

1924 年統一某些載貨證券規則國際公約 1968 年修訂之 1979 年修訂議定書

1979 年 12 月 21 日 訂於布魯塞爾，1984 年 2 月 14 日

(1979 年特別提款權議定書)

Protocol Amending the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (August 25, 1924, as Amended by the Protocol of February 28, 1968),

Signed at Brussels, December 21, 1979 ; Entered into Force Feb. 14, 1984

1979 SDR Protocol

The Contracting Parties to the present Protocol,

Being Parties to the International Convention for the unification of certain rules of law relating to bills of lading, done at Brussels on August 25, 1924, as amended by the Protocol to amend that Convention done at Brussels on February 23, 1968,

Have agreed as follows:

本議定書之締約國，

亦為 1924 年 8 月 25 日布魯塞爾所簽署之統一某些載貨證券規則公約，並於 1968 年 2 月 23 日於布魯塞爾修正該公約所簽署修正議定書之會員國，

經同意如下：

Article I

For the purpose of this Protocol, "Convention" means the International Convention for the unification of certain rules of law relating to bills of lading and its Protocol of signature, done at Brussels on August 25, 1924, as amended by the Protocol, done at Brussels on February 23, 1968.

第 1 條

為本議定書之目的，「公約」乙詞意指 1924 年 8 月 25 日於布魯塞爾所簽訂之統一某些載貨證券規則公約及於 1968 年 2 月 23 日於布魯塞爾修正該公約所簽署之修正議定書。

Article II

1. Article 4, paragraph 5(a) of the Convention is replaced by the following:

“(a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding 666.67 units of account per package or unit or 2 units of account per kilogramme of gross weight of the goods lost or damaged, whichever is the higher.”

第 2 條

1. 下列文字取代公約第 4 條第 5 項(a)款：

“(a) 除託運人於託運前聲明該貨物之性質及價值並載明於載貨證券者外，對於貨物或有關貨物之任何毀損或滅失，運送人或船舶於任何情況下，均不或無須負責每件或每單位貨物超過 666.67 記帳單位或毀損滅失貨物毛重每公斤 2 記帳單位以上之數額，採較高者。”

2. Article 4, paragraph 5(d) of the Convention is replaced by the following:

“(d) The unit of account mentioned in this Article is the Special

2. 下列文字取代公約第 4 條第 5 項(d)款：

(d) 本條所指之記帳單位係指國際貨

Drawing Right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on the date to be determined by the law of the Court seized of the case. The value of the national currency, in terms of the Special Drawing Right, of a 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 transactions. The value of the national currency, in terms of the Special Drawing Right, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of the preceding sentences may, at the time of notification of the Protocol of 1979 or accession thereto or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in its territory shall be fixed as follows:

- (i) in respect of the amount of 666.67 units of account mentioned in sub-paragraph (a) of paragraph 5 of this Article, 10,000 monetary units;
- (ii) in respect of the amount of 2 units of account mentioned in sub-paragraph (a) of paragraph 5 of this Article, 30 monetary units.

The monetary unit referred to in the preceding sentence corresponds to 65.5 milligrammes of gold of millesimal fineness 900, The conversion of the amounts specified in that sentence into the national currency shall be made according to the law of the State concerned. The calculation and the conversion mentioned in the preceding sentences shall be made in such a manner as to express in the national currency of that State as far as possible the same real value for the amounts in sub-paragraph (a) of paragraph 6 of this Article as is expressed there in units of account.

States shall communicate to the depositary the manner of calculation or the result of the conversion as the case may be, when depositing an instrument of ratification of the Protocol of 1979 or of accession thereto and whenever there is a change in either. “

Article III

Any dispute between two or more Contracting Parties concerning the interpretation or application of the present Protocol, which cannot be settled through negotiation, shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

Article IV

- (1) Each Contracting Party may at the time of signature or ratification of this Protocol or of accession thereto, declare that it does not consider itself bound by Article III.
- (2) Any Contracting Party having made a reservation in accordance

幣基金所定義之特別提款權。本項(a)款所列明之數額應以案件受審法院所決定日期之貨幣價值兌換成本國貨幣。本國貨幣相對於特別提款權之價值，如其為國際貨幣基金會之會員國，則依照國際貨幣基金會為期運作及交易所適用之價值評定方法計算之。如其非國際貨幣基金會之會員國，其本國貨幣相對於特別提款權之價值，則依該國所決定之方式計算之。

然對於該國非國際貨幣基金會之會員國，且該國法律不承認前段規定之適用者，於收到本1979年議定書通知或加入或其後任何時間，得聲明以下列方式確定本公約所規定責任限額並予適用：

- (i) 有關本條第5項(a)款所敘明666.67記帳單位之數額：為一萬貨幣單位；
- (ii) 有關本條第5項(a)款所敘明2記帳單位之數額：為30貨幣單位。

前款所稱之貨幣單位相當於 65.5 毫克，純度千分之九百之黃金。該款特定數額之兌換率，依相關國家法律定之。前款所規定之計算及兌換方法，應使該國貨幣之價值儘可能地同等於本條第 6 項(a)款所規定之記帳單位所表徵之真實價值。

各國應於交存其所批准 1979 年議定書或加入或有所變動之時，將計算方式或兌換結果通知公約保存人。”

第 3 條

二個或二個以上締約國間有關本公約解釋或適用上之爭議，無法經由協商解決者，經由其中一國提出，應交付仲裁。如交付仲裁請求提出後六個月內當事國各方無法就仲裁組織達成協議者，任一當事國得將爭議提交國際法院依國際法院規定審理。

第 4 條

- (1) 任一締約國於簽署或批准本議定書或加入本議定書時，得聲明不受本公約第3條之拘束。
- (2) 任一依前項規定提出保留之締約國，

with paragraph (1) may at any time withdraw this reservation by notification to the Belgian Government.

得於任何時間，以書面通知比利時政府之方式，撤回該保留。

Article V

This Protocol shall be open for signature by the States which have signed the Convention of 25 August 1924 or the Protocol of 23 February 1968 or which are Parties to the Convention.

第 5 條

本議定書開放給已簽署 1924 年 8 月 25 日公約或 1968 年 2 月 23 日修訂議定書之國家或本公約締約國簽署。

Article VI

- (1) This Protocol shall be ratified.
- (2) Ratification of this Protocol by any State which is not a Party to the Convention shall have the effect of ratification of the Convention.
- (3) The instruments of ratification shall be deposited with the Belgian Government,

第 6 條

- (1) 本議定書應予批准。
- (2) 非屬本公約締約國之任何國家批准本議定書者，具有加入本公約之效力。
- (3) 批准文書應存放於比利時政府。

Article VII

- (1) States not referred to in Article V may accede to this Protocol.
- (2) Accession to this Protocol shall have the effect of accession to the Convention.
- (3) The instrument of accession shall be deposited with the Belgian Government,

第 7 條

- (1) 第 5 條所敘以外之國家仍得加入本議定書。
- (2) 加入本議定書，具有加入本公約之效力。
- (3) 加入文書應交存比利時政府。

Article VIII

- (1) This Protocol shall come into force three months after the date of the deposit of five instruments of ratification or accession.
- (2) For each State which ratifies this Protocol or accedes thereto after the fifth deposit, this Protocol shall come into force three months after the deposit of its instrument of ratification or accession.

第 8 條

- (1) 本議定書應於五份批准書或加入書交存之日三個月後生效。
- (2) 批准本議定書或於第五份交存日以後加入本議定書之任一國家，本議定書應於其批准或加入文書交存三個月後生效。

Article IX

- (1) Any Contracting Party may denounce this Protocol by notification to the Belgian Government.
- (2) The denunciation shall take effect one year after the date on which the notification has been received by the Belgian Government.

第 9 條

- (1) 任一締約國得以通知比利時政府方式，退出本議定書。
- (2) 該退出自比利時政府收到通知之日起一年後生效。

Article X

- (1) Each State may at the time of signature, ratification or accession or at any time thereafter declare by written notification to the Belgian Government which among the territories for whose international relations it is responsible, are those to which the present Protocol applies.

第 10 條

- (1) 任何締約國於簽署、批准或加入時，得於任何時間以書面通知比利時政府方式，聲明本公約所適用之主權領域或權力所屬之其他領域。

The Protocol shall three months after the date of the receipt of such notification by the Belgian Government extend to the territories named therein, but not before the date of the coming into force of the Protocol in respect of such State.

- (2) This extension also shall apply to the Convention if the latter is not yet applicable to these territories.
- (3) Any Contracting Party which has made a declaration under paragraph (1) of this Article may at any time thereafter declare by notification given to the Belgian Government that the Protocol shall cease to extend to such territories. This denunciation shall take effect one year after the date on which notification thereof has been received by the Belgian Government.

Article XI

The Belgian Government shall notify the signatory and acceding States of the following:

1. the signatures, ratifications and accessions received in accordance with Articles V, VI and VII.
2. the date on which the present Protocol will come into force in accordance with Article VIII.
3. the notifications with regard to the territorial application in accordance with Article X.
4. the declarations and communications made in accordance with Article II.
5. the declarations made in accordance with Article IV.
6. the denunciations received in accordance with Article IX.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Protocol.

DONE at Brussels, this 21st day of December 1979, in the English and French languages, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Belgian Government, which shall issue certified copies.

本議定書於比利時政府收到該通知之日起三個月後始擴大適用於該領域，然不得早於本議定書對該國生效之日期。

- (2) 如本公約尚未適用於該領域，則該擴大適用亦應適用於本公約。
- (3) 任一提出本條第 1 項聲明之締約國，得於任何時間，以書面通知比利時政府方式，聲明終止對該領域之擴大適用。該退出應自比利時政府收到該通知之日起一年後生效。該退出亦應適用於本公約。

第 11 條

比利時政府應將下列事項通知簽署國及加入國：

1. 依第 5 條、第 6 條及第 7 條所收到之簽署、批准及加入。
2. 本公約依照第 3 條將行生效之日期。
3. 依第 10 條有關領域適用之通知。
4. 依第 2 條所為之聲明及通知。
5. 依第 4 條所為之聲明
6. 依第 9 條所收到之退出聲明。

下列署名之各全權代表，經正式授權，簽署本公約，以昭信守。

1979 年 12 月 21 日訂於布魯塞爾，以法文、英文做成單一原本，兩者文字具同一效力，並存放於比利時政府，比利時政府應製作簽證副本。