleased to provide written evidence to the Public Bill Committee established to scrutinise the Immigration and Social Security Co-ordination (EU Withdrawal) Bill 2017-19.

RYA is the national body for all forms of boating, including dinghy and yacht racing, motor and sail cruising, RIBs and sports boats, windsurfing, canal and river boat cruising and personal watercraft, with nearly 1,500 affiliated clubs and associated groups around the UK.

Accordingly, we believe we are well-placed to comment on the requirements of the sector in terms of the movement of people and craft between the UK and EU after free movement of people ends, and what policies should be introduced to ensure the ongoing success of the UK's thriving recreational boating sector.

Our views on the Bill are outlined in more detail below. Should you have any questions, or require any further information, please do not hesitate to contact me directly using the details above.

Yours sincerely

**Howard Pridding**  
Director of External Affairs

**PUBLIC BILL COMMITTEE ON THE IMMIGRATION AND SOCIAL SECURITY CO-ORDINATION (EU WITHDRAWAL) BILL 2017-19**

**WRITTEN EVIDENCE FROM THE ROYAL YACHTING ASSOCIATION**

**1. Current situation**

- 1.1 There are 700,000 households in the UK who own recreational boats, a significant number of whom will travel on their craft between the UK and EU27. There are also 60,000 boats owned by UK nationals currently in EU27 waters
- 1.2 At present, UK boaters and their craft are able to navigate within EU waters without encountering onerous checks at national sea borders, in line with EU rules on the free movement of goods and people
- 1.3 The RYA has 2,338 Recognised Training Centres (RTCs), including 690 overseas, of which 249 are delivering its training schemes in EU member states. A significant proportion of the RYA's 24,979 qualified instructors have spent time instructing at one or more of these, either as seasonal staff or permanently based abroad
- 1.4 Many RYA qualification-holders are employed or self-employed in the UK where their occupation involves business travel within the EU, often on a seasonal basis. Indeed, the RYA itself engages many UK-based inspectors to conduct annual inspections of RTCs located in other EU member states
- 1.5 EU free movement rules currently entitle UK citizens to visit other EU member states on business or to move and reside anywhere within the territory of the E U and EEA with relative ease

**2. Impact of current policy direction**

- 2.1 Part 1 of the Bill, particularly the repeal of EU law relating to free movement of people, is set to have a significant impact on UK recreational boaters. Our concerns fall into three main areas:
- The future border control regime between the United Kingdom and the European Union
  - The ability of UK citizens that have RYA qualifications to travel freely to and from the European Union for work that requires those qualifications
  - The ability of UK citizens to cruise for extended periods (greater than 90 days) in EU waters

**3. The future border control regime for recreational boats**

- 3.1 RYA has no objections in principle to some form of voyage data reporting methodology being applied to all voyages to and from the UK by recreational craft (other than those between the UK and the Republic of Ireland occurring under Common Travel Area rules)
- 3.2 We have already had dialogue with the Home Office about how such a scheme may be introduced and are encouraged by discussions to date

- 3.3 We will continue to make the case to the Government that any new controls placed on the movement of recreational craft post-Brexit should not be unduly onerous, undermine navigational safety or place disproportionate restrictions on recreational boaters' freedom of navigation
- 3.4 Furthermore, any proposals for visa controls must take account of the nature of recreational boating tourism
- 3.5 Should new border controls be introduced which do not accommodate the flexibility needed by the recreational boating sector, there is a real danger that law-abiding boat users could be unfairly criminalised. This could happen through boaters taking action in the face of adverse conditions to ensure safe navigation is maintained and in doing so crossing the UK-EU sea border

#### **Our proposal: A simple and easy to use reporting system**

- 3.6 We encourage the Government to implement an electronic border control system that is simple to understand and to comply with irrespective of operating platform, location and whether recreational boaters are entering or leaving UK territorial waters. We would be keen to work with the Government and other interested parties to work through in more detail how such a border control scheme should operate

#### **4. Travel of individuals with RYA qualifications for work purposes**

- 4.1 In a letter to Royston Smith MP, dated 22 January 2019, Parliamentary Under Secretary of State for Exiting the European Union, Robin Walker MP, wrote that the Government will, in the course of negotiations on the future relationship between the UK and EU, "seek reciprocal mobility arrangements with the EU in a defined number of areas"
- 4.2 The Minister's letter continued: "The framework for mobility will support businesses to provide services and move their talented people (including those holding RYA qualifications, for example) allow people (*sic*) to travel freely, without a visa, for tourism and temporary business activity and ensure smooth passage for legitimate travel..."
- 4.3 However, this does not commit the Government to seek to negotiate as part of the envisaged mobility framework arrangements which would allow UK nationals who hold RYA qualifications and enter the Schengen Area after Brexit to stay for periods in excess of 90 days in 180 (mirroring the current regime for non-EU nationals) without having to obtain a visa, when travelling for reasons related to the professional sporting qualification(s) they hold
- 4.4 Furthermore, the likelihood of the Government seeking to negotiate such arrangements is arguably reduced when considering the Government's approach towards seasonal workers schemes as set out in the Immigration White Paper, published in December 2018
- 4.5 The White Paper states: "In accordance with the MAC's advice, we do not intend to open sectoral labour schemes, except potentially for seasonal agricultural work." Though this statement only applies to the migration of workers into the UK to work on a seasonal basis, there is no

recognition elsewhere in the document of the importance of seasonal work arrangements for UK nationals looking to work elsewhere in the EU

- 4.6 Should RYA qualification holders fall back on the current Schengen Area rules governing the travel of non-EU nationals after the implementation period (or in the event of a 'no deal' Brexit) this would do significant harm to the UK's recreational boating sector, damaging the international reach of a sport where our qualifications and training courses are world-leading
- 4.7 Falling back on Schengen Area rules for non-EU nationals would also impact other sports. For example, approximately 1,500 ski instructors who are members of the British Association of Snowsport Instructors travel to the EU during the winter ski season, in addition to the 500 BASI ski instructor members who live permanently in other EU member states
- 4.8 RYA and BASI previously wrote a joint letter to the Secretary of State for Exiting the European Union highlighting our concerns around how Brexit could impact sports training professionals in the boating and snowsports sectors in May 2018

**Our proposal: a seasonal workers scheme for the sport sector**

- 4.9 Given the seasonal nature of much of the work conducted by UK citizens working in the sport sector in other EU member states, we believe that the introduction of a new seasonal workers scheme for the sport sector would be the best way to protect the interests of RYA members and others in related occupations post-Brexit
- 4.10 Specifically, we support the creation of a system enabling UK nationals employed in the sport sector and entering the Schengen Area after Brexit to stay for periods in excess of 90 days in 180 (mirroring the current regime for non-EU nationals) without having to obtain a visa, when travelling for reasons related to the professional sporting qualification(s) they hold
- 4.11 Forcing UK citizens to obtain a visa when travelling for these purposes would place them at a disadvantage in this regard in comparison with the citizens of countries such as the USA, Canada, Australia and New Zealand
- 4.12 This seasonal workers scheme should take account of the working patterns of those holding professional qualifications in the sport sector, a significant number of whom currently stay in other EU countries for extended periods and work across more than one sport (e.g. moving from working as a sailing instructor during the summer months in southern Europe to working as a snowsports instructor during winter in another EU member state)
- 4.13 We have already had some discussions with the Government on the needs of professionals in the recreational boating sector post-Brexit and would be keen to work with the Government and other interested parties to work through in more detail how such a seasonal workers scheme should be structured
- 4.14 RYA are also calling on the Government to make sure that UK citizens holding RYA qualifications are able to obtain the necessary permissions to live and work in EU member states in (both

seasonal and permanent) occupations relevant to those qualifications with as little administrative burden and cost as possible

#### **Importance of early agreement on a seasonal workers scheme**

4.15 We call on the Government to commit at the earliest possible date to seek the negotiation of a seasonal workers scheme for the sport sector in the course of negotiations on the future UK-EU relationship

4.16 In turn, we urge the UK Government and the EU to agree on the introduction of such a scheme in the early stages of negotiations on the future relationship. This will help to provide much-needed certainty to UK-based sport training professionals as well as training centres and resorts across the EU as they plan their activity and assess their recruitment needs for future years

#### **5. The ability of UK citizens to cruise for extended periods (greater than 90 days) in EU waters**

5.1 In the framework of Schengen intergovernmental cooperation, detailed rules were established concerning the entry and stay of third-country nationals for up to three months in a six-month period. This was done with the aim of ensuring the security of the Schengen area and providing a right to move freely within it, including for third-country nationals. 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 amended to refer to 90 days in any 180-day period. This time limit contrasts sharply with the normal duration of a UK tourist visa, which is six months for each visit.

5.2 Although the UK is not part of the Schengen area, UK citizens are currently EU citizens and are thus not subject to the limit of 90 days in any 180-day period when travelling in other EU member states. Once the UK leaves the EU and UK citizens become third-country nationals, UK citizens may become subject to the 90 days in any 180-day period limit imposed by the Schengen Agreement. Although individual member states may grant longer-term visas for specific purposes (e.g. work or study), these purposes generally do not extend to tourism.

5.3 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 90 days but they may wish to remain in the Schengen area as a whole for longer than that.

5.4 A significant number of individuals falling within this description of long-term tourist wish to tour the Schengen area by boat. Many UK recreational boaters spend extended periods of time voyaging in EU waters, often in their retirement or having taken sabbatical leave.

5.5 Long-term tourists generally make a significant contribution towards the local economies of the places that they visit and this is certainly the case for recreational boaters. Recreational boat tourism forms a key component of the European Commission's coastal tourism strategy.

5.6 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, it was not progressed.

**Our proposal: An arrangement whereby UK citizens may visit the Schengen area for a period of time equivalent to that for which EU citizens can visit the UK as tourists.**

5.7 We strongly encourage the Government to endeavour to agree with the European Union an arrangement whereby UK citizens are not subject to the limit of 90 days in any 180-day period when travelling in other EU member states. The Government should negotiate the same length of stay as it will permit to EU citizens visiting the UK as tourists.