

## Explanatory memorandum

EMH (European Maritime Heritage) is very pleased that the principle of traditional ships in operation is acknowledged in chapter 19 of EU 2006/87. EMH has attended the discussion in the JWG with interest and now likes to contribute to this discussion with a proposal for chapter 19 of the Directive 87/2006/EG on behalf of the organizations of owners of historical ships.

It is the fundamental interest of EMH to keep traditional ships in operation. Operating a vessel is the best way to preserve the knowledge and skills of the people and to maintain the functional capability of the vessels and their equipment. The consolidation of these both aspects is accepted as an essential principle regarding the preservation of maritime heritage. Without operating the vessel will not get the best possible maintenance, without vessels the special skills will disappear.

The philosophy to keep traditional ships in operation is supported by the Council of Europe and recorded in:

***Recommendation No.1486 (2000) „Maritime and Fluvial Heritage” of the Parliamentary Assembly of the Council of Europe.***

*National governments should:*

- xv. *support and encourage public and private bodies and voluntary associations which preserve historic vessels, or life size or large scale replicas, in working order;*
- xvi. *encourage the display and use of these vessels for the education and enjoyment of the general public*
- xvii. *encourage further development of a system of mutual acceptability by the maritime authorities of nation states of standards for the safe operation of traditional vessels in European waters*

In preparing this EMH proposal we have read the current JWG proposal from Germany, Poland and the Netherlands and the comments from Austria, Belgium and France. Especially the structure of the proposal is taken over gratefully.

Within this discussion we feel that there are some general accepted common premises:

- There are vessels which could be considered as historic vessels.
- These vessels are part of the cultural heritage and worthy of preservation.
- As a part of the cultural heritage these vessels should have the opportunity to be presented to the public.
- Historic vessels should have the opportunity to be preserved in operation

Taking into account these premises we consider the objective of chapter 19 shall be to enable preservation of the vessels with respect to their original material, their characteristic construction mannerl, their installation and items of equipment and/or characteristic use.

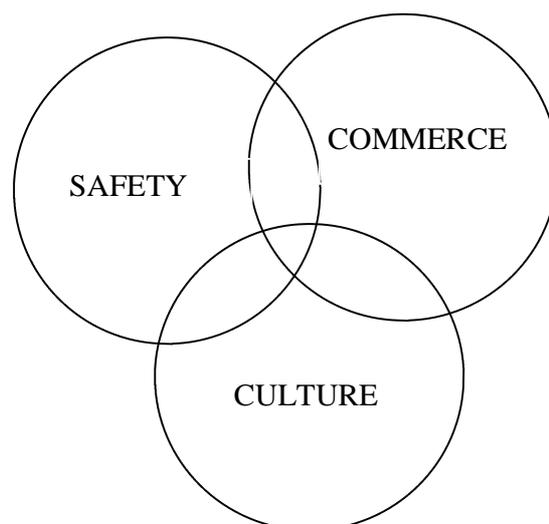
At the same time we have to ensure the operation and participation of these vessels in the public inland waterway traffic of today

Traditional ships have in general a fine safety record and there is no reason at all to consider them as substandard ships.

But they need the acknowledgement that parts of cultural value can be in contradiction with modern safety regulations.

It is uncertain to how many ships chapter 19 will apply. There are in Europe nowadays roughly two to three thousand traditional ships, but they will comply with the current regulations according article 8 of the guideline. Historic ships which have to comply with the guideline after 30 December 2008 are for example wrecks that will be rescued from scrapping, houseboats that will be restored for operation, replicas or vessels which like to change their function. The number is difficult to estimate, but could be twenty to fifty per year. The variety will be immense, both from regional and functional differences.

Within the EMH proposal in principle all traditional ships should comply with modern regulations like all other ships in inland navigation whether they are cargo vessels, passenger vessels or recreational vessels. For many regulations this does not have to be a major problem, but in some cases the cultural/ historical features would have to be changed irreversibly. Chapter 19 must permit the operator to propose how to retain historic features and at the same time meet an equal safety level in the sense of the regulations . And it must enable the administration to grant an exemption. If the cultural values of such a ship would be destroyed to comply with the regulations the administration should accept alternatives or deviations mainly based on old regulations or seamanship.



This idea is here shown graphically. Every ship has to comply with the appropriate safety regulations. And every ship owner has commercial demands (even a yachtsman

wants to cut his costs as much as possible). There are only minor differences in the small overlapping areas. The ship owner has to work out a compromise with the shipping authorities for these minor differences only.

For traditional ships a third circle of demands is involved. Depending from which historical values the owner likes to preserve there will be more or less overlap and discussion.

The way to act in practice to qualify for chapter 19 is as follows: The ship owner declares that his ship is a historic craft and that he intends to participate in inland navigation traffic being a historic cargo ship, a historic passenger ship or a historic recreational vessel. He presents documentation with the culture historical importance of his ship and especially the features he does not want to change including the equivalent arrangement he proposes to fulfil the regulations

It is not necessary to have the ship restored to a monumental status, but the deviations may enable any future restoration.