



23.2.2024

## NOTICE TO MEMBERS

**Subject: Petition No 1076/2018 by L. M. G. (Spanish) on legal uncertainty for EU citizens regarding Belgian-flagged vessels**

### 1. Summary of petition

The petitioner indicates that, following the entry into force of the Law on pleasure boats on 1 July 2018, at least 50% of the owners of a Belgian-flagged vessel, whether natural or legal persons, must be resident in Belgium. He argues that these new provisions are causing considerable legal uncertainty for all EU citizens who, in compliance with the previous legislation, decided to register their vessels in Belgium. The absence of common European legislation on recreational navigation means that EU citizens are required to comply with very different regulations, depending on the EU flag state. The petitioner is accordingly seeking action by the European Parliament to safeguard the rights of European citizens affected by this legislative amendment, calling on the relevant authorities to respect legal certainty and not to apply the laws retroactively.

### 2. Admissibility

Declared admissible on 26 February 2019. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 30 September 2019

#### The Commission's observations

The petitioner takes issue with the conditions and requirements for registration of ships by the Member States, in this case Belgium. Indeed, Article 6 of the Belgian law of 5 July 2018 on recreational navigation requires the nationality or residence of at least 50% of co-owners or shareholders of the ship applying to fly a Belgian flag. Preliminarily, the Commission cannot exclude that the Belgian legislation in question raises an issue of compliance with Articles 18,

49, 54 and 56 of the Treaty on the Functioning of the European Union (TFEU). Additionally, there could be other grounds in the EU *acquis* to examine the situation such as Directive 2006/123/EC<sup>1</sup> on services in the internal market. Therefore, the Commission would examine whether Belgian legislation is necessary and proportionate according to the applicable EU jurisprudence.

The Commission will inform the Committee on Petitions of the results of its assessment.

### Conclusion

The petitioner raises an issue of compatibility of certain aspects of the Belgian legislation with the EU right of establishment and freedom to provide services that the Commission will examine. The matter is complex because it touches upon international maritime rules and conventions.

The Commission will inform the Committee on Petitions of its final assessment on the matter including whether the EU intends to intervene or not after an in-depth investigation.

#### **4. Commission reply (REV), received on 23 February 2024**

There is no Union legislation related to registration of and navigation of recreational craft. From the perspective of the subsidiarity and proportionality principles, the Commission has currently no intention to propose a legislation in that regard. Therefore, this matter is of competence of Member States.

### Conclusion

The Commission has no competence to act. The petitioner should address its complaint directly to the Belgian authorities.

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<sup>1</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, OJ L 376, 27.12.2006, p. 36–68.