

(d) SECOND EXECUTIVE ORDER OF 31 MARCH 1951¹ UNDER THE ACT RESPECTING THE RIGHT TO USE THE FLAG.

Article 1. Application for authorisation to use the Federal flag shall be made—

1. In the case of a sea-going ship built in the territory to which the Constitution applies (article 10 of the Act), by the owner of the shipyard or of the ship;

2. In the case of a sea-going ship chartered by a German charterer (article 11 of the Act), by the said charterer.

Article 6. (1) An applicant who is authorised to use the Federal flag shall receive a flag pass as documentary evidence. The shipping authority shall make out the flag pass according to the model annexed hereto, shall allot an identifying signal to the ship, and shall, in a case to which article 1, item 2, applies, enter the ship in the register of chartered ships.

Article 7. (1) In a case to which article 1, item 1, applies the period of validity of the flag pass shall be the duration of the ship's first voyage to another port, and, in a case to which article 1, item 2, applies the period of validity of the authority to use the Federal flag.

(2) If the period of validity of the authority to use the Federal flag is subsequently extended, on application, the extension may be endorsed on the flag pass. In this case a new flag pass shall not be necessary.

Article 9. (3) If the ship sinks and must be regarded as a total loss, or if it cannot be repaired, the charterer must notify the shipping authority promptly.

(e) ADMINISTRATIVE ORDER RESPECTING FLAG ATTESTATIONS (*Flaggenbescheinigungen*) FOR SEA-GOING SHIPS IN THE PUBLIC SERVICE, 27 APRIL 1951.²

Article 1. (1) The body competent to deliver the flag attestation in respect of a sea-going ship which is the property of and is engaged in the public service in the Federation, or which is owned and employed in the public service by a Federal Departmental corporation or institution in public law, shall be the competent local subsidiary authority of the Federal Waterways and Shipping Department.

23. Greece

(a) DECREE OF 14 NOVEMBER 1836 CONCERNING MERCHANT SHIPPING.³

Article 1. All Greek merchant ships shall use the national flag.

Article 2. Only the following ships shall be recognized as Greek merchant ships:

¹ Second Order, made under article 12 (3) of the Act of 8 February 1951 (*supra*) *Bundesgesetzblatt* II, 11 April 1951, No. 6, p. 65. Translation by the Secretariat of the United Nations.

² *Bundesanzeiger*, 2 May 1951, No. 83, p. 3. Translation by the Secretariat of the United Nations.

³ Text of Decree provided by the Permanent Delegation of Greece. Translation by the Secretariat of the United Nations.

- (a) Ships built in Greece;
- (b) Ships captured by Greek mariners in war for the fatherland or in action against pirates, and adjudicated as prize;
- (c) Ships confiscated in consequence of a violation of Greek law;
- (d) Ships which, having been wrecked on the Greek coast and sold as unseaworthy, are repaired in Greece;
- (e) Ships belonging to Greeks immigrating into Greece and bringing the ships with them to their new domicile;
- (f) Ships other than those in the foregoing categories which, on the date of promulgation of the Decree of 15/27 October 1833, belonged to Greek subjects;
- (g) Foreign ships bought in Greece or elsewhere by Greeks for the purpose of gain.

Article 3. Greek ships only may carry domestic products in Greek coastal traffic, save as otherwise provided or to be provided by treaty concluded by the Government on a basis of reciprocity.

Article 4. Aliens may not own more than a half share in a Greek ship; but We may amend this provision where Greeks are prohibited by a foreign State from owning any interest in its merchant ships.

Article 5. All the officers and at least three-fourths of the crew of a ship shall be Greek subjects.

Article 6. Every Greek owner of a merchant ship shall apply to the shipping authorities of the port at which he desires to register his ship to recognize it as a national ship and register it, and shall submit with his application a description of the ship and the official document proving his title. He shall also state the category under article 2 to which his ship belongs and shall submit: for a ship in category (a) a certificate from the local authorities of the place in which the ship was built; in category (b) the original or certified copy of the decision of the competent court adjudicating the ship as prize; in category (c) the original or certified copy of the confiscation order; in category (d) a certificate of the local authorities of the place at which the ship was wrecked, and evidence of its repair certified by the chief local officer of the place in which it was repaired; in category (e) a certificate of the local authorities of his place of permanent residence; in category (f) a certificate from the competent authorities, together with the document of title, attesting that the ship was in Greek ownership on the date of promulgation of the Decree of 15/27 October 1833; and in category (g) the original or certified copy of a document issued by the competent Greek consulate or the competent Greek authorities attesting that the purchase was made in due legal form and more particularly for the purpose of gain. The owner shall declare on oath before the local magistrate of his place of permanent or temporary residence that the ship is wholly his property or that he has Greek or alien partners (in either case each partner must be identified and the amount of his share indicated) and that no other person is part owner of or has any interest whatever in the ship.

Note: Under Act No. 2517 of 6 March 1898 concerning the recovery of the Greek flag by merchant ships flying foreign flags during the war these requirements may be dispensed with.

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Article 9. A ship shall not fly the Greek flag or assume the privileges and duties appertaining thereto unless it is recognized as Greek and registered in a Greek port.

Article 12. As soon as a ship is registered and recognized as Greek the owner shall give a written undertaking supported by adequate security—

(a) To observe strictly and fully the laws governing merchant shipping;

(b) To use his ship's nationality certificate and navigation certificate only for the ship for which they were issued and, if he sells all or part of the ship to an alien or if the ship is lost or captured by the enemy or by pirates, to return both documents forthwith to the issuing authorities or, if the event occurs outside Greece, to the competent Greek consul to be forwarded to the National Shipping Board; and, if the document of title or certificate is lost, to notify the competent authorities forthwith.

Article 15. After security has been given the ship's owner shall receive a certificate ... attesting that the ship is recognized as having Greek nationality.

The certificate shall be signed by the secretary of the National Shipping Board and sealed with the ministerial seal, and shall contain word for word all the particulars entered in the register in accordance with article 11.

Article 18. If the structure, capacity or other characteristic of a ship is altered after a certificate of nationality has been issued, the owner shall apply forthwith for a new certificate, in default of which he shall forfeit his security.

Article 19. If all or part of a ship of Greek nationality is sold to another Greek person, the shipping authorities with whom the ship is registered shall be notified of the sale. They shall record the sale in the shipping register and endorse the nationality certificate accordingly. . . .

Article 23. Every master or owner of a Greek merchant ship shall at all times carry the ship's nationality certificate and navigation certificate on board and shall strictly observe all existing and future provisions governing merchant shipping and all obligations under the civil code. . . .

(b) COMMERCIAL CODE (AMENDMENT) ACT NO. 3717 OF 1910¹

BOOK II. MARINE COMMERCE

Section I. Ships; interests in ships; marine credit

Chapter I. Ships; interests in ships

Article 1. For the purposes of this Act the term "ship" means any vessel of burden ten tons or more which ordinarily conveys or is intended to

¹ This Act consists of a single article enacting an amended version of Book II of the Code, entitled Marine Commerce, from which these extracts are taken. *Ephemeris*, 1910, Part A, No. 153, p. 817. Translation by the Secretariat of the United Nations.

carry persons and goods by sea, or to be used for fishing or towing or in any other gainful occupation afloat.

Article 3. Greek ships shall be registered in the State register.

The entry in the register shall record the surname, first name and nationality of the owner, the means of acquisition of title, whether the ownership is changed or limited, the name of the ship, the nature of its motive power, the tonnage and dimensions ascertained by official survey, the international mark and, if the ship is mechanically propelled, the engine power.

The entry in the register shall be dated and signed by the registrar or in his absence by the port officer.

A certified copy of the document of title or, if this is a private deed, the original document shall be delivered to and kept by the registration authority.

Article 4. A ship under construction may also be registered in the State register.

The entry in the register shall record the surname, first name and nationality of the person at whose expense the vessel is being constructed, the place and shipyard of construction, the contract between the owner and the builder, the name of the ship, the nature of its motive power, the material, the proposed dimensions and tonnage and, if the ship is mechanically propelled, the engine power.

Article 5. Contracts for the construction of ships, variations and rescissions thereof, and declarations of joint ownership or of transfer to joint ownership of a ship under construction made by the owner or by the builder, undertaking the construction at the owner's expense, shall be in writing and shall not bind a third party at law unless recorded in the register.

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Article 7. A contract for the sale of a ship shall be in writing.

Such a contract may be made either in Greece or abroad and may relate to the whole ship, which may be in port or at sea, or to a share in the ship; the contract shall not bind a third party unless the instrument purporting to do so is abstracted in the register in which the ship is registered, in which case the provisions of the last two paragraphs of article 3 shall apply.

Title to a ship may be transferred without physical delivery of the ship.

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Section II. Owners' liability; joint ownership

Chapter II. Joint ownership

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Article 78. Any partner may at any time sell all or part of his interest in a ship without the consent of the other partners.

Provided that disposal by a partner of so large an interest that the ship would cease to be entitled to wear the Greek flag shall be void unless made with the consent of the Greek partners.

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