

e-Borders flies in face of freedom of movement in EU.

The RYA continues its argument that implementing the e-Borders programme in the recreational boating sector would be an inappropriate, disproportionate, ineffective and inefficient mechanism for securing the sea border.

The RYA has serious concerns that the e-Borders reporting methodology is simply not designed to accommodate the unscheduled activities of the recreational boating sector. In the absence of a carrier ticketing system, a passport 'control line' and attendant law enforcement assets, a system that relies on self-reporting by the law abiding majority is unlikely to present any meaningful challenge to those intent on avoiding detection at the border and the rationale for applying e-Borders controls across the geographic sea border is thus flawed.

As such the extension of the programme as we understand it to the recreational boating sector would, at significant cost to the taxpayer, fail to enhance detection at the border as intended and would not deliver value for money.

In 2009 the Home Affairs Select Committee's report of its investigation into the e-Borders programme concluded that: "the e-Borders programme is therefore, as far as we can ascertain, likely to be illegal under the EU Treaty."

The UK Government subsequently assured the EU Commission that it will not be made compulsory for travellers to provide their personal information and that travellers who have not provided the UK authorities with relevant personal information will not be denied the right to travel, thereby ensuring that the whole scheme does not fall foul of EU rules on the free movement of people within the EU. It remains unclear how the Government's proposals to implement the e-Borders programme comply with these assurances.

"If the e-Borders programme is to be implemented in the recreational boating sector then in our view the most appropriate, proportionate and cost-effective solution would be for only those persons who are not UK or EU citizens and who are on voyages outside the common travel area to be subject to a requirement to provide their details to the UKBA" concludes Gus Lewis.

RYA East vice-Chairman Garth Cooper said: "This is appalling news. It will have a significant impact on East Coast sailors especially those who at short notice decide to 'pop over' the pond for a night or two in Ostend. Not everyone will be able to give notice via the internet and few skippers have laptops and the like on board with which to do so. It will lead to chaos, I cannot see why the Government wants to proceed with introducing this cack-handed piece of legislation to leisure sailors when it's supposedly promised Brussels we will have unfettered freedom of movement as dictated by EU Treaty."