

EMH proposal 2006/87/EG Chapter 19

Definitions:

A) Part I is to be modified as follows:

a) Article 1.01 Definitions are to be modified as follows:

aa) the full stop behind 105 is replaced by a semicolon

bb) the following numbers are additionally to be inserted:

2 “historic craft”: a craft or a floating object or a floating establishment which gives evidence about a historical period or a historic event or a significant development and whose preservation or restoration is based on respect for original material or for authentic sources, or which is newly built based on respect for authentic sources and traditional craftsmanship.

106 “expert in historic craft”: a person or commission which is expert on the basis of knowledge and experience in the field of historic craft, their generally accepted rules of good shipbuilding technology and practice and regulations for their construction.

107 “historical point in time”: a point in time or a period within the lifespan of the craft between laying its keel and its approval as historic craft which is distinguished by a characteristic way of construction, installation and items of equipment and/or the characteristic use of the craft.

b) New Article 1.04a “Historic craft” to be inserted:

Article 1.04a

Historic craft

1. The applicant chooses the historical point in time for the historic craft.
2. The qualification of the craft as historic craft is part of the inspection in accordance with Chapter 2.
3. The additional indication historic craft and the historical point in time must be documented under point 52 of the Community certificate.

c) Article 2.01 to be modified as follows:

aa) at the end of paragraph 2 the full stop is replaced after character c by a semicolon

bb) under d) is added:

d) in case of an inspection of historic craft an expert in historic craft.

cc) the next paragraph 5 is added:

5. The appointment of the expert in historic craft shall be made by the authorities in the State in which the body is set up, based on a proposal from an organisation or institution which is recognised on account of knowledge and experience in the field of the relevant historic craft.

d) Chapter 19 is to be added:

Particular provisions for historic craft

Article 19.01

General provisions

1. Unless not otherwise specified in this Chapter the construction, installation and items of equipment of historic craft shall be in accordance with the provisions of the Chapters 3 to 18 and 20 to 23 of Part II.
2. If deviations according to Article 19.02 are allowed restrictions can be imposed in accordance with Article 19.04 paragraph 2, however taking into account the Recommendation No 1486 (2000) "Maritime and Fluvial Heritage" of the Parliamentary Assembly of the Council of Europe.
3. The list of allowed deviations according to Article 19.03 paragraph 1 character f, the documents according to Article 19.03 and the restrictions according to Article 19.04 shall be documented in the appendix Historic craft of the Community certificate. Under number 52 of the Community certificate the following note must be made:

See appendix Historic craft for the list of permitted deviations according to Article 19.04 paragraph 1 and for the restrictions according to Article 19.04 paragraph 2 ".

Article 19.02

Deviations of part II

1. Contrary to the provisions of the Chapters 3 to 18 and 20 to 23 of Part II historic craft may be built, arranged and equipped according to good ship building techniques and practice belonging to the period between laying its keel up to the chosen historical point in time.
2. Additions and adaptations from the period after the historical point in time shall be in accordance with the provisions of the Chapters 3 to 18 and 20 to 23 of Part II, unless it can be shown in accordance with Article 2.19 of Part II that these additions or adaptations are equivalent in safety to the provisions above-mentioned.

Article 19.03

Documents

The following documents shall be submitted to the inspection body:

- a) A declaration that the historic craft complies with the provisions of Article 19.02 paragraph 1 and complies with the definition of Article 1.01 paragraph 2;
- b) A declaration concerning the intended use of the historic craft and a safety scheme based on the intended use with regard to load, sailing area, meteorological and/or nautical conditions, number of persons on board, duration and/or hours of sailing;
- c) A specification of the historical and the present situation of the construction, installation and items of equipment by means of descriptions, drawings, photographs and/or similar documentation of the craft;
- d) A list of regulations or rules concerning the generally accepted rules of good shipbuilding technology and practice and regulations for the construction, valid at the historical point in time as far as these are required to justify the deviations from the requirements of Part II and as far as these can reasonably be retrieved;
- e) A list of the deviations from the provisions of the Chapters 3 to 18 and 20 to 23 of Part II on account of Article 19.02 paragraph 1.

Article 19.04

Procedure

1. The inspection body decides on the qualification according to Article 19.02 paragraph 1 and Article 1.01 paragraph 2 on the basis of the documents mentioned in Article 19.03 and establishes the list of allowed deviations from the provisions of the Chapters 3 to 18 and 20 to 23 of Part II on account of Article 19.02 paragraph 1. The opinion of the expert in historic craft is decisive regarding these decisions.
2. With regard to the intended use and the safety scheme as well as the construction, installation and items of equipment of the historic craft and in consideration of Article 19.01 paragraph 2 , the inspection body may set restrictions on:
 - a) the permitted load;
 - b) the permitted sailing area;
 - c) meteorological circumstances;
 - d) nautical circumstances;
 - e) the maximum number of persons on board;
 - f) the duration of sailing or the hours of sailing;

B) Appendix V is to be modified as follows:

Appendix "**Historic craft**" must be added at the end of appendix V;