

4. Brazil

(a) PORT OFFICERS REGULATIONS, MADE UNDER DECREE NO. 5798, OF 11 JUNE 1940.¹

CHAPTER XXIII. NATIONALITY OF VESSELS

Article 183. A merchant vessel shall not be classed as a Brazilian ship, and shall not be entitled to the privileges of Brazilian nationality unless the following requirements are satisfied:

(a) The owner must be a Brazilian national by birth, or a Brazilian company or undertaking constituted according to law;

(b) The ship must be entered in the list of a port office and manned according to law.

Paragraph 1. A vessel not being a fishing vessel, which is classed as a harbour traffic vessel, may be owned by an alien.

Paragraph 2. A vessel engaged in harbour traffic shall, even if in alien ownership, be a national vessel.

Article 184. A vessel may acquire nationality and benefit by the privileges thereof if it has been—

(a) Captured from the enemy and declared lawful prize;

(b) Confiscated for breach of Brazilian law;

(c) Found by a Brazilian vessel abandoned on the high seas.

Sole paragraph. Such a vessel shall also satisfy the requirements of article 183.

Article 185. Evidence of the Brazilian nationality of a vessel shall be constituted by a certificate of registration issued by the Maritime Administrative Court or, if the vessel is under 20 tons burden, by a listing certificate issued by a port office.

Article 186. A vessel shall cease to be Brazilian if—

(a) It is captured by an enemy in wartime and declared lawful prize;

(b) It is confiscated abroad;

(c) Not being a harbour traffic vessel, it is sold to an alien;

(d) It ceases to comply with any other requirement of statute or regulation.

CHAPTER XXV. LISTING, REGISTRATION AND TRANSFER OF VESSELS

Article 202. Every Brazilian vessel other than a naval vessel shall be listed in a port office or in the branch port office for the place of residence of the owner or his legal representative.

Article 203. Every Brazilian vessel of 20 tons or over, other than a naval vessel, shall be listed in a port office and also registered in the register of ownership of the Maritime Administrative Court.

Paragraph 1. Vessels which were registered or enrolled in port offices before 30 July 1935 and the ownership of which has not changed since then shall be exempt from the condition stated above.

¹ *Repertório Enciclopédico do Direito Brasileiro* por J. M. de Carvalho Santos. Coadjuvado por José de Aguiar Dias, Vol. VII, p. 127. Translation by the Secretariat of the United Nations.

Paragraph 2. Nothing contained in paragraph 1 shall prevent the owner of a vessel to which it applies from voluntarily registering the vessel with the Court aforesaid.

. . .

Article 207. After the documents required by the Court have been examined and endorsed and any necessary survey or inspection has been made, the port office shall list the vessel and shall forward the application for registration to the Court.

Article 208. Pending registration, the vessel may ply under a provisional licence issued by the port office, which shall be returned when the certificate of registration is delivered.

Sole paragraph. If registration is not granted, the entry in the list shall be cancelled and the vessel may not sail unless the court has granted a period of grace for correction of the application.

. . .

CHAPTER XXVIII. MARITIME CEREMONIAL

A. The national flag.

Article 237. A vessel listed in a port office or branch port office shall not fly any flag at the stern except the national flag.

. . .

CHAPTER XXXVII. PRACTICE OF OCCUPATIONS: CERTIFICATES OF COMPETENCY

. . .

Article 346. Certificates of competency of the Naval Training Department shall be issued in accordance with the rules of the Department.

Sole paragraph. Only Brazilian nationals may present themselves for examination for the said certificates.

. . .

CHAPTER XLII. MASTER, FIRST OFFICER, CHIEF ENGINEER

. . .

Article 393. Only a Brazilian national by birth holding the certificate required by law may be the master of a Brazilian merchant ship.

. . .

CHAPTER XLVI. LIST OF THE CREW

. . .

Article 435. Whenever a ship departs on a new voyage from the port in which the list of the crew was first drawn up, a new list showing the names of every member of the crew shall be submitted and new contracts shall be concluded.

Sole paragraph. In the said new list the duties and pay of each member of the crew shall be specified; it shall contain a declaration that two-thirds of the crew are Brazilian nationals, and the master of the ship shall enter the date and affix his seal and signature. The new list shall be compared with the original list of the crew and shall then be countersigned by the port officer and filed in the port office.

. . .

(b) CONSTITUTION OF 18 SEPTEMBER 1946. ¹

Article 155. Coastal merchant shipping traffic shall not be carried by ships which are not Brazilian ships; an exception to this provision shall, however, be permitted if the public interest so requires.

Sole paragraph. The owner, manager and master and at least two-thirds of the members of the crew of a Brazilian ship shall be Brazilian nationals within the meaning of Article 29 (I, II).

5. BulgariaDECREE OF 28 SEPTEMBER 1953 CONCERNING MERCHANT SHIPPING. ²

CHAPTER II. VESSELS

A. Right to wear flag of People's Republic of Bulgaria and to own vessels

Article 4. The flag of the People's Republic of Bulgaria may be worn only by vessels owned by—

- (a) Bulgarian State institutions and undertakings;
- (b) Co-operative organizations forming part of the national co-operative system;
- (c) Public organizations and other corporate bodies, including bodies in which foreign capital participates by special permission of the Council of Ministers;
- (d) Citizens of the People's Republic of Bulgaria in the cases to which article 6 applies.

The right to wear the flag of the People's Republic of Bulgaria shall be extinguished if the owner of the vessel ceases to belong to category (b), (c) or (d) hereof.

In the cases to which articles 8 and 10 apply the right to wear the Bulgarian flag shall be extinguished on the expiry of the time-limits specified therein if the State, or the owners if Bulgarian citizens, have failed to exercise their prior right of purchase.

Article 7. If a winding-up order is made in respect of a corporate body referred to in article 4 (b) or (c), the State, through the agency of the Ministry of Transport, may within six months from the date of the winding-up order purchase the vessel at a price to be determined in case of dispute by a commission composed of a representative of the Ministry of Transport, a representative of the Ministry of Finance, and a representative of the State shipping line concerned.

Article 8. If the owner of a vessel loses Bulgarian citizenship or if the ownership of the vessel is transferred by inheritance to an alien, the State, through the agency of the Minister of Transport, may within a period of six months purchase the vessel at a price to be determined in case of dispute by the commission referred to in article 7.

¹ *República dos Estados Unidos do Brasil, Constituição dos Estados Unidos do Brasil*, 1946, Imprensa Nacional. Translation by the Secretariat of the United Nations.

² *Izvestiya* (Official Gazette of the Praesidium of the National Assembly), 2 October 1953, vol. 4, No. 79. Translation by the Secretariat of the United Nations.