

European Legalities from the Perspective of North American Cruisers

Mariners entering ports in the Med, Scandinavia, and the UK will want to be forehanded about the legalities of entering the territories. The discussions below will give you a heads up.

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Legalities

SY Moon Shadow, with her crew John Bell and Jil Westcott, sailed to Portugal in 2019, sat out COVID in 2020, and sailed into the Mediterranean in 2021. We plan to sail out in 2024. The Mediterranean Discussion reflects the varied legal requirements we've experienced during our cruise.



Moon Shadow awaiting customs Preveza, Greece



SY Maverick, with her crew Steve McInnis and Nancy Jamison, sailed to England in 2018 and is still cruising Northern Europe. The Scandinavian and UK discussions reflect their experience. Those sections also draw upon the general legal topics covered in the Mediterranean discussion.

Maverick in Flørli in the Lysefjord, Norway

Mediterranean Discussion

Thus far Moon Shadow has visited Portugal, Spain, France, Italy, Croatia, Greece and Turkey. While the legalities within the European Union countries are theoretically the same, in practice different countries apply the laws quite differently. In particular, Northern Europe has very different practices as you will see in the Scandinavian and UK Discussions below. Each non-EU country has its own unique laws.

Schengen

The Schengen treaty created an area within Europe that largely abolishes internal border controls. Most countries within the EU, excluding Ireland, Bulgaria, Romania and Cyprus, are included. Non EU countries Switzerland, Norway, Liechtenstein and Iceland are also members bringing the total to 27 countries.

Schengen permits non EU residents to pass freely through the Schengen countries for 90 days within a 180 day period. Upon leaving the Schengen area, be sure to insist on an exit stamp. The stamp provides

important proof that you have not overstayed. Penalties for overstaying include fines, deportation and entry bans that can range from a few months to several years.

Europe is now “implementing” an ETIAS travel authorization requirement to support Schengen controls. Their customs officers All countries will see the ETIAS on their systems attached to your passport number. Passport holders from around 60 countries – including citizens from the US, Canada, Mexico, and the UK – will require an ETIAS authorization for short-term stays, regardless of age. The EU defines a short-term stay as any visit, or combination of stays, that last up to 90 days within a 180-day period. This restriction is long-standing, but the ETIAS system will greatly simplify its enforcement. ETIAS is now scheduled to launch in 2025, which is a push-back from the previously planned 2020, 2022, 2023 and 2024 launches. The authorization must be obtained before entry.



Ibiza, Balearic Islands, Spain

Passports



Chioggia, Italy

You must have a valid passport. Be careful to check the expiration date as it must be valid for 6 months beyond your travel period.

You will be asked to show your passport frequently, including such activities as hotel registration, car rentals, some banking transactions (not ATMs), marina registration, and getting a cell phone plan (i.e. local chip), etc.

Face Checks



Western Greece

When initially arriving and departing the Schengen zone countries you will need to locate official ports of entry, and to seek out customs officials. Within Schengen, some customs officers require full crew attendance to match each person's face to their passport. Our experience in the Mediterranean varies widely from clearly designated "Customs Docks", (e.g., Croatia) to searching far and wide (e.g., Greece) to find the various officials who need to legally review/approve your entry.

This topic can't be generalized. If you search around the web, in several places we have found that designated marinas can facilitate entry or departure. Leaving Italy for Croatia (prior to its joining Schengen in 2023), we told the marina manager we want to depart on Tuesday about noon. He said fine, he'd arrange to have the Customs people come to the marina. When they arrived, they drove to the dock and I gave them our documents. They asked, "but where is your wife" (there were only two of us aboard). I call over to where Jil was rewiring a running light in the anchor locker, and she popped up her head. The officials said "Ah, now we see her", and stamped her passport.

Despite being the "European Union", there is significant local variation in procedures and requirements. For me, patience, speaking slowly, having all the imaginable documents, and smiling a lot seems to mostly work. It's their country and I am the guest. As an aside, several of our experiences entering the U.S. have been equally challenging. Multiple times (Culebra P.R., St. Augustine FL, Key West, FL) we have been instructed to get ourselves to some commercial harbor or inland airport to get stamped in. This has required renting bicycles or a car on more than one occasion.

VAT

A Non-EU flagged boat with a non-EU skipper may be brought into the EU temporarily without customs duties or Value Added Tax (VAT) being paid. Boats are placed under a 'temporary admission procedure' (TA) for 18 months. After that time, the boat must leave the EU or pay VAT. The boat can then re-enter for another 18 months.

Boarding and interrogation is likely so keep accurate records. Typically a marina bill at a non-EU country will qualify as proof of the boat's departure. A single night is sufficient. United Kingdom, Ireland, Cyprus, Turkey, Albania, Montenegro, Tunisia, Ceuta and Morocco are outside the TA. Some countries may consider Gibraltar outside the TA, but others do not thus that is a risky choice. Ceuta, a part of Spain but outside the TA, is only 14 NM from Gibraltar so it and Morocco provide excellent choices to leave the EU for the western Mediterranean. The Canary Islands remain outside the EU VAT and tend to treat all arriving yachts as if coming from any non-EU country (ref. Noonsite.com)

Insurance



Hydra, Greece

Many countries and some marinas insist on a minimum level of third-party insurance. A good source for information on specific requirements is Noonsite.com, a site organized by region and country, full of information on formalities, ports of entry, and more. It is well worth the time to explore. It is noted that during extensive cruising in England, Norway, and Sweden 2021-23, a CCA member was not asked for proof of insurance at any time.

It is best to carry a clear documentation of your insurance coverage, either the policy, a certificate of insurance, or a "Confirmation of Cover" document (one page, with clear info., in multiple languages). It has been our general experience in the Mediterranean that marinas often ask for the insurance coverage document and copy it for their files, as well as the ship's registration, at the time of arrival. Other than in Greece, we have never had the insurance document questioned, though they often examine the dollar amount of liability coverage. We carry \$500K of coverage, but need the larger coverage of our umbrella policy to be "legal" in Greece.

Greece is completely different. They require specific wording specifying the coverage is in accordance with Greek Law No. 4926/2002, with three paragraphs describing specific \$ limits for personal injury, third party liability, and marine pollution. The required "Transit Log" will not be issued without the proper insurance document. The requirements are so strict, that the Greek official we encountered checking out of Rhodes Greece, would not grant clearance because the insurance language we provided on entry (verbatim from the earlier official's requirements) differed very slightly from that of her official text. I had to "get" a modified insurance document that matched her form to leave the country. All this was exasperating and time consuming.

The Greek Transit Log is a requirement for cruising within the country and requires paying a fee (TEPAI) either monthly or annually. I was warned by one helpful official that the penalty for having your "valid" Transit Log, but not having paid the fee for the current month begins at \$5,000. Greek port police record port arrivals, departures, and intended destinations on the Transit Log at ports where they maintain a presence.

Certificate of Competency



Puerto de Soller, Mallorca, Balearic Islands, Spain

To quote Noonsite.com, “Many officials in the European countries expect to see some type of certificate of sailing competence even though the skipper’s flag country does not require them to have one. In Spain, although an International Certificate of Competence (ICC) is not required, many Spanish Harbor Masters believe it is, so it is advisable to have one”.

The US government is not a signatory to the ICC. Thus U.S. sailors use bareboat cruising courses, such as those from U.S. Sailing and the American Sailing Association, to qualify. Both mandate written and on the water skills demonstration for inland or coastal waters in winds up to 30 knots. Another source of equivalency is the certification offered by CCA for its members. It should be noted that USCG licensure, i.e. 50Ton Master Mariner license, is not accepted as equivalent to the ICC because there is no practical skills element.

Note also that a VHF operator’s license is required for U.S. yachts visiting foreign countries. At least one member of the crew must have a radio operator’s certificate of competence. The license is valid for 10 years. In the U.S. this means utilizing the Federal Communications Commission’s website to

register/complete the application for this license. A Google search for “FCC Ship Radio Stations Licensing” is the place to start. There is no fee, or test.

Customs Agents



Bozburum, Turkey

The idea that I would need to hire someone to fill out forms and traipse around to the offices of various Customs and Immigration officials has always rankled. As a DIY guy in many things this seems wasteful. However, we found checking into Greece to be a complex endeavor; some people hire an agent. It took us a good part of 3 days with visits to the Port Police, the Customs Office and the Post Office (for payments) to enter. We were advised that in Turkey it was really necessary in order to accelerate an often full 3-day process. Furthermore, cruisers recommended we should go to a particular Port of Entry, one of several on the southwestern coast, as it was a small town and the process moved much more smoothly. It was good advice. The Turkish officials spoke very little to no English and in 2023 they are trying to learn a new “very complicated” computer system. Our agent Kadir came to the rescue. He shows the officials how to solve various computing snafus and runs back and forth with extra copies of extra documents. What is the serial number of our dinghy? What is the serial number of our Yanmar engine? The questions seem both pointless and endless. Face checks were required. At least our standard insurance form is fine. Kadir ran our departure as well. While it seemed less necessary, I thought the combined fee was reasonable given the help he provided, and time he surely saved us.

Scandinavian Discussion

SY Maverick has cruised since 2018 in England, Scotland, Germany, Sweden, Denmark, Finland, Estonia and Norway. All of these countries, except England and Scotland, are Schengen countries. All except England, Scotland and Norway are also EU countries.

Our experience in those countries is quite different from the Mediterranean. In those years we have



never been asked for proof of insurance, nor have we ever had to check into any internal borders once we crossed the external Schengen border. Even at the border, it has been somewhat of a struggle to actually get a stamp into the Schengen zone. After sailing from Newport to England, we checked into England via satellite phone and did not have to visit immigration or customs offices. Arriving in Kiel Germany, the officials came to the boat and stamped the passports of two crew members who were leaving by air from Hamburg. However, they refused to stamp the passports of the remaining two continuing on in Schengen territory by boat. That almost caused a problem. We ultimately left Sweden via Icelandair, so one checks out of Schengen in Iceland. However, we did not have a stamp into Schengen. Luckily, our entry into England was within 90 days of departure via Iceland and thus the entry to England sufficed. Our advice is to be sure you obtain a passport stamp on entry into Schengen. When ETIAS takes effect be sure to document your entry via that system.

Geiranger Fjord, Seven Sisters Waterfall

Similarly, to avoid the 2022 problem when we sailed from Scotland to Bergen, Norway, we made our way to the airport to have our passports stamped by the police department office. The in-town police station was not equipped to handle this issue.

In all the years, once we were in, we did not have to check in or out in any locality. We were stopped for random checks in England, Scotland and Finland, but not for any entry process. Finland is incredibly strict on drinking and sailing, and in fact Steve was given a breathalyzer test at random from a police RIB! The boat has never been boarded or required to go to any government office.

The VAT situation can be an issue. Technically in the EU countries a foreign sailor sailing a foreign boat is limited to 18 months for the boat before VAT must be paid. There is some flux in Sweden recently about whether the foreign owner is allowed to leave the boat in the country and return home without

depositing the potential VAT and non-refundable customs fees. SY Maverick did not have an issue in 2018 when we overwintered in Stockholm, nor have other CCA member boats. This year, 2024, she will again be overwintering in Sweden, so we will publish an update.

Norway, outside the EU, has its own VAT scheme. There, you are not allowed to leave a boat for more than 6 weeks without a permit from the customs authority. The permit is for one year but can be automatically extended for a second year. SY Maverick has had this permit twice. In 2020 travel to Norway was not allowed due to COVID so the immigration authority kindly granted an extension for another year.

UK Discussion

The UK (including Scotland and Northern Ireland) has a fairly strict procedure for checking in, preferably before arrival. You are obligated to file a form C1331 which lists in some detail information about the boat, the passengers, destination plans, any prohibited goods aboard and similar items. Recently they have adopted an electronic version which is much preferred and is submitted online. If that can't be done, you must call the National Yachtline at +44 0300 123 2012 to complete the form over the phone. Complete details can be found at <https://www.gov.uk/guidance/submit-a-pleasure-craft-report>. Once admitted, foreign sailors have a 6 month period before leaving the country is required, and the boat has 18 months.

UK Border Force is fairly active in spot checks, but the only real problem we had was in 2021, when COVID was still a major issue for arriving in Scotland. We hired a Norwegian to deliver the boat from Norway to Scotland (since we were still not allowed to enter Norway due to COVID) and the Border Force agents in Inverness were quite put out about the arriving Norwegians and compliance with COVID rules. Since the crew was leaving the country immediately, and SY Maverick owners took responsibility for driving them to the Edinburgh airport, the Border Force finally gave in.



We have never been asked for any certificate of competency in any of the countries we visited, although we have no information on what would be required to charter a boat.

Callanish Stones, Isle of Lewis, Outer Hebrides, Scotland