

## 1. Argentina

### NATIONAL COASTAL MERCHANT SHIPPING ACT, No. 12980, 1944<sup>1</sup>

#### CHAPTER I. GENERAL PROVISIONS

*Article 1.* National coastal shipping, communication and trade may be carried on only by Argentine vessels.

*Article 2.* An Argentine vessel may be authorized to engage in coastal merchant shipping and use the national flag in accordance with law provided that the following conditions are satisfied:

- (a) It must be registered in the national register;
- (b) Its master and officers must be Argentine nationals and hold Argentine certificates of qualification;
- (c) At least one-quarter of its whole company as shown on the crew list shall be Argentine nationals;
- (d) The national language shall be used in all orders, oral and written, in the vessel's standing orders, in all records and books, in the documents required by the Commercial Code, Book III, and in all inscriptions on engine-room telegraphs, living quarters and compartments.

*Article 3.* Vessels flying a foreign flag in waters under Argentine jurisdiction may, save only for the exceptions contained in the next article, engage in international merchant shipping only.

*Article 4.* Vessels engaged in the frontier coastal trade in accordance with an international treaty, convention or agreement shall be exempted from the restrictions imposed by the previous article.

*Article 5.* Argentine vessels plying between an Argentine port and one or more ports of adjacent countries shall be governed by the same provisions of law and benefit by the same privileges as vessels engaged in the frontier coastal trade.

*Article 6.* Where in exceptional circumstances a coastal area cannot be supplied with necessary provisions or a contract fulfilled because suitable Argentine vessels are not available, the Executive Power may for the duration of the emergency grant temporary individual permits to foreign vessels to perform the required services.

*Article 7.* A naval vessel or craft shall be deemed to be Argentine-built if built or fitted out in Argentine territory.

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*Article 13.* Any person appointed by the master of a vessel to work in its navigation, maintenance or services shall be deemed to be a member of its crew. Staff coming aboard to perform other work, even if they go to sea in the vessel, are not members of the crew.

<sup>1</sup> *Decretos Nacionales*, July—December 1944, p. 75. Translation by the Secretariat of the United Nations.

*Article 14.* The owner, manager, captain or master of a vessel carrying the national flag shall be obliged to employ therein, if available, such number of seamen of Argentine nationality registered in a seamen's licensing office as constitutes the statutory proportion of the whole company of the vessel.

If registered seamen of Argentine nationality are not available in the particular place, aliens may be engaged in their stead, and the fact shall be recorded on the crew list.

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*Article 55.* In making orders under this Act the Executive Power shall avoid enacting any provision placing Argentine-registered vessels in a worse position than foreign vessels, and shall adopt the following table of definitions, and shall itself enact definitions of all other customary and technical terms relating to vessels, maritime matters in general and shipping used in current statutes and orders: that is to say—

1. Vessel (*barco* or *embarcación*) means a vessel made of wood, iron or other material, which floats and is capable, when propelled and directed by suitable internal or external mechanism, of transporting by water persons or objects or of being used as a store or in commercial or industrial operations;

The word *barco* or *embarcación*, which replaces the word *buque* (ship) used in the Commercial Code, includes the hull, keel, machinery and other equipment enabling navigation to be performed within the meaning of article 856 of the Code;

2. Ship (*buque*) means a vessel in which the product of its greatest length, its greatest width and the distance between the upper surface of its keel and the under surface of its upper deck is 25 cubic metres or over;

3. Small vessel (*embarcación menor*) means a vessel in which the product aforesaid is less than 25 cubic metres.

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5. Merchant vessel means a vessel employed in the commercial transport of passengers, goods, or animals or in industrial operations of any kind;

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8. International merchant shipping means merchant shipping between ports of different States;

9. Coastal shipping means communication and commerce between ports of the same country carried on in sight of the coast except where, to reduce distance, a course is set between two headlands.

10. National coastal trade means coastal trade carried on between ports of the Republic only;

11. Frontier coastal trade means coastal trade in the course of which stops are made on the coast of adjacent countries in accordance with a treaty, convention or reciprocal agreement;

12. Voyage means the passage of a vessel from the place where it prepares to carry out its commission until it arrives at its ultimate destination;

13. Prolongation of a voyage means additional passages, stops or absence from the port of register exceeding by not more than 20 per cent the time which the voyage was expected to take.

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