

Written evidence submitted by the DBA -The Barge Association (FRE0072)

DBA - The Barge Association (www.barges.org) is the representative body for owners of non commercial barges both in the UK and continental Europe. Our current membership of 1400 includes approximately 300 members who are citizens of the UK and normally resident within the UK but who keep their barge or other type of boat within the EU or who regularly sail there and further 150 members with UK citizenship who live on their boats in the EU.

During the oral evidence session on 30 June Joanna Cherry MP raised the issue of UK residents with properties in the EU and the Schengen limitation of a maximum of 90 days stay in 180 and the UK's generous offer of 180 days visa free travel for EU citizens visiting UK but with no apparent government negotiations for reciprocal action by the EU.

Progress has been made in retention of residence rights post Brexit for those UK citizens who already reside within the EU which we support but given that our members residing on boats find it harder to document their presence than those with bricks and mortar homes we seek an arrangement based on minimal bureaucracy.

Many of our members are not ordinarily resident in any one EU country but seek to spend time and travel within and between the EU countries; specifically the Schengen Area. We should like to present their case;

1) **Travel**

Many of our members are resident in the UK but keep their boat at a base in the EU (Schengen Area) or travel in their boat to the EU. Their rights will not be protected by any guarantees for established residents.

- 2) As well as boat owners there are hundreds of thousands of others who travel and live in Europe but are not in any one country long enough to be considered to be resident. Gap year and retired travellers, those with second homes, business people visiting and working across borders such as boat surveyors, boat deliverers and , lorry drivers travelling across Europe etc.
- 3) Should no agreement be reached on protection of existing travel arrangements then post Brexit within the Schengen area the EU's strict rules on length of stay for non EU visitors would apply – essentially 3 months maximum for the entire Schengen area, not just individual countries. This would make life exceedingly difficult for boat owners and others touring in Europe.
- 4) For non EU residents the standard allowance under Schengen rules since amendments in 2014 is 90 days within any 180 day period. The 180 days is a moving window, based on the approach of **looking backwards** at each day of the stay (be it at the moment of entry or at

the day of an actual check, such as inland police control or border check upon departure). For example an owner makes the first visit of the year to the boat in July and cruises for 90 days and then leaves. The owner cannot return until January the following year under the 180 day rule, and has thus only been able to stay for 90 days the whole year as he/she cannot utilise any of the time NOT spent in the EU from January to June towards the 180 days. Any further ad hoc visits the following year would then need to be in the period January to March (i.e. not after April) to avoid compromising an annual summer cruise of 90 days in July the following year.

After the 90 days has been used even if the boat is reported to be in danger he/she would be unable to return to deal with the emergency. 180 days of visa free travel per year would be the best solution to these complications.

- 5) Longer stay visas are not covered by the Schengen rules but are available from some countries on bilateral agreements, each with their own rules, negotiated before the existence of the EU, and which may be amended at any time. The process of obtaining one is generally long winded, expensive and requires proof of income/wealth and health insurance . Some have to be applied for in person at the consulate in advance and some can only be obtained after arrival. These are not robust or viable solutions and there is no visibility of the UK government negotiating such agreements with individual countries.

6) **VAT and import duties**

Boats are unlike ordinary chattels; they are subject to regular inspections and certification. A boat imported from outside the EU has to pay duty and VAT. A boat imported from England is currently VAT and duty free these being deemed to have been paid in the UK. Presumably anyone bringing a boat to the EU post Brexit will have to pay duty and VAT in the EU (should they not then get a refund of their UK VAT?) – but will owners of boats already in the EU have to pay VAT again in the EU plus duty? If so can exemptions be included in negotiation?

7) **Healthcare**

We hope that negotiations to continue the EHIC or similar reciprocal healthcare arrangements come to fruition. We are concerned too that the current S1 scheme should be continued not just for those already in the EU but for those who move to the EU or become eligible at a later date.

8) **Solutions?**

We draw your attention to the Associate European citizenship proposal from the EU negotiator Guy Verhofstadt in January 2020 . This would allow UK citizens to retain rights to live and travel in Europe if they wished to do so. It would not detract from Brexit.

Clearly something would have to be given in return but we look to retain all our current travel rights and seek a solution such as this that would do so. This or some modification is our preferred solution and we would ask you to support this proposal.

www.connexionfrance.com/French-news/Give-Britons-abroad-in-the-EU-associate-EU-citizenship-says-Guy-Verhofstadt

- 9) As mentioned above it is possible to obtain longer stay visas (over 90 days) but only in some countries and generally at considerable cost and bureaucracy. It is not our preferred option but if nothing better can be agreed an easier more flexible way of obtaining such visas for all Schengen countries could be agreed.
- 10) Australians and others benefit from slightly wider travel rules due to bilateral agreements with individual countries which pre-existed Schengen, presumably this is not open to us? Nor, again, is this our ideal solution – but their situation could perhaps provide leverage for extracting better terms on the basis that as some countries already have at least this much no precedent is being set?
- 11) Some countries (Bahamas, Barbados, Brazil, Saint Kitts and Nevis, Mauritius, and Seychelles) also benefit from an older definition of the Schengen non EU visitor short stay rules. The old definition is different to a “rolling” 6 months, as it begins on the date of first entry, and then will reset 6 months after that date. Using this calculation can allow for longer stays than the current definition. However, you cannot stay more than 90 continuous days, and then you would have to exit and re-enter the Schengen Area. Again whilst not solving all problems and far from our preferred solution this may provide negotiating leverage.
- 12) We are supporting the 180 / 365 day visa free travel campaign being mounted by 180daysvisa-free.org and many of our members have corresponded with their MP but usually with little response. The UK government have proposed allowing EU citizens to visit the UK for 180 days (presumably) per year and the EU negotiating paper (<https://ec.europa.eu/info/sites/info/files/200318-draft-agreement-gen.pdf>) page 171 (Mobility of Natural Persons) states:

*"The objective of this Title is to provide mobility arrangements between the Parties, to ensure the **full reciprocity of these arrangements**"*

and at the bottom of the same page

*"The Parties shall provide for reciprocal visa-free travel for citizens of the Union and citizens of the United Kingdom when travelling to the territory of the other party for short stays of a maximum duration as defined in the Parties' domestic legislation, which shall be **at least 90 days in any 180-day period.**"*

Given that we are offering 180 days visa free travel to the UK for EU citizens we do not understand why the UK negotiating objectives do not appear to include securing similar reciprocal arrangements with the EU

Summary

While we are a small subset of UK residents affected by both a no-deal Brexit or an unsatisfactory agreement taken along with the other groups described above and all other UK citizens wishing to holiday in the EU for more than a few weeks, there is a significant group whose needs are being ignored by the UK government with no apparent attempt to negotiate better terms on their behalf. We wish the UK Government to press for 180 days of visa free travel in the Schengen area in any one year in response to their offer to EU citizens.

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