

## **Discussion and commentary about the definitions for "vehicles of historical interest" in the European Roadworthiness Package (directive 2014/45/EU from 3 April 2014<sup>1</sup>)**

The aforementioned EU directive defines a "vehicles of historical interest" as follows:

" 'vehicle of historical interest' means any vehicle which is considered to be historical by the Member State of registration or one of its appointed authorising bodies and which fulfils all the following conditions:

- it was manufactured or registered for the first time at least 30 years ago;
- its specific type, as defined in the relevant Union or national law, is no longer in production;
- it is historically preserved and maintained in its original state and has not undergone substantial changes in the technical characteristics of its main components<sup>2</sup>

If all these characteristics are met, such vehicles may be operated on public roads within an individual framework of legislation adopted by the individual member states and on the bases of a separate technical inspection.

In Germany, this currently is § 23StVZO ("H-Kennzeichen"), according to which vehicles that "serve to preserve and represent motor vehicle cultural heritage" can be operated on public roads. In this way, motor vehicles which, due to their historical construction, do not comply with today's technical principles and traffic legislation can be preserved, including their per se "active parameters". Doing so, this equally includes the preservation of knowledge about their construction, operation and maintenance.

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<sup>1</sup> for the English text version of the directive see:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0045&from=EN> (session form 29-May-9) published in: Official Journal of the European Union, Vol 57, 29. April 2014m p. 51ff.

- the related EU website also gives access to versions in other languages

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32014L0045&from=EN> (session form 29-May-9) published in: Official Journal of the European Union, Vol 57, 29. April 2014m p. 57

## 1. Basic considerations

Since the EU directive is generally referring to a definition on the basis of "historic interest"<sup>3</sup>, the basic criteria and concepts acknowledged in historical sciences and cultural heritage must be applied here<sup>4</sup>.

In art and cultural history, the so-called "life cycle" of historic objects has long been recognized. It is divided into three successive phases:

1. the "phase of normal use"
2. the "phase of neglect"
3. the "collection phase"  
(for related professionally acknowledged definitions of terms in historical sciences and cultural assets protection, see appendix 1)

This "life cycle" also applies to technical artifacts such as historic vehicles.

The life of every vehicle started with its production, at that time it is in mint condition. This is called "primary condition" or "delivery condition". In this state, a vehicle represents the design intended by the manufacturer, the state of technology at the time of construction and the "state-of-the-art" methods used for its production. In the following the vehicle is put into use and here begins the "phase of normal use". A vehicle will be operated as an ordinary commodity here, possibly adapted to changing circumstances and intended use, and maintained with normal repairs. As a result of aging and increased wear and tear, the vehicle bit by bit loses monetary value and is considered more or less as a well-maintained used vehicle.

At the end of the phase of normal use, an object/vehicle is discarded because it is usually unfashionable, damaged or unusable. At that time, the original number of corresponding objects/vehicles is usually greatly reduced because many of them are simply thrown away or scrapped.

This is referred to as the "phase of neglect". In the case of motor vehicles, this is how the life of a normal "used car" ends.

If an object/vehicle survives the "phase of neglect", it is possible that after some time it will be rediscovered and brought back to life. In the vast majority of cases, however, this does not happen in the sense of a normal commodity/used car, but rather as a "special object", a historic collector's item or as an historic object of emotional value. This frequently leads to such rare objects/vehicles gaining monetary value over time and sometimes even selling at higher prices than their original value. The cost of their maintenance and restoration is higher and the cost greatly outweighs the original price of the used vehicle.

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<sup>3</sup> directive 2014/45/EU from 3 April 2014, p. 51, section 13, and p. 57, section 7, - requirements for a "vehicle of historic interest"

<sup>4</sup> see for example: Barbara Appelbaum: „Conservation Treatment Methodology“, 2007

For the registration and active use of such vehicles on public roads or for their insurance, there are often special regulations in place that distinguish them from normal means of transport.

These are all clear indications that an object/vehicle is no longer in the "normal use phase", but in the so-called "collection phase"<sup>5</sup>

The changes that were made in the collection phase are not a part of the historic original, because the "collector's view" changes an object/vehicle for reasons other than just historic and social circumstances. Changes in the collection period can even lead to the loss of the original cultural-historic content and thus also the historic statement of an object/vehicle.

In contrary to that, changes made during the phase of normal use can give us important historic and/or material information on technical, social, economic and political developments in this timespan and the circumstances of that era. The modifications are thus important sources of usage and contemporary history and, according to the interpretation of cultural asset protection, belong to the "historic original" (note: in such cases we only talk about modifications, which are comprehensibly documented for the individual vehicle and actually have been implemented and completed in its phase of normal use. So this does not involve changes from the collection phase, which may have been executed in a "traditional way", in a "historicizing look" or using historic parts!).

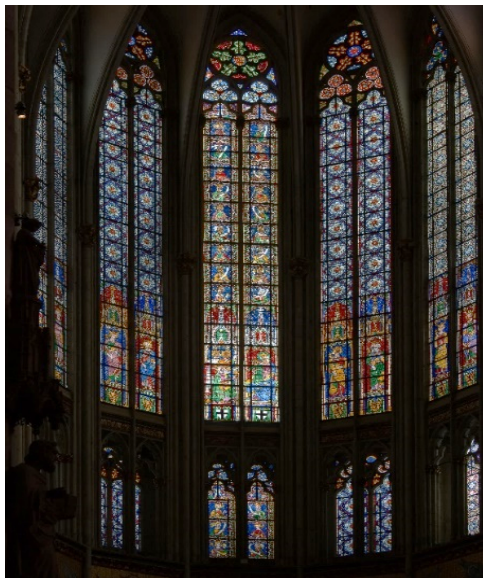
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<sup>5</sup> for details on the criteria to define these phases, see see for example: Barbara Appelbaum: „Conservation Treatment Methodology“, 2007, and the related definitions compiled accordingly in appendix I

## 2. Case studies & examples

Numerous cultural assets of undoubted historic interest include components from the period of their normal use. These are, of course, important parts of their history and today preserved as testimonials of their cultural importance :

### The Cologne Cathedral (Cathedral Saint Peter, Cologne)



The construction of this world-famous building began in 1248, the two main towers were added between the years 1419 and 1880.

The Gero Cross in the Chapel of the Cross dates back to 970 and in 1270 was taken over from the destroyed predecessor building (dated from 873) to the new building. The carved choir stalls in the southeastern part of the inner choir were installed between 1308 and 1311.

The main altar was consecrated around 1355, whereas other altars, sculptures and fixtures date from different periods of the 13th and 14th century.

The carved Agilolfus shrine in the southern transept dates back to the 16th century. It was created in Antwerp and was originally designed for the collegiate church of St. Maria ad Gradus in Cologne. It was translocated to the Cathedral of St. Peter in 1817. The Shrine of the Three Kings, which made Cologne one of the most important places of pilgrimage in Germany in the Middle Ages, was created around 1200 for the Hildebold Cathedral and was erected in 1322 in the then newly built St. Peter's Cathedral in Cologne.

The glass windows of the cathedral were made between the 13th and the 19th century.

The decorative tombs inside the cathedral were built between 1260 and 2005.

The murals of the choir were painted in 1838 by Edward von Steinle.

The mosaic floor of the choir room was designed around 1885 by August Essenwein and completed in 1892.

The stone sculptures of the south portal were designed in 1847 by Ludwig Schwanthaler.

The Cologne Cathedral today is recognized as UNESCO World Heritage Site.

Together with all its architectural parts, historic components and inventories, the cathedral also is registered as Cultural Heritage of special importance, protected by §12 of the German Monument Protection Act. At the same time, the building continues to be in daily use for church sermons by the parish of the bishop's see in Cologne.

## Lightweight railcar „Blue Arrow“ of the Bern-Lötschberg-Simplon railway



This electric train with self-supporting lightweight carriage bodies called "Blue Arrow" was built in 1938. It is considered to be the archetype of today's S-Bahn, Metro and regional trains.

Until 1983, the train was in operation on the Bern-Neuenburg railway line and covered the entire network of the Bern-Lötschberg-Simplon railway. Later it was used on the network of the Sensetalbahn until 1999. Due to these circumstances, the two remaining railcars were changed significantly in the 1980s.

The train was restored between 2011 and 2014 under the supervision of the Swiss office for the preservation of historic monuments. The third class car belonging to the "Blue Arrow" now illustrates its primary condition from 1938, whereas the other car shows the layout the train was operated with since 1985. The treatment concept emphasized the preservation of the historic fabric and avoided extensive reconstructions.

In this configuration, the "Blue Arrow" was classified as a Mobile Cultural Asset and Cultural Heritage in the Swiss canton of Bern and received the Monument Conservation Prize awarded by the Conference of Swiss Conservationists (KSD) in 2015. Today, the train is used for charter and public trips between Spietz and Interlaken.

## Germain Lambert Cabriolet CS



This racecar was built in 1951. In its three-year competition history, it was fitted with various adjustments, improvements and modifications and repainted several times. In the configuration visible today, it won the 1953 "Bol d 'Or" competition in Montlhéry, France.

In its present historic (modified) configuration the car is listed as National Cultural Heritage of France.

## Cadillac Type 57 Touring „U.S. 1257X“



The car was manufactured in 1917 as a civilian vehicle, initially painted in a dark blue color and delivered to New York. The first owner donated the car in 1918, to support the US troops entering the First World War in France.

Designated to be an orderly car in France, the car was repainted with an olive camouflage paint and military identification numbers. In the following it was used in the 2. Battle of the Somme, where the engine was hit by a bullet, but received no permanent damage.

In the 1930s, the vehicle returned to the US, where it was used as a prop for shooting a war movie. On this occasion, it received a new olive green paint job and military markings were changed as well.

In 2005, it was rediscovered in a barn.

Twelve years later, the vehicle was conserved and carefully put to operating condition again. The traces coming from all of its three "life phases" and the associated changes were consciously preserved, as well as the "war damage" on the engine block (which does not affect functionality).

The vehicle in the meantime is listed in the National Historic Vehicle Register (- the official "vehicle counterpart" to the Protected Monuments List for buildings and sites in the United States) and is now protected as National Cultural Heritage.



## Historic ferry „MS Baden“



The ship was built in 1935 as the flagship of the Konstanz ferry fleet on Lake Constance. In 1945, it was damaged during an air raid, repaired and used as a floating casino for the French occupation forces after World War II.

The "Baden" then was overhauled and again put into transport service as a ferry in 1949. In the late 1990s, it was transferred to a "dancehall ship" on Lake Constance.

In more than 70 years of service, the „Baden“ was reconditioned over and over again and kept in "state-of-the-art condition", according to contemporary circumstances. The technical components were changed and the historic interior decoration gradually modernized. The ship was restored 2011 - 2014 under the survey of the office for monuments conservation and the Denkmalstiftung Baden-Württemberg. It was listed as a Historic Monument in 2014 and used for ancillary service and round trips now.

## Steamboat "Schaarhörn"



Built in 1908 on behalf of the City of Hamburg at the "Schiffswerft und Maschinenfabrik A. G." in Steinwerder, the "Schaarhörn" was constructed as a depth sounding ship with a double-screw drive system. The ship in the following was used for representation trips by the Senate of Hamburg.

In 1927/28, significant parts of the steam propulsion and control system were rebuilt and modernized.

Today the ship is used for touristic excursions and listed as a Historic Monument in Hamburg (including the components changed in the 1920s). In addition to that, it is officially recognized as National Cultural Heritage of Germany.

## Steam icebreaker "Stettin"



Built in 1933, she is Germany's last remaining coal-powered ship in operable condition. The "Stettin" was constructed as an icebreaker for the North and Baltic Sea coast, the Elbe-Lübeck Canal and the Lower Elbe.

After the Second World War, the ship was repaired and repainted in the colors of the new operator, the Wasser- und Schifffahrtsamt Hamburg (- instead of the first paint scheme showing a black hull, white superstructure and a black and white chimney, it now bears a black hull, gray and white superstructure and a yellow chimney with black top).

It was in normal use as an icebreaker until 1981, repeatedly repaired and equipped with state-of-the-art safety technology.

In 1982, the ship was saved from scrapping and reconditioned. It has then been used for touristic excursions.

Since 1982 the "Stettin" has been recognized as a Technical Cultural Monument of Hamburg, whereby retaining the historic, second color scheme from 1945 was considered mandatory by the monument preservation officials. In addition, the ship today is listed as a National Cultural Heritage of Germany.

## Organ of the Barholomäberg parish church

(just one example for a great number of historic organs, being complex musical instruments and at the same time functional technical objects. Here alterations coming from their use under varying historic circumstances over time usually are preserved as valuable witnesses of history)



Constructed in 1792 by the organ builder Johann Michael Graß from Vorarlberg, the organ was significantly expanded and partially rebuilt in the 19<sup>th</sup> century. Today the instrument still is regularly played in church services and concerts. The instrument is protected as Historic Monument in Vorarlberg/Austria, including the historic changes from the period of normal use.

All these examples illustrate how changes from the "phase of normal use" are taken into account as important parts of the historic original in historical science and the protection of cultural assets. This takes into account that such modifications often are material sources and important testimonies of social and technical history. Just for that, they are valued to be preserved and protected. Consequently, a focus of "historic interest" or historic importance cannot exclusively aim on displaying "delivery condition".

Here treatments to "bring back" a feigned "primary condition" is considered only in exceptional cases (- just imagine the vandalizing attempt to "restore" the Cologne Cathedral "to the state in which it was initially built", by removing all assets coming from later historic periods!).

### **3. More examples of historically interesting modifications found on vehicles**

#### **"A mobile dovecote" in the First World War**



The conversion of a civilian truck for the transport of messenger pigeons in the First World War illustrates how the most modern motorized transportation was used in military communications and thus changed the history of warfare in the 20th century (- the case shown above represents something like "the WiFi of 1916"). This also

applies to many other military or civilian vehicle modifications, which have been preserved as witnesses of historic circumstances.

**“pragmatic conversions” of vehicles during and shortly after the 2nd World War**



An Opel Kapitän built in 1939, converted in the 1940s to wood gas propulsion and a Citroen V4A built in 1930, converted in 1950 into a mobile band saw.

Utilitarian conversions like these show in a unique way how the public had to deal with a general shortage of resources in the destroyed economy at that time, - a pragmatic approach, which for example was crucial for the following "Wirtschaftswunder" in Germany.

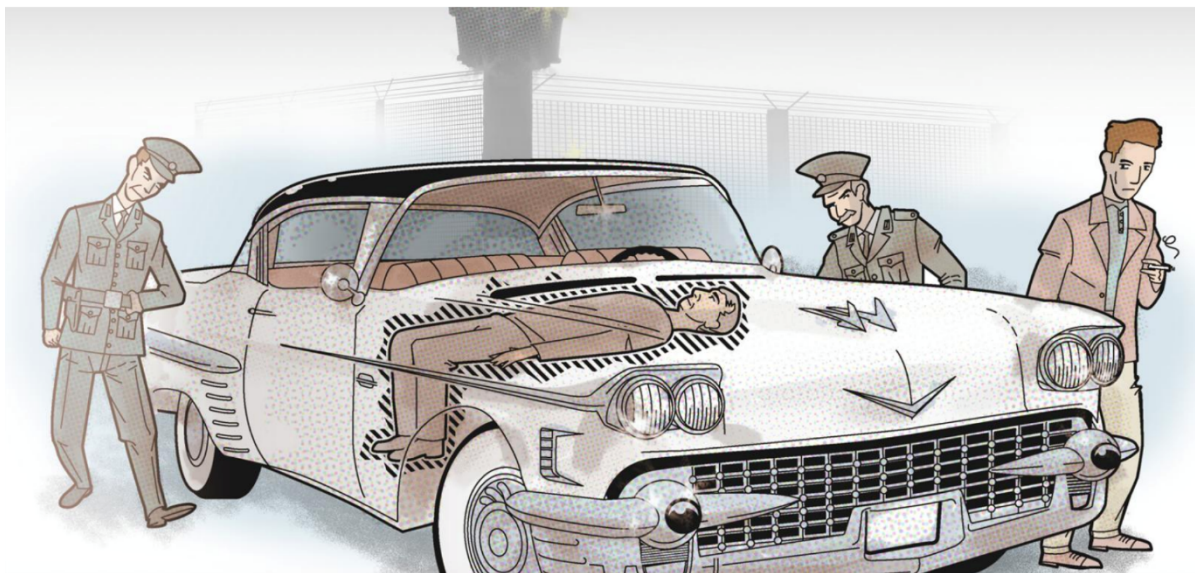
### VW transporter, converted to a police vehicle for covert surveillance in 1966



This vehicle gives unique insight into police work "keeping track of the latest developments" in the 1960s.

At that time, it was common practice to convert vehicles immediately after they were delivered from the factory, to turn them into service cars for police, firefighter or ambulance use, hearses or other specially equipped commercial vehicles. These changes for example are of historic interest for the evolution of commercial mobility, historic developments of the economy and the security infrastructure of our society.

## "Trafficking Cadillac"



A Cadillac DeVille Coupé built in 1957 was converted in 1964 to smuggle people out of the GDR inside the modified dashboard. This conversion, which helped 200 people escape the socialist part of Germany, is of much greater historic interest than the underlying standard model.

For "slipping" out people from the GDR between 1961 and 1989, also a number of other vehicles were converted in a very different ways (- false bottoms in the trunk or under the back seat, conversion of the tank system to make an "hiding space" and many more). Today they represent unique artifacts of German history.



Custom paint jobs and car tuning as testimony of historic youth culture



John Lennon's custom painted Rolls Royce Phantom V, Janis Joplin's Porsche 356 Convertible and an "hippie bus" typical for the era of the 1960s and 1970s, - today these are historically valuable testimonies of the youth culture in that era.

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## Vehicles customized by artists



BMW 320i, built 1977, customized by the American pop artist Roy Lichtenstein and Matra 530, 1973, with one-off paint design by the French artist Sonia Delaunay

“Art Cars” like this also have been modified to a lesser or greater extent after being delivered from the manufacturer. It is obvious their individual modifications have to be regarded important and worth preserving as a part of modern art history.

## Custom modified "Popemobile" from 1980



This vehicle was modified for Pope John Paul II., a Mercedes-Benz 230 G model. After the attempted assassination against the Pope in 1981, the vehicle was changed once more and secured with bulletproof glass, to meet the increased safety requirements for public appearances of the Pontifex.

## A Dodge pickup truck used as a mobile discotheque



This vehicle from the 1950s is just one example of many similarly creative modifications, which represent the typical DJ and sound system culture in Jamaica since the 1960s.

(of course, this list is by no means complete and can easily be extended by many additional examples).

### 4. Summary

As terms used in the directive like "of historic interest," "historically preserved", „maintained in its original state", "conserve the heritage of the period" (see p. 52, section 13 and p. 57, section 7, requirements for a "vehicle of historic interest") clearly refer to criteria and terms of cultural history, it must be assumed also their interpretation has to follow the acknowledged interpretation in cultural-historic science Therefore their interpretation has to take a holistic approach on the historic original, means configurations rooting in the delivery state of a vehicle, but also include and accept historic modifications done in its time of normal use.

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It is very important to emphasize here this only refers to modifications, which are comprehensibly documented for the individual vehicle and actually have been implemented and completed in its phase of normal use. So this does not involve changes from the collection phase, which may have been done in a “traditional way” or in a “historicizing look” using historic parts.

Of course also within such a framework justified by the criteria of cultural science, any vehicle registered for a use on public roads has to meet basic safety regulations (see directive, p. 53, section (18)). This principle of course also applies to historic modifications. The same is common practice for historically valuable buildings like the Cologne Cathedral, when it comes to requirements concerning fire safety or the structural stability of the building in general.

## **Appendix 1:**

### **Professional definitions in historical sciences and cultural assets protection: illustrating the difference between "normal use phase" and "collection phase"**

To the end of their phase of normal use, most objects of utility like motor vehicles are discarded, because they are unfashionable, damaged or otherwise unusable. At that time, the initial number of vehicles related to a model usually is greatly reduced, as most of them are just scrapped.

This treatment is referred to as the beginning of the "phase of neglect". In the case of motor vehicles, this is how the life of a normal "used car" ends.

If an object/vehicle happens to survive the "phase of neglect" (for example when put to storage or just "forgotten" somewhere in a barn), it may be rediscovered and brought back to life after some time. For the vast majority of cases, however, this will not be done in the sense of a normal commodity and simple "used car", but as a "special object", a collector's item or a historic object of commemorative and emotional value.

This frequently leads to such rare objects/vehicles gaining monetary value over time, - so in some cases they may even sell at higher prices than their initial value when delivered from the factory.

The expenses made for their upkeep and restoration usually are higher than accepted for the maintenance of a "simple used vehicle".

For registration and active use on public roads as well as for their insurance special regulations are provided, distinguishing the related vehicles from normal means of transport.

These points are clear indications for the vehicle in question to be no longer in the "normal use phase", but in the so-called "collection phase".

Changes made in the collection phase are not a part of the historic original, as the "collector's view" changes an object/vehicle for reasons other than those that are purely technical or historic-period-contemporary. Changes in the collection phase can even lead to the loss of the original cultural-historic content and thus also the historic significance of a vehicle.

As the indicators above describe, it does not make sense to define the individual life phases by rigid time sequences like "10 years after the first registration the period of use has ended". Instead, the parameters of each individual vehicle must be considered, verified by historic sources and documentation.