

(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.

The purchase shall be effected by means of a declaration made in due form, and possession shall be acquired by administrative procedure, but not before payment of the purchase price.

Article 9. In a case provided for in article 7, 8, 10 or 11 the body concerned shall immediately notify the Ministry of Transport of any winding-up order, loss of Bulgarian citizenship, or transfer of a vessel to an alien by inheritance.

Article 10. Where the owner of a vessel loses Bulgarian citizenship or a joint owner's share is transferred by inheritance to an alien, the joint owners who are Bulgarian citizens may within a period of three months give written notice of their intention to buy that share in the vessel at a price to be determined by agreement or, in the absence of an agreement, by the court.

If the joint owners who are Bulgarian citizens do not exercise their right of purchase, the State may purchase the share of the alien in virtue of article 8 within six months after the expiry of the time-limit specified in the first paragraph hereof.

B. *Registration in port shipping registers*

Article 11. Every vessel entitled to wear the flag of the People's Republic of Bulgaria shall be registered in the shipping register of not more than one Bulgarian port selected by the owner. The ports at which shipping registers are to be kept shall be determined by the Minister of Transport.

C. *Transfer and charging of vessels*

Article 15. The transfer of ownership in a vessel belonging to a Bulgarian State institution or undertaking, or the creation of a charge thereon, shall be governed by the rules relating to State property.

Article 16. The transfer of ownership in and the charging of vessels belonging to the corporate bodies referred to in article 4 (b), (c) and (d) shall be effected by a written instrument with notarized signatures.

If the intending purchaser or creditor is an alien or a foreign corporate body, the owner shall first apply for permission to the Ministry of Transport and the Ministry of Foreign Affairs if the title is to be transferred or the charge created in the People's Republic of Bulgaria, or to the competent Bulgarian consul if the transaction is to take place abroad.

The Ministry of Transport may, within six months from the date of the application for permission to transfer ownership in pursuance of the second paragraph hereof, purchase the vessel at a price determined in agreement with the owner or, if no agreement is reached, at the price determined in accordance with articles 7 and 8 (2).

Article 18. Each transfer of ownership of a vessel, and each charge created on a vessel, shall be recorded in the appropriate port shipping register. The notary or consul before whom the transfer of ownership or the charging of the vessel is executed shall immediately notify the port authority in whose register the vessel is recorded.

Article 19. A transfer of ownership in, or a charge created on, a vessel registered in the shipping register of a Bulgarian port shall be binding on third parties as from the date of the entry in the port shipping register.

Where a vessel acquired abroad and operating under a temporary certificate of entitlement to wear the flag of the People's Republic of Bulgaria issued by a Bulgarian consul is transferred or charged, a note to that effect shall be made on the temporary certificate. The acquisition of ownership, or the charge, shall be binding on third parties as soon as the note is made on the temporary certificate.

CHAPTER IV. AGREEMENTS FOR CARRIAGE BY SEA

Article 34. Passengers and freight may be transported between ports of the People's Republic of Bulgaria only by vessels flying the Bulgarian flag. Exemptions from this rule may be granted only by permission of the Council of Ministers.

6. Cambodge

LOI (KRÂM) N° 901-NS DU 13 SEPTEMBRE 1954.¹

Article 2. L'ensemble du droit et de la réglementation actuellement en vigueur à la date du présent Krâm concernant les navires portant pavillon français, immatriculés à Saïgon et à Haïphong, sera provisoirement applicable aux navires portant pavillon cambodgien en tout ce qui n'est pas contraire aux dispositions du présent Krâm.

Article 3. La nationalité du bâtiment de commerce cambodgien à l'égard des Puissances étrangères et des tierces personnes publiques ou privées, est déterminée par un Acte de khmérisation conforme au modèle annexé au présent Krâm.

Article 4. L'acte de khmérisation constitue le titre authentique de propriété. Il est délivré par le Gouvernement royal dans les conditions suivantes:

Le navire doit appartenir pour 51 pour 100 au moins à des Cambodgiens.

En ce qui concerne les sociétés:

Leur siège social doit se trouver au Cambodge;

Le directeur doit être Cambodgien;

Le Conseil d'administration doit être composé en majorité de Cambodgiens;

Cinquante et un pour cent du capital au moins doivent être souscrit par des Cambodgiens.

Le capitaine, les officiers ou chefs de quart doivent être Cambodgiens. En cas de pénurie de personnel cambodgien le personnel étranger pourra être recruté avec l'agrément du Ministre des travaux publics. En ce qui concerne l'équipage, il doit être composé pour moitié au moins de Cambodgiens.

Article 5. La nationalisation cambodgienne ne peut être obtenue que dans le port d'attache du bâtiment.

Toutefois, une lettre de nationalisation cambodgienne provisoire peut être délivrée par le représentant diplomatique ou consulaire du Cambodge, si le navire est acheté hors du Royaume.

¹ Texte fourni par le Ministère des affaires étrangères du Royaume du Cambodge.