

Philosophy for Chapter 19 in Directive 2006/87/EC

There is a growing number of traditional ships that is in operation to earn money in order to preserve these ships. EMH, European Maritime Heritage (www.european-maritime-heritage.org), enhances the philosophy that for traditional ships (in operation) the adagio is: No income, no upkeep.

EMH laid this adagio down in the Barcelona Charter.

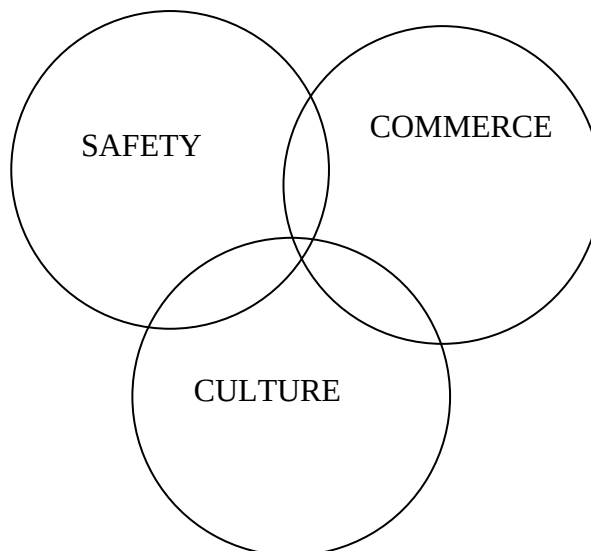
This philosophy, to keep traditional ships in operation, is supported by the Council of Europe, recorded in a recommendation:

*** Recommendation No.1486 (2000) „Maritime and 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 Directive 2006/87/EC, chapter 19 is introduced for such historical vessels in operation. If these vessels like to operate they automatically take part in general traffic and have to comply with the regulations of this directive, 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 equivalent for the demanded regulation that enables him to keep one or more historical features in combination with the desired safety level. And it must enable the administration to grant an exemption.



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). 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.

But in the view of EMH there should be an alternative for destroying maritime heritage. This may be an equivalent arrangement or a operational limitation.

It is the function of museums to preserve the best historical ships and private owners are also allowed to do so. But it is important to acknowledge that safety policy is meant neither to judge the culture historical qualities of maritime heritage nor to scrap those qualities for competition reasons only.

For the definition of historic ships, the definition of the Memorandum of Understanding for traditional ships (the Wilhelmshaven MoU) could be used;

“historic ships” can be all kinds of historical ships and their replicas including those designed to encourage and promote traditional skills and seamanship, that together serve as living cultural monuments, operated according to traditional principles of seamanship and technique.

The way to proceed is as follows: The ship owner declares that his ship is a historic ship and that he likes to participate in general traffic being a cargo ship, a passenger ship or a recreational vessel. According to the principles of the Barcelona Charter 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). The administration has to evaluate both the historic value and the equivalent arrangement. In case of doubt about the historic arguments the administration can ask advice from experts (according article 2.01.4 of annex II of the guideline). If the exemption is granted in the ship certificate will be mentioned that this is a historic ship and for which articles an exemption is valid.

Differences between this philosophy and the German proposal

In the German proposal a rather specified use displaying the culture historical heritage as a historical vessel is described. This would mean another category next to cargo ship, passenger ship and recreational vessel. The advantage of that idea is that rather complete historic ships could be used in general traffic on the basis of their original regulations. These regulations, especially on items like hull, machinery etcetera, will be frozen on a certain date and the ship can be kept in its original condition.

The advantage of the EMH proposal is that many more culture historical features on board of more or less authentic ships could be preserved in different stages of authenticity earning money for their upkeep.

Both proposals bear a lot of similarities and could be combined. In that case the German proposal would be a special case within the EMH proposal.

Enkhuizen, 31 January 2007