

Commentary

Explanation per article

Art 1.01

Under number 2 the definition of the “historic craft” should be inserted. To insert this definition under number 2 is set up in using the generic term “craft” which includes some of the following subordinated terms.

The definition demands from a historic vessel to be of historic significance in the sense of giving evidence about a historical period or a historic event. This claim could be already satisfied for example with a part of the equipment or the matter of construction of the craft and does not necessarily aims at a completely restored craft. Nevertheless the preservation or restoring of the vessel should follow established rules for conservation and restoration of traditional ships in operation.

For replicas of historic vessels it should be necessary to obey both the authentic sources and a reconstruction following traditional craftsmanship.

Authentic sources are for example sketches, plans or technical drawings as well as analyses of archaeological findings, descriptions, photos or other documents which could be evaluated historically.

A reconstruction following these principles does not imply the inevitably use of original material but a reasonable argumentation when it is not used, by all means there will be the demand for using adequate technologies.

Under number 106 a definition of the “historic craft expert” should be inserted. This expert should be responsible for all the historical issues. The appointment of this expert will be according to a new article 2.01.

Under number 107 a definition of the “historical point of time” should be inserted. The “historical point in time” defines the historical state of the vessel. The properties of the construction state are “parental properties“ and hereditary to the next historical state of the historical point in time as far as they are following the construction rules of the particular historical period. The historical point in time includes all the properties from the historical state of construction up to the chosen historical point in time.

Art 1.04a

The owner of the craft is responsible to choose the historical point in time. In the course of the inspection procedure the historic craft expert should judge about the validity of the chosen historical point of time regarding the characteristic construction manner, installation and items of equipment and/or the characteristic use of the craft as well as the prospectively intended use.

With the inspection the historical point in time would become a constituent attribute of the historic vessel and should be documented in the Community certificate.

Art. 2.01

The appointment of the historic craft expert is subject to the responsibility of the administration of the flag state as well as the appointment of the other experts. There should be a tight cooperation between the authorities and the institutions or organisations running traditional vessels to guarantee competence regarding traditional vessels in operation. Regarding the wide variety of historical craft in some countries it could be necessary to have different experts for different types of craft, if one expert cannot cover the entire scope. The proposal tries to take this into account.

Art 19.01 part 1

Historic craft takes part in traffic of the inland navigation of today. Regarding this historic craft should be in line as far as possible with the quoted chapters of Annex II.

Art 19.01 part 2

Respecting the preservation order as the constitutive idea of the Chapter 19 deviations to the quoted Chapters of Annex II for historic vessels must be allowed. Deviations to the quoted Chapters of Annex II could be compensated to achieve an equivalent safety with the sanctions listed in Article 19.04 without using the procedure of Article 19 (2) of the Directive.

All restrictions should be applied with care regarding the desirable use of the vessel following the Recommendation no. 1486 (2000) of the Council of Europe and should neither change the appearance nor the technical function of the vessel.

The safety record of historic craft tends to show that the current maintenance and exploitation of historic craft at least adequately compensates the possibly lower current safety regulations.

Art 19.01 part 3

No comment

Art 19.02 part 1

In article 19.01 it is stated that in principle historic craft should comply with modern regulations. This article opens the regulations to allow deviations to the quoted chapters of Annex II to keep up features of the historic craft according to its historical state which is defined by the historical point in time.

Art 19.02 (2)

Contrary to part 1 this article aims at the additions and alterations of the historic craft which are not according to the historical state as defined by the historical point in time.

Such parts of the ship have to comply with the provisions of the specified chapters at Article. 19.01 (1) or in reference to Article 2.19 equivalent safety must be shown.

Art 19.03

The responsibility of the ship owner is to apply for the status as a historic craft, to choose the historical point in time, to make a declaration about the intended use, and to propose a safety scheme regarding the intended use and to provide a documentation of the vessel as well as the historical regulations required.

Art 19.04 part 1

No comment

Art 19.04 part 2

This article presents a catalogue of possible sanctions to achieve an equivalent safety changing neither the appearance nor the technical function of the historic vessel and without referring to the procedure of Article 19 (2) of the Directive.

Appendix V

No comment

Draft Version