

**1971 年設立油污損害國際賠償基金國際公約**  
**1971 年 12 月 18 日 訂於布魯塞爾，1978 年 10 月 16 日生效**  
**(補充 1969 年油污損害民事責任國際公約)**

**International Convention on The Establishment of An International Fund  
for Compensation for Oil Pollution Damage,**

Brussels, 18, Dec. 1971; Entered into Force on 16, Oct. 1978

(Supplementary to the International Convention on Civil Liability for Oil Pollution Damage,  
1969)

**FUND 1971**

The States Parties to the present Convention,  
Being parties to the International Convention of Civil Liability for  
Oil Pollution Damage, adopted at Brussels on 29 November 1969,  
Conscious of the dangers of pollution posed by the world-wide  
maritime carriage of oil in bulk,  
Convinced of the need to ensure that adequate compensation is  
available to persons who suffer damage caused by pollution  
resulting from the escape or discharge of oil from ships,  
Considering that the International Convention of 29 November  
1969, on Civil Liability for Oil Pollution Damage, by providing a  
regime for compensation for pollution damage in Contracting States  
and for the costs of measures, wherever taken, to prevent or  
minimize such damage, represents a considerable progress towards  
the achievement of this aim,  
Considering however that this regime does not afford full  
compensation for victims of oil pollution damage in all cases while  
it imposes an additional financial burden on shipowners,  
Considering further that the economic consequences of oil pollution  
damage resulting from the escape or discharge of oil carried in bulk  
at sea by ships should not exclusively be borne by the shipping  
industry but should in part be borne by the oil cargo interests,  
Convinced of the need to elaborate a compensation and  
indemnification system supplementary to the International  
Convention on Civil Liability for Oil Pollution Damage with a view  
to ensuring that full compensation will be available to victims of oil  
pollution incidents and that the ship-owners are at the same time  
given relief in respect of the additional financial burdens imposed  
on them by the said Convention,  
Taking note of the Resolution on the Establishment of an  
International Compensation Fund for Oil Pollution Damage which  
was adopted on 29 November 1969 by the International Legal  
Conference on Marine Pollution Damage,

Have agreed as follows:

本公約締約國，  
作為 1969 年 11 月 29 日布魯塞爾油污損害  
民事責任國際公約之締約國，  
鑒於全球海上運載散裝貨油所致污染危  
險，  
確認由此載運船舶洩漏或排出之油之污  
染所致之損害，有必要對受害者給予適  
當補償。  
認為 1969 年 11 月 29 日油污損害民事責  
任國際公約所提供締約國間之油污損害  
及為防止或減少該污損所採取任何措施  
之費用之賠償制度，係表示對此目標達  
成相當之進展。

然顧及此制度於所有案例中，並未給予  
油污損害受害者充分之賠償，反使船舶  
所有人增加額外之財務負擔。  
復認為因船舶在海上運載散裝貨油所洩  
漏或排出造成油污損害對經濟上之影  
響，不應專由海運業者所承擔，其部分  
應由貨油業者承擔。  
確信有必要盡力達成一項補充油污損害  
民事責任國際公約之賠償及補償制度，  
以確保油污事件之受害者能有效獲得充  
分賠償，並對因該公約所課以船舶所有  
人之額外財務負擔亦可給予救濟。

鑒於 1969 年 11 月 29 日國際海洋污染損  
害國際法律會議所通過設立油污損害國  
際賠償基金之決議，

爰經協議如次：

## GENERAL PROVISIONS

### Article 1

For the purposes of this Convention –

1. “Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969.
2. “Ship”, “Person”, “Owner”, “Oil”, “Pollution Damage”, “Preventive Measures”, “Incident” and “Organization”, have the same meaning as in Article I of the Liability Convention, provided however that, for the purposes of these terms, “oil” shall be confined to persistent hydrocarbon mineral oils.
3. “Contributing Oil” means crude oil as fuel oil as defined in sub-paragraphs (a) and (b) below:
  - (a) “Crude Oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as “Topped Crudes”) or to which certain distillate fractions have been added (sometimes referred to as “spiked” or “reconstituted” crudes).
  - (b) “Fuel Oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials’ Specification or Number Four Fuel Oil (Designation D 396 – 69)”, or heavier.
4. “Franc” means the unit referred to in Article V, paragraph 9 of the Liability Convention.
5. “Ship’s tonnage” has the same meaning as in Article V, paragraph 10, of the Liability Convention.
6. “Ton”, in relation to oil, means a metric ton.
7. “Guarantor” means any person providing insurance or other financial security to cover an owner’s liability in pursuance of Article VII, paragraph 1, of the Liability Convention.
8. “Terminal installation” means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.
9. Where an incident consists of a series of occurrences, it shall be treated as having occurred on the date of the first such occurrence.

### Article 2

1. An International Fund for compensation for pollution damage, to be named, “The International Oil Pollution Compensation Fund” and hereinafter referred to as “The Fund”, is hereby established with the following aims:
  - (a) to provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;
  - (b) to give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;
  - (c) to give effect to the related purposes set out in this

## 總 則

### 第 1 條

為本公約之目的：

1. 「責任公約」係指 1969 年 11 月 29 日於布魯塞爾所通過之油污損害民事責任國際公約。
2. 「船舶」、「人」、「所有人」、「油」、「污損」、「防止措施」、「事故」及「該組織」與責任公約第 1 條之意義相同，但除為此用語之目的外，「油」應限於持續性之碳氫礦油。
3. 「攤款油」謂依下列(a)款及(b)款定義之原油及燃料油：
  - (a) 「原油」係指於地底自然產生之任何液態碳氫混合物，不論其是否業經處理及適於運輸。其並包括業已除去某些餾化物之原油(通稱「高級原油」)或業已加進某些餾化物之原油(通稱「改質」或「再生」原油)。
  - (b) 「燃油」係指自原油加重蒸餾所得殘留物或混合物，用作燃料可供產生性質相當於「美國材料試驗協會」第 4 號燃油(編號 D396-69)之熱或能或更重者。
4. 「法郎」係指責任公約第 5 條第 9 項所述之貨幣單位。
5. 「船舶噸位」與責任公約第 5 條第 10 項同義。
6. 「噸」與油有關者，指公噸。
7. 「保證人」係指依責任公約第 7 條第 1 項提供保險或其他財務保證而擔保所有人責任之任何人。
8. 「終端設備」係指任何儲放散裝貨油之場所，而該場所能經水路運送而收受油料，並包括位於離岸與該場所相連結之任何設施。
9. 於一事故由一系列事件組成者，應以該等事件首次發生之日視為已發生之日。

### 第 2 條

1. 污損賠償國際基金定名為「國際油污賠償基金」，以下簡稱為「基金」，其設立目的如下：
  - (a) 於責任公約無法給予適當保護之範圍內，提供污損之賠償；
  - (b) 對責任公約所可以船舶所有人之額外財務負擔給予救濟，該救濟並以確能符合海上人命安全及其他公約之規定為條件；
  - (c) 實行本公約之有關目的；

Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceeding before the courts of the State. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as "The Director") as the legal representative of the Fund.
2. 基金於各締約國內應被承認為該國法院法律程序之一法律實體，並於該國法律下具有同樣之權利及義務，各締約國應承認基金之董事(以下簡稱為「董事」)為基金之法定代表。

### Article 3

This Convention shall apply:

1. With regard to compensation according to Article 4, exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State, and to preventive measures taken to prevent or minimize such damage;
2. With regard to indemnifications of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory, including the territorial sea, of a State party to the Liability Convention by a ship registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.
1. 依照第 4 條僅在締約國領域包括其領海所造成之污損，及用以防止或減少該損害所採預防措施之有關賠償。
2. 於任一締約國登記或懸掛其國旗之船舶，僅對責任公約之締約國領域，包括其領海，造成污損時，依第 5 條關於船舶所有人及其保證人之補償，及用以防止或減少該損害所採預防措施之有關補償。

## COMPENSATION AND INDEMNIFICATION

### Article 4

1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,
  - (a) because no liability for the damage arises under the Liability Convention;
  - (b) because the owner liable for the damage under the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;
  - (c) because the damage exceeds the owner's liability under the Liability Convention as limited pursuant to Article V, paragraph 1, of that Convention or under the terms of any other international Convention in force or open for signature, ratification or accession at the date of this Convention.
1. 為達成第 2 條第 1 項(a)款目的，如遭受污損之人其所受污損依責任公約規定未能獲得充分及適當之賠償時，基金應對此遭受污損之任何人給予賠償：
  - (a) 因依責任公約無損害責任；
  - (b) 因依責任公約，對損害應負責之所有人於財務上無法充分履行其義務，且依該公約第 7 條所提供之任何財務擔保，無法賠償或無法滿足損害賠償之要求；所有人於財務上無法充分履行其義務，及財務擔保不充分之認定，以受到損害之人於採取所有合理步驟尋求適當之法律救濟後，仍無法完全獲得依責任公約規定所應得之賠償額為定；
  - (c) 因依責任公約第 5 條第 1 項規定之限制，或依其他於本公約簽訂日業已生效、公開供簽署、批准或加入之任何國際公約之規定，損害超過所有人之責任。

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purpose of this Article.

依本條之目的，所有人為防止或減少污損自願所耗費之合理損失或負擔之費用，應列為污損賠償。

2. The Fund shall incur no obligation under the preceding
2. 於有下列情況時，基金不依前述擔負

paragraph if:

- (a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Governmental non-commercial service; or
  - (b) the claimant cannot prove that the damage resulted from an incident involving one or more ships.
3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partially from its obligation to pay compensation to such person provided, however, that there shall be no such exoneration with regard to such preventive measures which are compensated under paragraph 1. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the Liability Convention.
  4.
    - (a) Except as otherwise provided in subparagraph (b) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 450 million francs.
    - (b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 450 million francs.
  5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.
  6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 450 million francs referred to in paragraph 4, sub-paragraphs (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 900 million francs or be lower than 450 million francs. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.
  7. The Fund shall, at the request of a Contracting State, use its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate pollution damage arising from an incident in respect of which the Fund may be called upon to pay compensation under this Convention.
  8. The Fund may on conditions to be laid down in the Internal Regulations provide credit facilities with a view to the taking of

義務：

- (a) 經證明污損係因戰爭行為、敵對行為、內戰或暴亂，或由軍艦或其他政府作非商業用途使用之國有或徵用船舶，所洩漏或排出之油所致；或
  - (b) 求償者無法證明損害係由一事故所涉及之一艘或多艘船舶所致。
3. 若基金能證明污損之全部或一部係由於受害人之故意作為或不作為，或因其過失所致者，基金得全部或部分免除對該受害人賠償義務，然依第 1 項有關防止措施之賠償，不得予以免除。於任何情況下，依責任公約第 3 條第 3 項船舶所有人得以免責範圍內，基金亦應免除之。
  4.
    - (a) 除本項(b)款另有規定外，依本條規定基金所能給付之賠償總額，應依任一事故加以限制，因此對於在諸締約國領域內所造成損害之賠償總額及依油污損害責任公約實際付出之賠償金額，包括依照本公約第 5 條第 1 項有關規定基金有義務補償所有人之任何金額，不應超過 4 億 5 千萬法郎。
    - (b) 污損若係因特殊、無法避免及不可抵抗之意外自然現象，則依本條規定基金所能給付之賠償合計總額，不應超過 4 億 5 千萬法郎。
  5. 對基金所確定之求償金額，如超過依第 4 項所能給付之賠償總額時，所有求償者所能獲得之金額將依任何所確定之求償額間與責任公約及本公約實際獲得之賠償金額間以同一比例分配之。
  6. 基金大會(以下簡稱為「大會」)基於已發生事故之經驗，尤其是對於因此所生之損害金額，與幣值變動等加以考慮後，得決定在第 4 項(a)款及(b)款所述之 4 億 5 千萬法郎之金額得予以變更；然此項金額在任何情況下決不能超過 9 億法郎或低於 4 億 5 千萬法郎。該變更之金額並適用於決定作成變更之日後所發生之事故。
  7. 於締約國提出請求時，基金應視需要善用其職責，協助該國迅速獲得所需人員、物質及服務，以使該國能採取措施防止或減少事故所致，得依本公約向基金請求支付賠償之污損。
  8. 基金依其內部規則之規定得提供信貸機制，以針對因特定事故所生，得依

preventive measures against pollution damage arising from a particular incident in respect of which the Fund may be called upon to pay compensation under this Convention.

## Article 5

1. For the purpose of fulfilling its function under Article 2, paragraph 1(b), the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of liability under the Liability Convention which:

(a) is in excess of an amount equivalent to 1,500 francs for each ton of the ship's tonnage or of an amount of 125 million francs, whichever is the less, and

(b) is not in excess of an amount equivalent to 2,000 francs for each ton of the said tonnage or an amount of 210 million francs, whichever is the less,

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the wilful misconduct of the owner himself.

2. The Assembly may decide that the Fund shall, on conditions to be laid down in the Internal Regulations, assume the obligations of a guarantor in respect of ships referred to in Article 3, paragraph 2, with regard to the portion of liability referred to in paragraph 1 of this Article. However, the Fund shall assume such obligations only if the owner so requests and if he maintains adequate insurance or other financial security covering the owner's liability under the Liability Convention up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less. If the Fund assumes such obligations, the owner shall in each Contracting State be considered to have complied with Article VII of the Liability Convention in respect of the portion of his liability mentioned above.

3. The Fund may be exonerated wholly or partially from its obligations under paragraph 1 towards the owner and his guarantor if the Fund proves that as a result of the actual fault or privity of the owner:

(a) the ship from which the oil causing the pollution damage escaped did not comply with the requirements laid down in:

i. the International Convention for the Prevention of

Pollution of the Sea by Oil, 1954, as amended in 1962; or

ii. the International Convention for the Safety of Life at Sea, 1960; or

iii. the International Convention on Load Lines, 1966; or

iv. the International Regulations for Preventing Collisions at Sea, 1960; or

v. any amendments to above-mentioned Conventions which have been determined as being of an important nature in accordance with Article XVI (5) of the Convention mentioned under (i), Article IX (e) of the Convention mentioned under (ii) or Article 29(3)(d) or (4)(d) of the Convention mentioned under (iii), provided, however, that such amendments had been in force for at least twelve months at the time of the incident; and

(b) the incident or damage was caused wholly or partially by such non-compliance.

The provisions of this paragraph shall apply irrespective of

本公約向基金請求支付賠償之污損，採取防止措施。

## 第 5 條

1. 為達成第 2 條第 1 項(b)款之任務，基金應依責任公約所規定下列責任總額之部分，給予所有人及其保證人補償：

(a) 依船舶噸位計算，每噸超過相當於 1,500 法郎，或其總額超過 125 百萬法郎，二者採較少者，及

(b) 依船舶噸位計算，每噸未超過相當 2,000 法郎，或其總額未超過 210 百萬法郎，二者採較少者。

然如污損係由所有人本身之故意不當行為所致者時，基金不負擔本項所規定之義務。

2. 大會得依其內部規則之規定，決定基金應對第 3 條第 2 項所稱之船舶及本條第 1 項所述之責任部分承擔其保證人之義務。然基金所承擔之是項義務，僅在所有人提出此項要求且維持充分保險，或依責任公約規定能抵償所有人責任之其他財務擔保，已達到按船舶噸位計算每噸相當於 1,500 法郎之金額或其總額達 125 百萬法郎，二者採較少者。如基金承擔此義務，則於每締約國對於前述所有人本身之責任部分，得被認為已符合責任公約第 7 條之規定。

3. 如基金能證明事故係因所有人對下列事項之知情或實際過失所致，得全部或部分免除基金依第 1 項對所有人及其保證人之義務責任：

(a) 洩漏油造成污損之船舶不符合下列規定：

i. 1962 年修正之 1954 年國際防止海上油污公約；或

ii. 1960 年國際海上人命安全公約；或

iii. 1966 年國際載重線公約，或

iv. 1960 年國際海上避碰規則；或

v. 前述各公約之修正案，依第(a)款所述公約第 15 條第 5 項、第(b)款所述公約第 9 條第 5 項或第(c)款所述公約第 29 條第 3 項第 4 款或第 4 項第 5 款經決定為重要事項，且該修正案於事故發生時至少已生效 12 個月以上；及

(b) 事故或損害乃全部或部分因未依前述規定所致。

本項規定應適用於船舶所登記或懸掛

whether the Contracting State in which the ship was registered or whose flag it was flying is a Party to the relevant Instrument.

4. Upon the entry into force of a new Convention designed to replace, in whole or in part, any of the Instruments specified in paragraph 3, the Assembly may decide at least six months in advance a date on which the new Convention will replace such Instrument or part thereof for the purpose of paragraph 3. However, any State Party to this Convention may declare to the Director before that date that it does not accept such replacement; in which case the decision of the Assembly shall have no effect in respect of a ship registered in, or flying the flag of, that State at the time of the incident. Such a declaration may be withdrawn at any later date and shall in any event cease to have effect when the State in question becomes a party to such new Convention.
  5. A ship complying with the requirements in an amendment to an Instrument specified in paragraph 3 or with requirements in a new Convention, where the amendment or Convention is designed to replace in whole or in part such Instrument, shall be considered as complying with the requirements in the said Instrument for the purposes of paragraph 3.
  6. Where the Fund, acting as a guarantor by virtue of paragraph 2, has paid compensation for pollution damage in accordance with the Liability Convention, it shall have a right of recovery from the owner if and to the extent that the Fund would have been exonerated pursuant to paragraph 3 from its obligations under paragraph 1 to indemnify the owner.
  7. Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Article.
- 其國旗之本公約締約國，不論其是否為相關公約之締約國。
  4. 為第 3 項目的，大會得決定用以代替第 3 項所規定任何公約之全部或部分之新公約之生效日期，然此決定應於新公約代替該公約全部或部分之 6 個月前為之。任何本公約之締約國，得於該日以前，向董事聲明不接受此項代替方案；於此情況下，大會之決定對於所登記或懸掛其國旗之締約國之船舶於當時所生之事故，應屬無效。此項聲明於任何稍後之日期仍得予以撤回，於該國已成為該新公約之締約國後，該聲明應在任何情況下停止其效力。
  5. 船舶符合第 3 項所指公約修正案或新公約之規定，而此修正案或公約係屬替代其全部或部分之公約，則為第 3 項目的，該船舶應視為業已符合該公約之規定。
  6. 如基金依第 2 項規定為保證人，並已依責任公約支付污損賠償，則於基金依第 3 項規定免依第 1 項對所有人補償義務範圍內，有權向所有人要求返還。
  7. 為本條之目的，所有人自願防止或減少污損而合理所受損失及合理所生費用，應視為包括於所有人之責任內。

## Article 6

1. Rights to compensation under Article 4 or indemnification under Article 5 shall be extinguished unless an action is brought thereunder or a notification has been made pursuant to Article 7, paragraph 6, within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage.
2. Notwithstanding paragraph 1, the right of the owner or his guarantor to seek indemnification from the Fund pursuant to Article 5, paragraph 1, shall in no case be extinguished before the expiry of a period of six months as from the date on which the owner or his guarantor acquired knowledge of the bringing of an action against him under the Liability Convention.

## Article 7

1. Subject to the subsequent provisions of this Article, any action against the Fund for compensation under Article 4 or indemnification under Article 5 of this Convention shall be brought only before a court competent under Article IX of the Liability Convention in respect of actions against the owner who is or who would, but for the provisions of Article III, paragraph 2, of that Convention, have been liable for pollution damage caused by the relevant incident.

## 第 6 條

1. 基於第 4 條請求賠償或第 5 條請求補償之權利，自損害發生時起 3 年內，除已依第 7 條第 6 項起訴或通知外，其時效消滅。且無論如何，於造成該損害之事故發生日起 6 年後，任何案件均不得提起訴訟。
2. 不論第 1 項規定為何，所有人或其保證人依第 5 條第 1 項向基金尋求補償之權利，自所有人或其保證人獲悉基於責任公約對其提起訴訟之時起滿 6 個月後，於任何情形下其時效消滅。

## 第 7 條

1. 依本條各項規定，依本公約第 4 條向基金請求賠償或依第 5 條請求補償之任何訴訟，僅得向依責任公約第 9 條具管轄權之法院提出，該訴訟之提出係向針對因有關事故造成污損應負賠償責任或如非依該公約第 3 條第 2 項規定即應負賠償責任之所有人為提起。

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions against the Fund as are referred to in paragraph 1.
  3. Where an action for compensation for pollution damage has been brought before a court competent under Article IX of the Liability Convention against the owner of ship or his guarantor, such court shall have exclusive jurisdictional competence over any action against (he Fund for compensation or indemnification under the provisions of Article 4 or 5 of this Convention in respect of the same damage. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court in a State Party to the Liability Convention but not to this Convention, any action against the Fund under Article 4 or under Article 5, paragraph 1, of this Convention shall at the option of the claimant be brought either before a court of the State where the Fund has its headquarters or before any court of a State Party to this Convention competent under Article IX of the Liability Convention.
  4. Each Contracting State shall ensure that the Fund shall have the right to intervene as a party to any legal proceeding instituted in accordance with Article IX of the Liability Convention before a competent court of that State against the owner of a ship or his guarantor.
  5. Except as otherwise provided in paragraph 6, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.
  6. Without prejudice to the provisions of paragraph 4, where an action under the Liability Convention for compensation for pollution damage has been brought against an owner or his guarantor before a competent court in a Contracting State, each party to the proceedings shall be entitled under the national law of that State to notify the Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the Fund has in fact been in a position effectively to intervene as a party to the proceeding, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgment was given, become binding upon the Fund in the sense that the facts and finding in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceeding.
2. 任一締約國應確保該國法院具有接受第 1 項對基金提起訴訟所需之管轄權。
  3. 任一污損賠償訴訟，向依責任公約第 9 條具管轄權之法院提出，以對抗船舶所有人或其保證人時，該法院對於依本公約第 4 條及第 5 條規定，向基金所提任一有關同一損害要求賠償或補償之訴訟，具專屬裁判權。然依責任公約要求污損賠償之任何訴訟已在責任公約而非本公約之當事締約國之法院提起者，則依本公約第 4 條或第 5 條第 1 項對於基金之任何訴訟，其提起應依請求權人之選擇，向基金設有總部之締約國法院提起，或依責任公約第 9 條向具管轄權之本公約締約國之任何法院提起。
  4. 任一締約國應確保基金如同一造有權依責任公約第 9 條於該國有管轄權法院，參與對船舶所有人或其保證人，所提起之任何法定訴訟程序。
  5. 除第 6 項另有規定外，於訴訟程序中基金尚非一造當事人時，任何裁判或決定不受拘束，任何調停亦不受拘束。
  6. 於不損及第 4 項規定之情況下，依責任公約於締約國有管轄權之法院，對所有人或其保證人提起請求污損賠償之訴訟，任一訴訟程序之一造基於該國之國內法，有權將該訴訟程序通知基金。此項通知如已依該法院之法律所要求之程序及時送出，使基金實際上已處於參與訴訟一造之有效地位時，則於該訴訟程序中法院所為任何裁判，且為該國內之最終裁判並得強制執行時，對基金應具拘束力，既使基金並未實際參與訴訟，針對該項裁判之事實及判決，基金不得提出異議。

## Article 8

Subject to any decision concerning the distribution referred to in Article 4, paragraph 5, any judgment given against the Fund by a court having jurisdiction in accordance with Article 7, paragraphs 1 and 3 shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each Contracting State on the same conditions as are prescribed in Article X of the Liability Convention.

## Article 9

## 第 8 條

依第 4 條第 5 項有關分配之任何決定及依第 7 條第 1 項及第 3 項有裁判權法院對基金所為之任何裁判，於原裁判國得以強制執行且於該國不再受普通再審之限制時，與責任公約第 10 條所規定條件相同，任一締約國應予以承認及強制執行。

## 第 9 條

1. Subject to the provisions of Article 5, the Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the Liability Convention against the owner or his guarantor.
2. Nothing in this Convention shall prejudice any right of recourse or subrogation of the Fund against persons other than those referred to in the preceding paragraph. In any event the right of the Fund to subrogation against such person shall not be less favourable than that of an insurer of the person to whom compensation or indemnification has been paid.
3. Without prejudice to any other rights of subrogation or recourse against the Fund which may exist, a Contracting State or agency thereof which has paid compensation for pollution damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

1. 於適用第 5 條規定之情況下，基金依本公約第 4 條第 1 項所給付污損賠償之任何金額，基金得代位取得受賠償人得向所有人或其保險人求償之權利。
2. 本公約並無任何規定可阻礙基金針對前項所指以外之人之追償權利或代位權利。在任何情況下，基金對該人之代位權，其有利程度不應低於已付賠償或補償之保險人。
3. 於不損及得向基金主張之任何可能存在之其他代位權或追償權利之情況下，締約國或其官署依其國內法已對污損為給付賠償者，得代位取得受賠償人依本公約所能享有之權利。

## CONTRIBUTIONS

### Article 10

1. Contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 11, paragraph 1, as regards initial contributions and in Article 12, paragraphs 2(a) or (b), as regards annual contributions, has received in total quantities exceeding 150,000 tons:
  - (a) in the ports or terminal installations in the territory of that State contributing oil carried by sea to such ports or terminal installations; and
  - (b) in any installations situated in the territory of that Contracting State contributing oil which has been carried by sea and discharged in a port or terminal installation of a non-Contracting State, provided that contributing oil shall only be taken into account by virtue of this sub-paragraph on first receipt in a Contracting State after its discharge in that non-Contracting State.
2.
  - (a) For the purposes of paragraph 1, where the quantity of contributing oil received in the territory of a Contracting State by any person in a calendar year when aggregated with the quantity of contributing oil received by the same Contracting State in that year by any associated person or persons exceeds 150,000 tons, such person shall pay contributions in respect of the actual quantity received by him notwithstanding that that quantity did not exceed 150,000 tons.
  - (b) "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

### Article 11

1. In respect of each Contracting State initial contributions shall be

## 攤款

### 第 10 條

1. 任一締約國對基金攤款，應由任何人於第 11 條第 1 項初期攤款之有關曆年內及第 12 條第 2 項(a)款或(b)款每年攤款之有關曆年內，於左列設備收受之攤款油，其總數超過 15 萬公噸者徵收之：
  - (a) 於該締約國領域之港口或終端設備內收受之攤款油，該油係由海運至該港口或終端設備；及
  - (b) 於該締約國領域內任何設備內收受之攤款油，該油係將由海上運載並卸載於非締約國之港口或終端設備；然依本款規定之攤款油僅以在非締約國卸載後首次於締約國收受者為限。
2.
  - (a) 為第 1 項目的，如於每一曆年內由任何人於一締約國領域內收受攤款油之數量，連同其於同一年內由任何關係人之一人或多人於同一締約國內所收受攤款油合計數量超過 15 萬噸時，雖該人所收受之數量並未超過 15 萬噸，亦應依其實際收受數量給付攤款。
  - (b) 稱「關係人」係指任何附屬於或一般受支配下之實體。某人是否屬於本定義之問題，應由締約國之國內法決定之。

### 第 11 條

1. 任每一締約國之初期攤款應由第 10 條



made of an amount which shall for each person referred to in Article 10 be calculated on the basis of a fixed sum for each ton of contributing oil received by him during the calendar year preceding that in which this Convention entered into force for that State.

2. The sum referred to in paragraph 1 shall be determined by the Assembly within two months after the entry into force of this Convention. In performing this function the Assembly shall, to the extent possible, fix the sum in such a way that the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent. of the quantities of contributing oil carried by sea in the world, equal 75 million francs.
3. The initial contributions shall in respect of each Contracting State be paid within three months following the date at which the Convention entered into force for that State.

## Article 12

1. With a view to assessing for each person referred to in Article 10 the amount of annual contributions due, if any, and taking account of the necessity to maintain sufficient liquid funds, the Assembly shall for each calendar year make an estimate in the form of a budget of:

(i) Expenditure

- (a) costs and expenses of the administration of the Fund in the relevant year and any deficit from operations in preceding years;
- (b) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayment on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident does not exceed 15 million francs;
- (c) payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayments on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident is in excess of 15 million francs.

(ii) Income

- (a) surplus funds from operations in preceding years, including any interest;
  - (b) initial contributions to be paid in the course of the year;
  - (c) annual contributions, if required to balance the budget;
  - (d) any other income.
2. For each person referred to in Article 10 the amount of his annual contribution shall be determined by the Assembly and shall be calculated in respect of each Contracting State:
    - (a) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i)(a) and (b) on the basis of a fixed sum for each ton of contributing oil received in the relevant State by such persons during the preceding calendar year; and
    - (b) in so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i)(c) of this Article on the basis of a fixed sum for each ton of contributing oil received by such person during the calendar year preceding that in which the incident in question occurred, provided

所指之每一人，於本公約對該國生效之前一曆年間其所收受應攤款之每噸油，以固定金額為基礎計算攤款之。

2. 第 1 項所述之金額應由大會在本公約生效日起 2 個月內予以決定。於作成此決定時，大會應於可能範圍內，依下述方式訂定金額，該方式係假定其攤款係就世界百分之 90 由海上運載之攤款油所作成，其初期攤款之總數應等於 75 百萬法郎。
3. 任一締約國之初期攤款，應在本公約對該國生效日起 3 個月內支付之。

## 第 12 條

1. 於估算第 10 條所述每人應支付之每年攤款額(如有攤款)，並考慮及維持充足流動基金之必要，大會應就每一曆年以預算之方式為之：

(i) 支出

- (a) 於相關曆年內基金管理之費用與支出及於之前各年所產生之任何赤字；
- (b) 於相關年度，為滿足對基金之求償，依第 4 條或第 5 條到期應由基金所為之付款，包括為滿足該求償，先由基金所為貸款之償還，未超過任一事故之求償合計總額 15 百萬法郎者；
- (c) 於相關年度，為滿足對基金之求償，而依第 4 條或第 5 條到期應由基金所為之付款，包括為滿足該求償，而先由基金所為貸款之償還，超過任一事故之求償合計總額 15 百萬法郎者；

(ii) 收入

- (a) 於以前曆年內所累計之剩餘基金，包括任何利息；
  - (b) 當年應收之初期攤款；
  - (c) 如需平衡預算時，年度攤款；
  - (d) 其他任何收入。
2. 對於第 10 條所指之每一人，其每年攤款應由大會決定，並應就每一締約國計算之：
    - (a) 為滿足第 1 項第(i)款(a)及(b)付款之攤款，各相關國內各人於前一曆年間所收受每噸之攤款油，依一固定金額為基礎；及
    - (b) 為滿足本條第 1 項第(i)(c)付款之攤款，依多人於事故發生之前之曆年間所收受每噸之攤款油，依一固定金額為準，然以事故發生日該國已屬本公約締

that State was a party to this Convention at the date of the incident.

3. The sums referred to in paragraph 2 above shall be arrived at by dividing the relevant total amount of contributions required by the total amount of contribution oil received in all Contracting States in the relevant year.
4. The Assembly shall decide the portion of the annual contribution which shall be immediately paid in cash and decide on the date of payment. The remaining part of each annual contribution shall be paid upon notification by the Director.
5. The Director may, in cases and in accordance with conditions to be laid down in the Internal Regulations of the Fund, require a contributor to provide financial security for the sums due from him.
6. Any demand for payments made under paragraph 4 shall be called rateably from all individual contributors.

### Article 13

1. The amount of any contribution due under Article 12 and which is in arrear shall bear interest at a rate which shall be determined by the Assembly for each calendar year provided that different rates may be fixed for deferent circumstances.
2. Each Contracting State shall ensure that any obligation to contribute to the Fund arising under this Convention in respect of oil received within the territory of that State is fulfilled and shall take any appropriate measures under its law, including the imposing of such sanctions as it may deem necessary, with a view to the effective execution of any such obligation; provided, however, that such measures shall only be directed against those persons who are under an obligation to contribute to the Fund.
3. Where a person who is liable in accordance with the provisions of Articles 10 and 11 to make contributions to the Fund does not fulfil his obligations in respect of any such contribution or any part thereof and is in arrear for a period exceeding three months, the Director shall take all appropriate action against such person on behalf of the Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

### Article 14

1. Each Contracting State may at the time when it deposits its instrument of ratification or accession or at any time thereafter declare that it assumes itself obligations that are incumbent under this Convention on any person who is liable to contribute to the Fund in accordance with Article 10, paragraph 1, in respect of oil received within the territory of that State. Such declaration shall be made in writing and shall specify which obligations are assumed.
2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with Article 40, it shall be deposited with the Secretary-General of the Organization who shall after the entry into force of the Convention communicate the declaration to the Director.

約國為限。

3. 第 2 項所指之金額，應以相關需要攤款之總額，除以於相關年度內所有締約國所收受之攤款油之總數而得。
4. 年度攤款應以現金給付之部分，其金額及其付款日期應由大會決定之。剩餘年度攤款部分，應依董事之通知而給付。
5. 依基金內部規定，董事得要求攤款者對於應付之金額提供財務擔保。
6. 依第 4 項所為之任何付款請求，應依比例向所有個人攤款者請求之。

### 第 13 條

1. 基於第 12 條到期應付而未付之任何攤款金額，應依大會就每一曆年所決定之利率負擔利息，得依不同情況決定不同之利率。
2. 任一締約國應保證，有關於該國領域內所收受之油，基於本公約所生對基金應攤款之任何義務，應已履行，且應依其法律採取任何適當措施，包括為有效履行任何該類義務，而科以必要之處罰，然此措施，僅能對有義務向基金攤款者為之。
3. 依據第 10 條及第 11 條規定，有義務向基金提出攤款之人，對於任何此種攤款或任何部分之攤款未履行其義務，到期未付超過 3 個月者，董事為收回應付金額之目的，應代表基金對該人採取所有適當作為。然無法履行債務之攤款人顯然無清償能力或有正當理由時，大會得基於董事之建議決定對攤款人不採取任何行動或繼續採行之。

### 第 14 條

1. 任一締約國於存放批准書或加入書之時或之後之任何時間，得聲明由其自身承擔對本公約有義務之任何人之義務。而該人係於該國領域內收受之油，依第 10 條第 1 項有責任向基金攤款者。此項聲明應以書面為之，並詳細記載所欲承擔之義務。
2. 第 1 項之聲明，係依第 40 條於本公約生效日前為之者，該聲明應存放於該組織秘書長處，該組織秘書長應在公約生效後將此聲明通知董事。

3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.
  4. A declaration made in accordance with this Article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such notification shall take effect three months after the Director's receipt thereof.
  5. Any State which is bound by a declaration made under this Article shall, in any proceedings brought against it before a competent court in respect of any obligation specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.
3. 第 1 項之聲明，係於本公約生效後為之者，應存放於董事處。
  4. 依本條所為之聲明，得由相關締約國以書面通知董事後予以撤回。此項通知應於董事收到之日起屆滿 3 個月生效之。
  5. 任一締約國應受本條所作聲明之拘束，有關詳細記載於聲明內之任何義務，於管轄法院前對之提起任何訴訟程序內，應放棄其有權請求之任何豁免權。

## Article 15

1. Each Contracting State shall ensure that any person who receives contributing oil within its territory in such quantities that he is liable to contribute to the Fund appears on a list to be established and kept up to date by the Director in accordance with the subsequent provisions of this Article.
2. For the purposes set out in paragraph 1, each Contracting State shall communicate, at a time and in the manner to be prescribed in the Internal Regulations, to the Director the name and address of any person who in respect of that State is liable to contribute to the Fund pursuant to Article 10, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year.
3. For the purposes of ascertaining who are, at any given time, the persons liable to contribute to the Fund in accordance with Article 10, paragraph 1, and of establishing where applicable, the quantities of oil to be taken into account for any such person when determining the amount of his contribution, the list shall be prima facie evidence of the facts stated herein.

## 第 15 條

1. 任一締約國應確保於其領域內收受之攤款油達相當數量且有義務向基金提出攤款之任何人，能出現在董事依本條規定隨時建立最新之名單上。
2. 為第 1 項目的，任一締約國應依基金內部規則所規定之方式與時間，將有關第 10 條規定該國有責任向基金攤款之任何人之姓名與住址通知董事，並提供由任何人於前一曆年間，所收受攤款油有關數量之資料。
3. 為確定於任何特定時間何人係依第 10 條第 1 項有責任向基金攤款並列入名單，如屬可行，該名單應將任何此等人，於決定其攤款額時，應加以考慮之油量等事實之原始資料予以說明。

## ORGANIZATION AND ADMINISTRATION

### Article 16

The Fund shall have an Assembly, a Secretariat headed by a Director and, in accordance with the provisions of Article 21, an Executive Committee.

## 組織與管理

### 第 16 條

基金應設大會，與由董事為首之秘書處，並依第 21 條規定設執行委員會。

## ASSEMBLY

### Article 17

The Assembly shall consist of all Contracting States to this Convention.

## 大會

### 第 17 條

大會由本公約所有締約國組成。

### Article 18

The functions of the Assembly shall, subject to the provisions of Article 26, be:

1. to elect at each regular session its Chairman and two Vice-Chairmen who shall hold office until the next regular

### 第 18 條

於適用第 26 條之情況下，大會職權為：

1. 於每屆定期會議時選舉主席 1 人副主席 1 人，主持會務至下屆定期會議時

- session;
2. to determine its own rules of procedure, subject to the provisions of this Convention;
  3. to adopt Internal Regulations necessary for the proper functioning of the Fund;
  4. to appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel.
  5. to adopt the annual budget and fix the annual contributions;
  6. to appoint auditors and approve the accounts of the Fund;
  7. to approve settlements of claims against the Fund, to make decisions in respect of the distribution among claimants of the available amount of compensation in accordance with Article 4, paragraph 5, and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of pollution damage are compensated as promptly as possible;
  8. to elect the members of the Assembly to be represented on the Executive Committee, as provided in Articles 21, 22 and 23;
  9. to establish any temporary or permanent subsidiary body it may consider to be necessary;
  10. to determine which non-Contracting States and which inter-governmental and international nongovernmental organizations shall be admitted to take part, without voting rights, in meeting of the Assembly, the Executive Committee, and subsidiary bodies;
  11. to give instructions concerning the administration of the Fund to the Director, the Executive Committee and subsidiary bodies;
  12. to review and approve the reports and activities of the Executive Committee;
  13. to supervise the proper execution of the Convention and of its own decisions;
  14. to perform such other functions as are allocated to it under the Convention or are otherwise necessary for the proper operation of the Fund.
- 止；
2. 依本公約之規定，決定其議事規則；
  3. 通過適當運用基金所需之內部規則；
  4. 任命董事及制定任命其他必要人員之規定，並決定董事及其他人員服務之期限及條件；
  5. 通過每年預算及確定年度攤款；
  6. 任命監察人並審定基金之帳目；
  7. 核定對基金之求償，決定有關依第 4 條第 5 項可得賠償金額之求償人中之分配，並決定期限及條件，作成有關求償之暫付款，俾確保污損之受害人能儘可能迅速獲得賠償；
  8. 依第 21 條、第 22 條及第 23 條規定，選舉大會會員為執行委員會委員；
  9. 設立認為必要之任何臨時或常設附屬機構；
  10. 決定准許無投票權之非締約國及政府間組織與國際非政府間組織參加大會、執行委員會及附屬機構之會議；
  11. 對董事、執行委員會及附屬機構有關基金管理之指示；
  12. 審查及核准執行委員會之報告及工作；
  13. 監督是否適當執行公約及大會之決定；
  14. 從事公約所賦予或對基金之適當運用所必要之其他任務。

## Article 19

1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director; provided, however, that if the Assembly allocates to the Executive Committee the functions specified in Article 18, paragraph 5, regular sessions of the Assembly shall be held once every two years.
2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of the Executive Committee or of at least one-third of the members of the Assembly and may be convened on the Director's initiative after consultation with the Chairman of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

## Article 20

A majority of the members of the Assembly shall constitute a quorum for its meetings.

## 第 19 條

1. 大會之定期會議由董事召集，每一曆年舉行 2 次；然大會將第 18 條第 5 項職權賦予執行委員會時，大會之定期會議得為每 2 年舉行 1 次。
2. 大會之臨時會議，應基於執行委員會之要求或至少 3 分之 1 大會會員之請求，由董事召集，亦得由董事與大會主席協商後發起召集之。此項會議董事應至少在會議前 30 天通知會員。

## 第 20 條

大會各種會議之法定人數，由過半數之會員構成。

## EXECUTIVE COMMITTEE

## 執行委員會

### Article 21

### 第 21 條

The Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen.

執行委員會應於締約國達 15 國後，大會之第 1 屆定期會議時設立之。

### Article 22

### 第 22 條

1. The Executive Committee shall consist of one-third of the members of the Assembly but of not less than seven or more than fifteen members. Where the number of members of the Assembly is not divisible by three, the one-third referred to shall be calculated on the next higher number which is divisible by three.
2. When electing the members of the Executive Committee the Assembly shall:
  - (a) secure an equitable geographical distribution of the seats on the Committee on the basis of an adequate representation of Contracting States particularly exposed to the risks of oil pollution and of Contracting States having large tanker fleets; and
  - (b) elect one half of the members of the Committee, or in case the total number of members to be elected is uneven, such number of the members as is equivalent to one half of the total number less one, among those Contracting States in the territory of which the largest quantities of oil to be taken into account under Article 10 were received during the preceding calendar year, provided that the number of States eligible under this subparagraph shall be limited as shown in the table below:

1. 執行委員會應包含大會 3 分之 1 會員，然應不少於 7 個或多於 15 個。大會之會員數若不能以 3 整除時，所指之 3 分之 1 應以次 1 個可以 3 整除之較大數計算之。
2. 於選舉執行委員會之委員時，大會應：
  - (a) 保證委員會席次在地理上之平衡分配，足以代表諸締約國為基礎，尤以暴露於油污危險及擁有大油輪船隊之締約國；及
  - (b) 選出委員會委員之半數，如全部委員數為奇數時，選出相當於全部委員數減 1 後之半數，該選任委員時，應考量從前一曆年於各領域內，依第 10 條收受最大量石油之締約國中選出，然依此款有資格被選之國家總數，應受下表之限制：

Total number of members on the committee subparagraph (b)	7	8	9	10	11	12	13	14	15
Number of States eligible under subparagraph (b)	5	6	6	8	8	9	9	11	11
Number of states to be elected under	3	4	4	5	5	6	6	7	7

委員會委員總數	7	8	9	10	11	12	13	14	15
依(b)款有被選資格之國家數	5	6	6	8	8	9	9	11	11
依(b)款應選出之國家數	3	4	4	5	5	6	6	7	7

3. A member of the Assembly which was eligible but was not elected under sub-paragraph (b) shall not be eligible to be elected for any remaining seat on the Executive Committee.

3. 依(b)款有被選資格而未被選之大會會員國，對於執行委員會任何席次無被選之資格。

### Article 23

### 第 23 條

1. Members of the Executive Committee shall hold office until the end of the next regular session of the Assembly.
2. Except to the extent that may be necessary for complying with the requirements of Article 22, no State Member of the Assembly may serve on the Executive Committee for more than two consecutive terms.

1. 執行委員會之委員應繼續執行職務，至大會下屆定期會期結束為止。
2. 除必須符合第 22 條規定外，大會之締約國會員不得連續擔任超過兩屆執行委員會之委員。

### Article 24

### 第 24 條

The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his own initiative or at the request of its Chairman or of at least one-third of its members. It shall meet at such places as may be convenient.

## Article 25

At least two-thirds of the members of the Executive Committee shall constitute a quorum for its meeting.

## Article 26

- The functions of the Executive Committee shall be:
  - to elect its Chairman and adopt its own rules of procedure, except as otherwise provided in this Convention;
  - to assume and exercise in place of the Assembly the following functions:
    - making provision for the appointment of such personnel, other than the Director, as may be necessary and determining the terms and conditions of service of such personnel;
    - approving settlements of claims against the Fund and taking all other steps envisaged in relation to such claims in Article 18, paragraph 7;
    - giving instructions to the Director concerning the administration of the Fund and supervising the proper execution, by him of the Convention, of the decisions of the Assembly and of the Committee's own decisions; and
  - to perform such other functions as are allocated to it by the Assembly.
- The Executive Committee shall each year prepare and publish a report of the activities of the Fund during the previous calendar year.

## Article 27

Members of the Assembly who are not members of the Executive Committee shall have the right to attend its meetings as observers.

## SECRETARIAT

### Article 28

- The Secretariat shall comprise the Director and such staff as the administration of the Fund may require.
- The Director shall be the legal representative of the Fund.

### Article 29

- The Director shall be the chief administrative officer of the Fund and shall, subject to the instructions given to him by the Assembly and by the Executive Committee, perform those functions which are assigned to him by the Convention, the

執行委員會至少每一曆年應集會一次，由董事於 30 日前通知召集之。會議由董事發起或依主席之要求，或至少 3 分之 1 委員請求召集之。並在適當地點集會。

## 第 25 條

會議之法定人數，至少由 3 分之 2 執行委員會之委員構成。

## 第 26 條

- 執行委員會之職權為：
  - 除本公約另有規定外，選舉主席及通過其議事規則；
  - 代理大會行使下列職權：
    - 制定董事以外工作人員之任命規定，必要時決定工作人員服務之期限與條件；
    - 核定對基金之求償，並對有關第 18 條第 7 項之各項求償採取其他步驟；
    - 對董事有關基金之管理給予指示，並監督董事適當執行公約、大會決議及委員會決議；及
  - 執行大會交辦之其他相關事項。
- 執行委員會應每年製備並公佈基金於前一曆年度之工作報告。

## 第 27 條

非執行委員會委員之大會會員，有權以觀察人身份參加會議。

## 秘書處

### 第 28 條

- 秘書處由董事及管理基金所需職員組成之。
- 董事為基金之法定代表。

### 第 29 條

- 董事為基金之行政首長，依大會及執行委員會之指示，執行本公約、內部規則、大會及執行委員會所賦予之任務。

Internal Regulations, the Assembly and the Executive Committee.

2. The Director shall in particular:

- (a) appoint the personnel required for the administration of the Fund;
- (b) take all appropriate measures with a view to the proper administration of the Fund's assets;
- (c) collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;
- (d) to the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;
- (e) take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the Internal Regulations, including the final settlement of claims without the prior approval of the Assembly or the Executive Committee where these Regulations so provide;
- (f) prepare and submit to the Assembly or to the Executive Committee as the case may be, the financial statements and budget estimates for each calendar year;
- (g) assist the Executive Committee in the preparation of the report referred to in Article 26, paragraph 2;
- (h) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Executive Committee and subsidiary bodies.

### Article 30

In the performance of their duties the Director and the staff and experts appointed by him shall not seek or receive instructions & am any Government or from any authority external to the Fund. They shall refrain from any action which might reflect on their position as international official. Each Contracting State on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by him, and not to seek to influence them in the discharge of their duties.

## FINANCES

### Article 31

1. Each Contracting State shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Executive Committee and on subsidiary bodies.
2. Any other expenses incurred in the operation of the Fund shall be borne by the Fund.

## VOTING

### Article 32

2. 董事應：

- (a) 任命基金管理所需人員；
- (b) 採取適當措施管理基金之資產；
- (c) 特別注意依第 13 條第 3 項規定，收取依本公約應攤款之金額；
- (d) 於必要範圍內處理對基金之求償及執行基金之其他任務、雇用法律、財務及其他領域之專家；
- (e) 採取適當措施，於內部規則之規定及限制下，處理對基金之求償，包括大會或執行委員會事先未賦予認可求償之最終決定；
- (f) 依各別情形向大會或執行委員會，製備及提出每一曆年之財務報告書及預算估計；
- (g) 協助執行委員會製備第 26 條第 2 項所述之報告；
- (h) 製備、收集及分送大會、執行委員會及附屬機構工作所需之報告、文件、議程、會議記錄及資料。

### 第 30 條

董事及由董事任命之職員及專家，於履行其任務時，不應尋求或接受任何政府或基金外任何機關之指示。其任何行為應避免損及國際職員之地位。任一締約國應保證能尊重董事及由董事任命之職員及專家等專屬國際特性之責任，不應影響彼等任務之執行。

## 財務

### 第 31 條

1. 任一締約國應負擔其在大會之代表團及其在執行委員會與附屬機構之代表之薪津、旅費及其他費用。
2. 管理基金所需之任何其他費用應由基金負擔。

## 投票

### 第 32 條

The following provisions shall apply to voting in the Assembly and the Executive Committee:

- (a) each member shall have one vote;
- (b) except as otherwise provided in Article 33, decisions of the Assembly and the Executive Committee shall be by a majority vote of the members present and voting;
- (c) decisions where a three-fourths or a two-thirds majority is required shall be by a three-fourths or two-thirds majority vote, as the case may be, of those present;
- (d) for the purpose of this Article the phrase “members present” means “members present at the meeting at the time of the vote”, and the phrase “members present and voting” means “members present and casting an affirmative or negative vote”. Members who abstain from voting shall be considered as not voting.

### Article 33

1. The following decisions of the Assembly shall require a three-fourths majority:
  - (a) an increase in accordance with Article 4, paragraph 6, in the maximum amount of compensation payable by the Fund;
  - (b) a determination, under Article 5, paragraph 4 relating to the replacement of the Instruments referred to in that paragraph;
  - (c) the allocation to the Executive Committee of the Functions specified in Article 18, paragraph 5.
2. The following decisions of the Assembly shall require a two-thirds majority:
  - (a) a decision under Article 13, paragraph 3, not to take or continue action against a contributor;
  - (b) the appointment of the Director under Article 18, paragraph 4;
  - (c) the establishment of subsidiary bodies, under Article 18, paragraph 9.

### Article 34

1. The Fund, its assets, income, including contributions and other property shall enjoy in all Contracting States exemption from all direct taxation.
2. When the Fund makes substantial purchases of movable or immovable property, or has important work carried out which is necessary for the exercise of its official activities and the cost of which includes indirect taxes or sales taxes, the Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes.
3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.
4. The Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported on conditions

下列規定適用於大會及執行委員會內之投票：

- (a) 每一會員 1 票；
- (b) 除第 33 條另有規定外，大會及執行委員會之決議應依出席及投票會員之多數票決之；
- (c) 依各別情形，需要 4 分之 3 或 3 分之 2 多數決之決議，應依出席會員 4 分之 3 或 3 分之 2 多數票決之；
- (d) 為本條目的，稱「出席會員」係指「於投票時出席會議之會員」；「出席投票之會員」係指「出席並投肯定票或否定票之會員」。放棄投票之會員視為未投票。

### 第 33 條

1. 下列大會之決議應 4 分之 3 多數票決之：
  - (a) 依第 4 條第 6 項，增加對基金應付最大賠償金額；
  - (b) 依第 5 條第 4 項所述有關公約代替之決定；
  - (c) 第 18 條第 5 項所賦予執行委員會之職權。
2. 下列大會之決議應要求 3 分之 2 多數票決之：
  - (a) 依第 13 條第 3 項不對攤款人採取或繼續行動之決定；
  - (b) 依第 18 條第 4 項董事之任命；
  - (c) 依第 18 條第 9 項附屬機構之設立。

### 第 34 條

1. 基金之資產、所得、包括攤款金及其他財產，於所有締約國內應享有直接稅之豁免。
2. 於基金購買巨額動產或不動產或為達成其正式活動所須實行之重要工作及因此而生之費用，包括間接稅或營業稅，締約會員國政府應儘可能採取適當措施，以免除或退還此等稅款。
3. 繳納公用事業設施之各種稅捐，不應給予免除。
4. 基金本身或其代表應享有為其公務用途而輸入或輸出物品之所有關稅、稅或其他有關稅捐之免除。然因此而輸入之物品，除經輸入國政府同意外，於輸入國內不得轉售或贈與。



agreed by the government of that country.

5. Persons contributing to the Fund and victims and owners of ships receiving compensation from the Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.
  6. Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the Fund except in so far as it may be strictly necessary to enable the Fund to carry out its functions including the bringing and defending of legal proceedings.
  7. Independently of existing or future regulations concerning currency or transfer, Contracting States shall authorize the transfer and payment of any contribution to the Fund and of any compensation paid by the Fund without any restriction.
5. 對基金攤款之人及由基金獲得賠償之受害人與船舶所有人，應依締約國財稅法規規定課稅，並不給予特別豁免或其他利益。
  6. 為本公約目的所提供有關個別攤款人之資料，不得洩露於基金之外，然基金於執行其任務包括訴訟程序之提起及抗辯絕對必需範圍內，不受此限。
  7. 不論目前或將來有關貨幣或匯兌之規定如何，締約國應授權任何對基金之攤款，或由基金給付之任何賠償，於匯兌及付款時無任何限制。

## TRANSITIONAL PROVISIONS

### Article 35

1. The Fund shall incur no obligation whatsoever under Article 4 or 5 in respect of incidents occurring within a period of one hundred and twenty days after the entry into force of this Convention.
2. Claims for compensation under Article 4 and claims for indemnification under Article 5, arising from incidents occurring later than one hundred and twenty days but not later than two hundred and forty days after the entry into force of this Convention may not be brought against the Fund prior to the elapse of the two hundred and fortieth day after the entry into force of this Convention.

### Article 36

The Secretary-General of the Organization shall convene the first session of the Assembly. This session shall take place as soon as possible after entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

## FINAL CLAUSES

### Article 37

1. This Convention shall be open for signature by the States which have signed or which accede to the Liability Convention, and by any State represented at the Conference on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The Convention shall remain open for signature until 31 December 1972.
2. Subject to paragraph 4, this Convention shall be ratified, accepted or approved by the States which have signed it.
3. Subject to paragraph 4, this Convention is open for accession by States which did not sign it.
4. This Convention may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the Liability Convention.

## 過渡規定

### 第 31 條

1. 有關事故發生於本公約生效日起屆滿 120 日前之期間者，基金不負擔依第 4 條或第 5 條之義務。
2. 本公約生效日起屆滿 120 日後至 240 日內之期間內發生之事故，依第 4 條之賠償要求與依第 5 條之補償要求，不得在本公約生效日起屆滿 240 日之前，向基金提出。

### 第 36 條

本組織之秘書長應召集大會之首屆會議。該屆會議應儘可能於本公約生效後迅速舉行，然無論如何不得超過該公約生效後 30 日內。

## 最後條款

### 第 37 條

1. 本公約應公開聽任已簽署或加入責任公約之締約國，及出席 1971 年設立油污損害國際賠償基金會議之任何國家簽署。其後本公約繼續公開聽任簽署，迄 1972 年 12 月 31 日止。
2. 本公約應由符合第 4 項規定之簽署國批准、接受或認可。
3. 本公約公開聽任符合第 4 項規定之未簽署國家加入。
4. 本公約僅得由業已批准、接受、認可或加入責任公約之締約國所批准、接受、認可或加入。

## Article 38

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing Contracting States or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

## Article 39

Before this Convention comes into force a State shall, when depositing an instrument referred to in Article 38, paragraph 1, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

## Article 40

1. This Convention shall enter into force on the ninetieth day following the date on which the following requirements are fulfilled:
  - (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, and
  - (b) the Secretary-General of the Organization has received information in accordance with Article 39 that those persons in such States who would be liable to contribute pursuant to Article 10 have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.
2. However, this Convention shall not enter into force before the Liability Convention has entered into force.
3. For each State which subsequently ratifies, accepts, approves or accedes to it, this Convention shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

## Article 41

1. This Convention may be denounced by any Contracting State at any time after the date on which the Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect one year, or such longer period

## 第 38 條

1. 批准、接受、認可或加入，應將正式文件存放於該組織秘書長處始具效力。
2. 本公約修正案對所有現有締約國生效後或在本公約修正案對該等締約國生效所需之全部手續完成後，始存放之任何批准、接受、認可或加入之文件者，視為適用經修訂案修正後之公約。

## 第 39 條

於本公約生效前，任一國家依第 38 條第 1 項規定存放文件後，每年應依該組織秘書長所決定之日期，將有關該國依第 10 條規定有義務向基金提出攤款之任何人姓名及地址，及前一曆年間於該國領域內由該等任何人所收受有關應提出攤款油量等資料，通知該組織秘書長。

## 第 40 條

1. 本公約應於符合下列規定之日後第 90 日起生效：
  - (a) 至少 8 國已將批准、接受、認可或加入之文件存放於該組織秘書長處，及
  - (b) 該組織秘書長業依第 39 條規定獲得資料統計於該等國家內依第 10 條有義務攤款之人，於前一曆年間已收受總數至少達 7 億 5 千萬噸應提出攤款油時。
2. 然於責任公約生效前本公約不予生效。
3. 對於嗣後給予批准、接受、認可、或加入之任一國家，於該國存放適當文件後之第 90 日，本公約始對其生效。

## 第 41 條

1. 任一締約國在本公約對其生效之日後，得隨時退出本公約。
2. 退出應以文件存放該組織秘書長處，始具效力。
3. 退出應於退出文件存放於該組織秘書

as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. Denunciation of the Liability Convention shall be deemed to be a denunciation of this Convention. Such denunciation shall take effect on the same date as the denunciation of the Liability Convention takes effect according to paragraph 3 of Article XVI of that Convention.
5. Notwithstanding a denunciation by a Contracting State pursuant to this Article, any provisions of this Convention relating to the obligations to make contributions under Article 10 with respect to an incident referred to in Article 12, paragraph 2 (b), and occurring before the denunciation takes effect shall continue to apply.

## Article 42

1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.
2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions for the remaining Contracting States.
3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which that denunciation takes effect, denounce this Convention with effect from the same date.

## Article 43

1. This Convention shall cease to be in force on the date when the number of Contracting States falls below three.
2. Contracting States which are bound by this Convention on the date before the day it ceases to be in force, shall enable the Fund to exercise its functions as described under Article 44 and shall, for that purpose only, remain bound by this Convention.

## Article 44

1. If this Convention ceases to be in force, the Fund shall nevertheless
  - (a) meet its obligations in respect of any incident occurring before the Convention ceased to be in force;
  - (b) be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under subparagraph (a), including expenses for the administration of the Fund necessary for this purpose.

長處 1 年或依退出文件所載明之更長期間屆滿後有效。

4. 退出責任公約即視為退出本公約。此退出應依責任公約第 16 條第 3 項規定退出該公約之同日有效。
5. 締約國雖已依本條規定退出，然依本公約第 10 條規定有義務提出攤款之任何規定，應繼續適用第 12 條第 2 項(b)款規定及發生於退出有效前之事故。

## 第 42 條

1. 於存放退出文件後之 90 日內，任一締約國如認為其結果將對其餘締約國大幅增加其攤款標準者，得請求董事召開臨時大會。董事並應於接獲請求後之 60 日內召開大會。
2. 於存放退出文件後之 60 日，董事如認為此項退出對於其餘締約國將會導致攤款標準之重大增加時，得逕行召集臨時大會。
3. 如大會於依第 1 項或第 2 項所召集之臨時會議，決議該退出將對其餘締約國導致攤款標準之重大增加者，任一締約國得在該退出有效之日期前 120 天內退出本公約，並在該退出有效之日同時有效。

## 第 43 條

1. 本公約於締約國減少至不足 3 國之日起終止其效力。
2. 於本公約效力終止前受其拘束之締約國應授權基金執行第 44 條所規定之任務，為該目的仍受本公約之拘束。

## 第 44 條

1. 如本公約終止其效力，基金仍應：
  - (a) 承擔有關於公約終止其效力前所發生任何事故之義務。
  - (b) 有權行使要求攤款之權利，然以此攤款係為滿足依(a)款義務所需範圍，包括為該目的所需之基金管理費用。

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.
  3. For the purposes of this Article the Fund shall remain a legal person.
2. 大會應採取所有適當措施以清算基金，包括以衡平方法分配任何剩餘資產給已對基金攤款之人。
  3. 為本條之目的基金應仍屬法人。

#### Article 45

1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.
2. The Organization shall convene a Conference of the Contracting States for the purpose of revising or amending the Convention at the request of not less than one-third of all Contracting States.

#### 第 45 條

1. 該組織得召集會議修訂或增訂本公約。
2. 該組織應不少於 3 分之 1 締約國之請求，應召集本公約締約國舉行修訂或增訂本公約。

#### Article 46

1. This Convention shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
  - (a) inform all States which have signed or acceded to this Convention of:
    - (i) each new signature or deposit of instrument and the date thereof;
    - (ii) the date of entry into force of the Convention;
    - (iii) any denunciation of the Convention and the date on which it takes effect;
  - (b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to the Convention.

#### 第 46 條

1. 本公約應存放於該組織秘書長處。
2. 該組織秘書處應：
  - (a) 通知所有已簽署或加入本公約之國家：
    - (i) 每一新的簽署或存放之文件及其簽署或存放之日期；
    - (ii) 本公約生效之日期；
    - (iii) 任何退出本公約及其有效日期；
  - (b) 將本公約簽證無誤之複本送交全體簽署國及所有加入本公約之國家。

#### Article 47

As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

#### 第 47 條

俟本公約生效，該組織秘書長應依聯合國憲章第 102 條之規定將本公約經簽證無誤之複本儘速送聯合國秘書處登記並公布之。

#### Article 48

This Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

In Witness whereof the undersigned plenipotentiaries being duly authorized for that purpose have signed the present Convention.

Done at Brussels this eighteenth day of December one thousand nine hundred and seventy-one.

#### 第 48 條

本公約之原本以英文及法文作成，二者皆具同等效力。俄文及西班牙文之官方譯文應由該組織之秘書處製備，與簽名之原本一併存放。

基此，下列為該目的而授權之全權代表，爰簽署本公約，以昭信守。

1971 年 12 月 18 日簽訂於布魯塞爾。