

1969 年油污損害民事責任國際公約 1976 年議定書

1976 年 11 月 29 日 訂於倫敦，1981 年 4 月 8 日生效

1976 Protocol to The International Convention on Civil Liability for Oil Pollution Damage, 1969

London, 19 November, 1976 ; Entered into Force on 8 April, 1981

CLC 1976

The Parties to the present Protocol

Being Parties to the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969;

Have agreed as follows:

Article I

For the purpose of the present-Protocol:

1. "Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969,
2. "Organization" has the same meaning as in the Convention.
3. "Secretary-General" means the Secretary-General of the Organization.

Article II

Article V of the Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
"The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 133 units of account for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 14 million units of account,"
2. Paragraph 9 is replaced by the following text:
9(a). The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and

本議定書各締約國，

為 1969 年 11 月 29 日於布魯塞爾所簽訂之國際油污損害民事責任公約之締約國，
茲協議如下：

第 1 條

在議定書中：

1. "公約"係指 1969 年國際油污損害民事責任公約。
2. "本組織"與公約中之含義相同。
3. "秘書長"係指本組織秘書長。

第 2 條

公約第 5 條修正如下：

1. 以下列文字代替第 1 項：
"依本公約，船舶所有人有權對任一事件之賠償責任總額限制為依船舶噸位每噸 133 記帳單位，然該總額在任何情況下不得超過 1,400 萬記帳單位。"
2. 以下列文字代替第 9 項：
9(a)本條第 1 項所指之"記帳單位"為國際貨幣基金所規定之特別提款權。第 1 項所述金額，應依基金設立之日基金設立所在國貨幣之價值與特別提款權之兌換率折算成該國貨幣。凡屬國際貨幣基金會員之國家，其特別提款權折算為該國貨幣之價值，應依國際貨幣基金於所述日期之業務交易所適用之實際定值方法計算。非屬國際貨幣基金會員之國家，其特別提款權折算成該國貨幣之價值，應依該國所確定之方

transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) of this Article may, at the time of ratification, acceptance, approval of or accession to the present Convention, or at any time thereafter, declare that the limits of liability provided for in paragraph 1 to be applied in its territory shall, in respect of any one incident, be an aggregate of 2,000 monetary units for each top of the ship's tonnage provided that this aggregate amount shall not in any event exceed 210 million monetary units. The monetary unit referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of these amounts into the national currency shall be made according to the law of the State concerned,

9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such a manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as is expressed there in units of account. Contracting States shall communicate to the depositary the manner of calculating pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument referred to in Article IV and whenever there is a charge in either.

Article III

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions of the Convention on Civil Liability for Oil Pollution Damage, 1969, held in London from 17 to 19 November 1976. The Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.
2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.
3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.
4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article IV

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the

式計算之。

9(b) 然無論如何，非屬國際貨幣基金會會員國且其法律又不允許適用本條第 9(a)項規定之締約國，於批准、接受、核准或加入本公約時，或於之後之任何時間，均可聲明第 1 項之規定適用於其領域，對任一事件之賠償責任，限於依船舶噸位每噸 2,000 貨幣單位總額，然此總額於任何情況下不得超過 21,000 萬貨幣單位。本項所指貨幣單位相當於純度為千分之九百的黃金 65.5 毫克。此金額折換成本國貨幣時，應依有關國家之法律辦理之。

9(c) 第 9(a)項末句所述計算及第 9(b)項所述折算，其方式應盡可能使第 1 項之金額於以締約國貨幣表示時具有與該金額以記帳單位表示時之相同真實價值。締約國應視情況，將其依第 9(a)項之計算方法或依第 9(b)項之折算結果，於交存第 4 條所指文書時及上述計算方法及折算結果發生變動時，通知保存人。

第 3 條

1. 本議定書開放供任何已簽署或加入公約之國家及任何應邀參加於 1976 年 11 月 17 日到 19 日於倫敦召開之修訂 1969 年國際油污損害民事責任公約記帳單位會議之國家簽署。本議定書自 1977 年 2 月 1 日起至 1977 年 12 月 31 日止於本組織總部開放以供簽署。
2. 於適用本條第 4 項規定之情況下，本議定書待已簽署本議定書之國家批准、接受或核准。
3. 於適用本條 4 項規定之情況下，本議定書應開放供未簽署本議定書之國家加入。
4. 本議定書可由公約各締約國批准、接受、核准或加入。

第 4 條

1. 批准、接受、核准或加入應向秘書長交存一份相應之正式文件。
2. 於本議定書修正案對所有現有締約國生效後，或於本修正案對所有現有締約國之生效所需的各種手續完備後，

completion of all measures required for the entry into force of the amendment with respect to all existing Parties, shall be deemed to apply to the Protocol as modified by the amendment.

任何交存之批准、接受、核准或加入文件應視為適用於經修正案修改之本議定書。

Article V

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.
2. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after the deposit by such State of the appropriate instrument.

第 5 條

1. 本議定書應於包括 5 個各擁有油輪噸位不少於 100 萬總噸之國家在內之 8 個國家向秘書長交存批准、接受、核准或加入書之日第 90 天後，對批准、接受、核准或加入本議定書之國家生效。
2. 於在此後批准、接受、核准或加入本議定書之任一國家，本議定書應在該國交存相應文件之日第 90 天後對其生效。

Article VI

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument to that effect with the Secretary-General.
3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation after its deposit with the Secretary-General.

第 6 條

1. 任何締約國可在本議定書對其生效後，隨時退出本議定書。
2. 退出應向秘書長交存一份文件，方為有效。
3. 退出應在向秘書長交存退出文件一年後生效或在退出文件所載之更長期限後生效。

Article VII

1. A Conference for the purpose of revising or amending the present Protocol may be convened by the Organization.
2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

第 7 條

1. 本組織可召開會議，修訂或修正本議定書。
2. 應不少於三分之一締約國之請求，本組織應召開本議定書之締約國會議，對其進行修訂或修正。

Article VIII

1. The present Protocol shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed the present Protocol or acceded thereto of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) the date of entry into force of the present Protocol;
 - (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the denunciation takes effect;
 - (iv) any amendments to the present Protocol;
 - (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

第 8 條

1. 本議定書應交秘書長保存。
2. 秘書長應：
 - (a) 將下列事項通知所有已簽署或加入本議定書之國家：
 - (i) 每一新的簽署或新的文件交存及其日期；
 - (ii) 本議定書之生效日期；
 - (iii) 任何退出本議定書之文件之交存及退出之生效日期；
 - (iv) 本議定書之任何修正案；
 - (b) 將本議定書之核證無誤的副本送交所有簽署或加入本議定書之國家。

Article IX

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

Article X

The present Protocol 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 and deposited with the signed original.

Done at London this nineteenth day of November one thousand nine hundred and seventy-six.

In witness hereof the undersigned* being duly authorized for that purpose have signed the present Protocol.

RESOLUTION

The Conference to revise the unit of account provisions in the 1969 International Convention on Civil Liability for Oil Pollution Damage, Considering that a decline in the value of money may affect, to a serious extent, the amounts established in the Convention, Recommends that the Participating Governments consider the problem with a view to establishing a specific and efficient procedure for the expeditious revision of such amounts in order to maintain their real value.

第 9 條

本議定書一經生效，秘書長應依照聯合國憲章第 102 條規定，將本議定書核證無誤之副本送交聯合國秘書處，供登記及公佈。

第 10 條

本議定書正本一份，以英文及法文寫成，二文本具有同等效力。俄文及西班牙文的正式譯本應制成並與經簽署之正本一併保存。

1976 年 11 月 19 日訂於倫敦

下列署名者，經正式授權，特簽署本議定書，以昭信守。

決議

修正 1969 年國際油污損害民事責任公約記帳單位規定之會議，

考慮到幣值變動會在很大程度上影響公約所確立之金額，建議各參加國政府考慮此問題，為及時修正該金額設立特別及有效之程序，以保持其實際價值。