

European Maritime Heritage  
- Safety Council -  
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Bremen, 21/04/16

Dear Mrs. Berg,  
dear Mr. Bendetti,  
dear Mr. Burke,  
dear Mrs. Dubkova,

we would like to thank you for the very interesting meeting in March.

We appreciate your intent to clarify the rules for the application of Directive 2009/45/EC for sailing vessels. The statement that sailing ships “not propelled by mechanical means” may very well have an engine is helpful. We fully agree with that. We believe that it will clarify that sailing vessels do not fall within the scope of the Directive.

We also discussed the rules for historical vessels, in particularly the threshold “built before 1965” in Art 3 (2a) v. If this provision only applies to ships that were certified as passenger vessels built before 1965, we agree that an amendment is not necessary as passenger vessels built after 1965 had to comply with SOLAS from the beginning.

However, then the fate of those historical vessels that are neither sailing ships nor were originally passenger ships, remains unclear. For instance, Tugs or Ice-breakers, such as the German Ice-Breaker *Stettin* ([www.dampf-eisbrecher-stettin.de](http://www.dampf-eisbrecher-stettin.de)), ships that sail with more than 12 paying passengers, will not be excluded from the scope of the Directive. In Norway for example the historical fishing fleet represents a building tradition dating back from 1500 up until 1980. These vessels are today dependent on passengers for ongoing upkeep and maintenance. Examples of this type of ships can be found all over Europe.

We estimate there are about 100 ships of this kind in Europe. These ships are an important and widely recognized part of our shared European maritime heritage and some of them sail with passengers as historical ships since decades. All of these ships are issued with national safety certificates by their flag states.

If the Commission believes with us that the Directive should not apply to this category of traditional ships, we think the Directive needs to be amended.

We are aware of your alternative proposals for a change of Art 3 (2a) v. We think that only the first alternative (according to Directive 2002/59, Art 3 q):

*“traditional ships are 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”*

would also cover the above mentioned group of ships, whereas the second proposal:

*“traditional ships are all kinds of historical passenger ships designed before 1965 and their replicas built predominantly with the original materials, including those designed to encourage and promote traditional skills and seamanship and technique”*

would mean that these ships must comply with the Directive 2009/45/EC, which they cannot due to their built.

We would appreciate if you could consider this.

If you need further information, please do not hesitate to contact us.

With kind regards

A handwritten signature in blue ink, appearing to read 'Hoppe', with a stylized flourish at the end.

(Thomas Hoppe)