

Explanatory memorandum

Introduction

EMH (European Maritime Heritage) is very pleased that the principle of traditional ships in operation is acknowledged in chapter 19 of EU 2006/87, even when this chapter is still empty. EMH has followed with interest the discussion in the JWG and likes to contribute to this discussion with a proposal for the content of chapter 19 on behalf of the owners of the ships in question.

It is the firm believe of EMH that traditional ships should remain in operation to provide the best possible maintenance. Without proper maintenance no ship will survive and without operating a ship the craftsmanship and seamanship of these ships will disappear. In short: No income, no upkeep.

This philosophy, to keep traditional ships in operation, is supported by the Council of Europe, recorded in a recommendation:

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

National governments should:

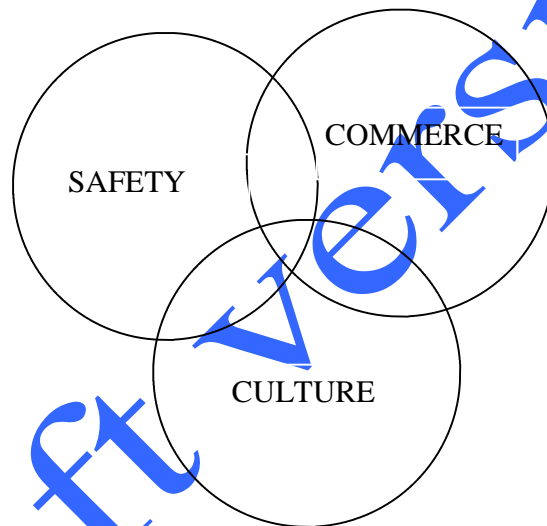
- xv. *support and encourage public and private bodies and voluntary associations which preserve historic vessels, or life size or large scale replicas, in working order;*
- xvi. *encourage the display and use of these vessels for the education and enjoyment of the general public*
- xvii. *encourage 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*

Operating a ship means participating in modern inland waterway traffic. Traditional ships have in general a fine safety record and there is no reason at all to consider them as substandard ships or in unequal competition with other ships.

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

It is most uncertain on how many ships chapter 19 will apply. There are in Europe nowadays roughly two till three thousand traditional ships, but they will comply with the current regulations according article 8 of the guideline. Historical ships that have to comply with the guideline after 28 December 2008 are for example wrecks that will be rescued from scrapping, houseboats that will be restored for operation, replicas or vessel that will be converted from cargo ship into passenger ship. 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.

For this reason in the EMH proposal in principle all traditional ships should comply with modern regulations like all other ships in inland navigation, whether they are cargo vessel, passenger vessel or recreational vessel. For many regulations this does not have to be a major problem, but in some cases the culture historical features would have to be changed irreversibly. Chapter 19 must enable the operator to propose an acceptable safety level that meets the reason for the relevant regulation that enables him to keep one or more historical features. And it must enable the administration to grant an exemption. If the cultural values of such a ship should be destroyed to comply with the regulations the administration should accept alternatives or deviations, mainly based on old regulations or seamanship. If this means that safety or equal competition is immediately endangered equivalent regulations or operative limitations could be considered.



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 yachtman wants to cut his costs as much as possible). If there is a conflict in the overlapping area the ship owner (or the branch organisation) has to work out a compromise with the shipping authorities.

And for traditional ships a third circle of demands is involved. Depending from which features the owner likes to preserve and how he wants to exploit the ship there will be more or less overlap and discussion. Partly with shipping authorities and partly with colleagues/competitors.

The way to proceed is as follows: The ship owner declares that his ship is a historic craft and that he likes 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 (this could be another device, but also another way of using the ship, like having volunteers

making a regular fire round instead of a having an alarm system or only sailing in day time during the summer).

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

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.

We like to thank especially prof. mr. M. Claringboud for his legal advice.

Draft Version