

# 1969 年油污損害民事責任國際公約 1992 年議定書

1992 年 11 月 27 日 訂於倫敦，1996 年 5 月 30 日生效

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

London, 27 November, 1992 ; Entered into Force on 30 May, 1996

### CLC 1992

THE PARTIES TO THE PRESENT PROTOCOL,  
HAVING CONSIDERED the International Convention of Civil Liability for Oil Pollution Damage, 1969, and the 1984 Protocol thereto,  
HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,  
AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,  
AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,  
RECOGNIZING that special provisions are necessary in connection with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,  
HAVE AGREED as follows:

#### Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the "1969 Liability Convention". For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

#### Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. "Ship" means any sea-going vessel and sea-borne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage

本議定書各當事國，

審議 1969 年國際油污損害民事責任公約及其 1984 年議定書，

注意到對於增進適用範圍、增加賠償而為規定之該公約 1984 年議定書尚未生效，

確認保持國際油污責任及賠償體系存續力之重要，

注意到確保 1984 年議定書內容得以儘快生效之必要性，

認識到為採用 1971 年設立國際油污損害賠償基金國際公約之相應修正案，必須為一些特別規定，

茲達成協定如下：

#### 第 1 條

本議定書規定所修正之公約為 1969 年國際油污損害民事責任公約(此後稱 1969 年責任公約)。對 1969 年責任公約之 1976 年議定書之當事國而言，述及 1969 年責任公約應視為包括由該議定書修正之 1969 年責任公約。

#### 第 2 條

1969 年責任公約第 1 條為如下修正：

1. 以下列條文取代第 1 項：

1. "船舶"係指為運送散裝油類貨物而建造或改建之任何類型之海船及海上航具；然能運送油類及其他貨物之船舶，僅在其實際運送散裝油類貨物，及於該運送之後之任何航程(已證明船上無該散裝油類運送之殘餘物者除外)期間，始應視為船

- of oil in bulk aboard.
2. Paragraph 5 is replaced by the following text:
    5. "Oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.
  3. Paragraph 6 is replaced by the following text:
    6. "Pollution damage" means:
      - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;
      - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
  4. Paragraph 8 is replaced by the following text:
    8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.
  5. Paragraph 9 is replaced by the following text:
    9. "Organization" means the International Maritime Organization.
  6. After paragraph 9 a new paragraph is inserted reading as follows:
    10. "1969 Liability Convention" means the International Convention of Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

### Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

- (a) to pollution damage caused:
  - (i) in the territory, including the territorial sea, of a Contracting State, and
  - (ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

### Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
  1. Except as provided in paragraphs 2 and 3 of this Article, the

ship.

2. 以下列條文取代第 5 項:
  5. "油類"係指任何持久性烴類礦物油,如原油、燃料油、重柴油及潤滑油,不論是位於船上作為貨物運送或是位於該船舶之燃料艙中。
3. 以下列條文取代第 6 項:
  6. "污染損害"係指:
    - (a) 油類從船上溢出或排放所致之污染於該船之外造成之滅失或損害,無論該溢出或排放發生於何處;然對環境損害(不包括該損害之營利損失)之賠償,應限於已實際採取或即將採取之合理恢復措施之費用;
    - (b) 預防措施費用及預防措施所造成之進一步滅失或損害。
4. 以下列條文取代第 8 項:
  8. "事故"係指具同一起源之造成污染損害或形成造成該損害之嚴重及緊迫威脅之一或一系列事件。
5. 以下列條文取代第 9 項:
  9. "本組織"係指國際海事組織。
6. 於第 9 項後加一新項,條文如下:
  10. "1969 年責任公約"係指 1969 年國際油污損害民事責任公約。就該公約之 1976 年議定書締約國而言,該詞應視為包括經該議定書修正之 1969 年責任公約。

### 第 3 條

以下列條文取代 1969 年責任公約的第 2 條:

本公約僅適用於:

- (a) 於下列區域所造成之污染損害:
  - (i) 締約國之領土,包括領海;及
  - (ii) 締約國依據國際法設立之專屬經濟區。如締約國尚未設立該區域,則為該國依據國際法所確定並與其領海毗連之區域以外,自該國測量其領海寬度之基線算起,外延不超過 200 哩;
- (b) 為預防或減輕該損害而於任何地點採取之預防措施。

### 第 4 條

1969 年責任公約第 3 條修正如下:

1. 以下列條文取代第 1 項:
  1. 除本條第 2 項及第 3 項另有規定

owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.

2. Paragraph 4 is replaced by the following text:

4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:

- (a) the servants or agents of the owner or the members of the crew;
- (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
- (c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;
- (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
- (e) any person taking preventive measures;
- (f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

## Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

## Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. 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 calculated as follows:

- (a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;
  - (b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a);
- provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.

2. Paragraph 2 is replaced by the following text:

2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the

外，於事件發生時，或如該事件包括一系列事故，則在其第一次事故發生時，船舶所有人應對該船因該事件所致之任何污染損害負責賠償。

2. 以下列條文取代第4項：

4. 除依本公約規定外，不得對船舶所有人提出污染損害賠償求償。除本條第5項另有規定外，不論依據本公約與否，不得對下列人等提出污染損害賠償求償：

- (a) 船舶所有人之受雇人或代理人或船員；
- (b) 引水人或為船舶提供服務之非屬船員之任何其他人士；
- (c) 任何租僱船人(任何類型之租僱船人，包括光船租船人)、船舶經理人或營運人；
- (d) 經船舶所有人同意或依據有關主管機關之命令進行救助作業之任何人；
- (e) 採取預防措施之任何人；
- (f) 第(c)、(d)、(e)款所提及之人之受雇人或代理人；

然損害如係因其本人有意造成該損害或是明知可能造成該損害而毫不在意之作為或不作為所致者除外。

## 第5條

以下列文字取代1969年責任公約第4條：

於發生涉及兩艘或以上船舶之事件並造成污染損害時，所有有關船舶之所有人，除依第3條得主張免責外，應對所有無法合理區分之該損害負連帶賠償責任。

## 第6條

1969年責任公約第5條修改如下：

1. 以下列條文取代第1項：

1. 船舶所有人有權依本公約將其對任一事件之賠償責任限於依下列方法計算出之總額：

- (a) 不超過5,000噸位單位之船舶為300萬記帳單位；
- (b) 超過該噸位之船舶，除第(a)款所述數額外，每增加一噸位單位，增加420記帳單位；

然該總額於任何情況下不得超過5,970萬記帳單位。

2. 以下列條文取代第2項：

2. 如經證明污染損害係因船舶所有人本人有意造成該損害或是明知可能造成該損害而毫不在意之作

intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3. Paragraph 3 is replaced by the following text:

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.

4. 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 national currency 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 referred to in paragraph 3. 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 on the date in question for its operations and 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) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9 (a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc 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 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 would result from the application of the first three sentences of paragraph 9 (a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9 (a), or the result of the conversion in paragraph 9 (b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

為或不作為所致，船舶所有人無權依本公約限制其責任。

3. 以下列條文取代第 3 項：

3. 為主張本條第 1 項所規定之責任限制權利，船舶所有人應於依第 9 條提起訴訟之任一締約國法院或其他主管機關設立相當於其責任限額總額之基金；如未提起訴訟，則應在可依第 9 條提起訴訟之任一締約國之任一法院或其他主管機關設立該基金。設立該基金時可將其總額以現金提存，或設立基金之締約國法律可接受，法院或其他主管機關認為合適之銀行擔保或其他擔保。

4. 以下列條文取代第 9 項：

9(a) 本條第 1 項所述之“記帳單位”為國際貨幣基金所規定之特別提款權。第 1 項所述之數額，應依據本條第 3 項所述基金設立日，該國貨幣與特別提款權相應之價值折算成該國貨幣。凡屬國際貨幣基金成員國之締約國，其依特別提款權折算之該國貨幣之價值，應依國際貨幣基金於前述日期於其經營及交易所適用之現行定值辦法計算之。非屬國際貨幣基金成員國之締約國，其依特別提款權折算之該國貨幣之價值，應依該國所確定之辦法計算之。

9(b) 然非屬國際貨幣基金成員國之締約國，且其法律又不允許執行第 9 項第(a)款規定時，可於批准、接受、核准或加入本公約時，或在其後之任何時間，聲明第 9 項第(a)款所述記帳單位相當於 15 金法郎。本項所述金法郎相當於純度為千分之九百的黃金 65.5 毫克，金法郎折算為國家貨幣時，應依該國法律辦理。

9(c) 第 9 項第(a)款末句所述之計算及第 9 項第(b)項所述之折算，其方式應盡可能使第 1 項之金額於以該締約國貨幣為表示時，具有與依第 9 項第(a)款前三句所定辦法而獲得之結果相同之真實價值。締約國於交存批准、接受、核准或加入本公約之文件時，及上述計算或折算發生變動時，應視情況將其依第 9 項第(a)款進行計算之辦法，或依第 9 項第(b)款進行折算之結果通知本組織秘書長。

5. Paragraph 10 is replaced by the following text:

10. For the purpose of this Article the ships tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

6. The second sentence of paragraph 11 is replaced by the following text:

Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

## Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:

A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.

2. Paragraph 4 is replaced by the following text:

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.

3. The first sentence of paragraph 7 is replaced by the following text:

Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.

4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".

5. The second sentence of paragraph 8 is replaced by the following text:

In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

## Article 8

Article IX of the 1969 Liability Convention is amended as follows:

5. 以下列條文取代第 10 項：

於本條，船舶噸位應為依照 1969 年國際船舶噸位丈量公約附則 I 之噸位丈量規則計算之總噸。

6. 以下列條文取代第 11 項的第 2 句：

即使於依照第 2 項規定船舶所有人無權限制其賠償責任之情況下，仍可設立該基金；然於此情況下，基金之設立不得影響任何求償人要求船舶所有人賠償之權利。

## 第 7 條

對 1969 年責任公約第 7 條作如下修正：

1. 以下列文字取代第 2 項之前兩段：

締約國主管機關於確信第 1 項要求已獲得滿足後，應向該船舶簽發一證書，證明保險或其他財務擔保依據本公約規定之效力。對於締約國登記之船舶，該證書應由船舶登記國主管機關頒發或簽證；對於非在締約國登記之船舶，證書可由任何一締約國主管機關頒發或簽證。

2. 以下列條文取代第 4 項：

4. 證書應存放船上，其副本一份應交由保存該船登記記錄之主管機關留存。如該船未於締約國登記，則應交由頒發或簽證該證書之國家主管機關留存。

3. 以下列條文取代第 7 項第 1 段：

締約國主管機關依照第 2 項頒發或簽證之證書，即使是未於締約國登記之船舶所頒發或簽證之證書，就本公約而言，亦應為其他締約國所接受，並應被其他締約國視為與其本國頒發或簽證之證書具有同等效力。

4. 在第 7 項第 2 句中，用“頒發或認證國”取代“船舶登記國”。

5. 以下列條文取代第 8 項第 2 段：

於該情況下，即使依照第 5 條第 2 項船舶所有人不得限制其賠償責任，被告仍得援用第 5 條第 1 項規定之責任限制。

## 第 8 條

對 1969 年責任公約第 9 條作如下修正：

Paragraph 1 is replaced by the following text:

Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

## Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

### Article XII bis: Transitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

- (a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;
- (b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;
- (c) in the application of Article III, Paragraph 4, of this Convention the expression "this Convention" shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;
- (d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

### Article XII ter Final clauses

The final clauses of this Convention shall be Articles 12 to 18 of the Protocol of 1992 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

## Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

以下列條文取代第 1 項：

於某事件於一或數締約國領土，包括領海或第 2 條所述之區域中造成污染損害，或於上述領土包括領海或區域中採取防止或減輕污染損害之預防措施時，求償訴訟僅可於上述任一締約國或數締約國之法院提起，任何前述訴訟之通知均應合理送達被告。

## 第 9 條

於 1969 年責任公約第 12 條之後，增列二項新條款如下：

### 第 12 條之一 過渡條款

下列過渡條款，應適用於事件發生時既是本公約又是 1969 年責任公約之締約國：

- (a) 如某事件已造成本公約適用範圍內之污染損害，且如該事件亦為 1969 年責任公約適用範圍內，於此限度內之本公約賠償責任應視為解除；
- (b) 如某事件已造成本公約適用範圍內之污染損害，且該國復為本公約及 1971 年設立國際油污損害賠償基金國際公約之締約國，則於適用本條第(a)項後依本公約仍需承擔之賠償責任，僅應限於適用前述 1971 年公約後仍未獲得賠償之污染損害範圍；
- (c) 在適用本公約第 3 條第 4 項時，“本公約”一詞應視情況被解釋為本公約或 1969 年責任公約；
- (d) 於適用本公約第 5 條第 3 項時所設立之基金總額，應扣除依本條第(a)項已視為解除之賠償責任數額。

### 第 12 條之二

本公約最後條款應為 1969 年責任公約 1992 年議定書的第 12 條至 18 條。本公約所指之締約國，應被視為該議定書之締約國。

## 第 10 條

1969 年責任公約所附證書範本，應為本議定書所附之證書範本所取代。

## Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Liability Convention).

## FINAL CLAUSES

### Article 12 - Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by all States.
2. Subject to paragraph 4, any State may become a Party to this Protocol by:
  - (a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
  - (b) accession.
3. 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.
4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1992 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.
5. A State which is a Party to this protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.
6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

### Article 13 - Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including four States each with not less than one million units of gross tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.
2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective

## 第 11 條

1. 於本議定書締約國間，1969 年責任公約及本議定書應作為一整體公約為理解及解釋。
2. 經本議定書修正之 1969 年責任公約的第 1 條至第 12 條之二，包括證書範本，應被稱為 1992 年國際油污損害民事責任公約(1992 年責任公約)。

## 最後條款

### 第 12 條 簽署、批准、接受、核准及加入

1. 本議定書自 1993 年 1 月 15 日起至 1994 年 1 月 14 日止於倫敦開放供各國簽署。
2. 除第 4 項另有規定外，任一國均可依下列方式成為本議定書之締約國：
  - (a) 簽署而待批准，接受或核准，隨後予以批准，接受或核准，或
  - (b) 加入。
3. 批准、接受、核准或加入本議定書應於向本組織秘書長交存有關於之正式文件後生效。
4. 凡屬 1971 年設立國際油污損害賠償基金國際公約(以下稱為 1971 年基金公約)之任何締約國，僅於其同時批准、接受、核准或加入該公約之 1984 年議定書時，方可批准、接受、核准或加入本議定書，然該國退出 1971 年基金公約且退出應在本議定書對該國生效之日生效者除外。
5. 為本議定書之締約國，然非 1969 年責任公約之締約國之國家，對本議定書之其他締約國而言，應受經本議定書修訂之 1969 年責任公約規定之拘束，然對 1969 年責任公約締約國而言，應不受 1969 年責任公約規定之拘束。
6. 於經本議定書修正之 1969 年責任公約之修正案生效之後交存之任何批准、接受、核准或加入文件，應被視為適用於依本修正案修改之修正後之本公約。

### 第 13 條 生效

1. 本公約應自包括 4 個各擁有多於 100 萬油輪總噸單位之國家在內之 10 個國家向本組織秘書長交存批准、接受、核准或加入文件之日起 12 個月後生效。
2. 然屬 1971 年基金公約之締約國，可於其交存本議定書之批准、接受、核准或加入書時，聲明於 1971 年基金公約 1984 年議定書第 31 條所規定之 6 個

for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification, acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.

3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.
4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

#### Article 14 - Revision and amendment

1. A Conference for the purpose of revising or amending the 1992 Liability Convention may be convened by the Organization.
2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Liability Convention at the request of not less than one third of the Contracting States.

#### Article 15 - Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceeding of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V,

月期限終止前，就本條而言，該文件應屬無效。非 1971 年基金公約之締約國，然交存 1971 年基金公約 1984 年議定書之批准、接受、核准或加入書之國家，亦可同時依本項規定作出聲明。

3. 凡依前項作出聲明之國家，可於任何時候透過向本組織秘書長發出通知之方式將其聲明撤回。任何該撤回應於通知收到之日起生效，然該國家應被視為已於該日交存本議定書之批准、接受、核准或加入書。
4. 對於第 1 項規定之生效條件已獲滿足後批准、接受、核准或加入本議定書之國家，本議定書應自該國交存適當文件之日起 12 個月後生效。

#### 第 14 條 修訂與修正

1. 修訂或修正 1992 年責任公約之會議，由本組織召開。
2. 應不少於三分之一締約國之請求，本組織應召開修訂或修正 1992 年責任公約之締約國會議。

#### 第 15 條 有關限額的修正案

1. 經不少於四之一締約國請求，對於經本議定書修正之本公約第 5 條第 1 項所規定之責任限額之任何修正提案，應由秘書長發送給本組織所有成員國及所有締約國。
2. 依上述提出並發送之任何修正案，應於發送之日起至少 6 個月後交由本組織法律委員會審議。
3. 經本議定書修正之本公約所有締約國，不論是否為本組織成員國，均有權參加法律委員會之審議及通過修正案之活動。
4. 修正案應於依第 3 項規定擴大召開之法律委員會，經出席且投票之締約國之三分之二多數通過，然投票時至少應有締約國半數出席會議。
5. 針對限額提案採取作為時，法律委員會應考慮事件之經過，特別是事件所造成之損害金額、幣值變化及所提修正案對保險費用之影響。委員會另應考慮經本議定書修正之本公約第 5 條第 1 項之限額與 1992 年設立國際油污



paragraph 1, of the 1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

6.
  - (a) No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.
  - (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.
  - (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.
7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.
8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the case referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

## Article 16 - Denunciation

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

損害賠償基金國際公約第 4 條第 4 項  
限額間之關係。

6.
  - (a) 於 1998 年 1 月 15 日前或自依本條所為之前一修正案生效之日起算不足 5 年之期間內，不得審議本條規定有關責任限額之任何修正案。本條規定的任何修正案不得於本議定書生效前予以審議。
  - (b) 任何限額之增加，不得超過依照經本議定書修正之 1969 年責任公約所規定之限額，自 1993 年 1 月 15 日起，以複利每年遞增 6% 計算所得之數額。
  - (c) 任何限額之增加，不得超過經本議定書修正之 1969 年責任公約所規定之限額之 3 倍。
7. 依據第 4 項所通過之任何修正案，應由本組織通知所有締約國。該修正案於通知之日起經過 18 個月，應被視為已獲接受，然於此期間內，有不少於四分之一於委員會通過該修正案時之締約國通知本組織拒絕接受該修正案者除外，於此情況下，該修正案即被拒絕，並屬無效。
8. 依據第 7 項被視為獲得接受之修正案，應於獲得接受後 18 個月生效。
9. 所有締約國均應受該修正案之拘束，然其依據第 16 條第 1 項及第 2 項，於修正案生效之前至少 6 個月退出本議定書者除外。而該退出，應在修正案生效時生效。
10. 於某修正案獲委員會通過，然 18 個月的接受期限尚未屆滿時，如該修正案生效，則於此期間成為締約國之國家應受其拘束。於此期間後成為締約國之國家，應受依據第 7 項獲得接受之修正案之拘束。於本項所指情況下，締約國應於修正案生效時，或於本議定書對該國生效時(如發生在後)，即受該修正案之拘束。

## 第 16 條 退出

1. 任何締約國於本議定書對其生效之日後，可隨時退出本議定書。
2. 退出本議定書，應向本組織秘書長交存一份文件之後，方為有效。
3. 退出本議定書應在向本組織秘書長交存文件 12 個月之後，或在退出文件中所載之更長的期限後生效。

4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.
  5. Denunciation of the Protocol of 1992 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.
4. 於本議定書各締約國間，任何一方依據 1969 年責任公約第 16 條退出 1969 年責任公約，均不得被解釋為退出經本議定書修正之 1969 年責任公約。
  5. 仍為 1971 年基金公約締約國之國家，退出 1971 年基金公約 1992 年議定書，應被視為退出本議定書。該退出應於依 1971 年基金公約 1992 年議定書第 34 條之規定，退出該議定書生效之日生效。

## Article 17 - Depositary

1. This Protocol and any amendments accepted under Article 15 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 protocol of:
    - (i) each new signature or deposit of an instrument together with the date thereof;
    - (ii) each declaration and notification under Article 13 and each declaration and communication under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;
    - (iii) the date of entry into force of this Protocol;
    - (iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;
    - (v) any amendment which has been adopted in accordance with Article 15, paragraph 4;
    - (vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
    - (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
    - (viii) any denunciation deemed to have been made under Article 16, paragraph 5;
    - (ix) any communication called for by any Article of this Protocol;
  - (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.
3. As soon as this Protocol enters into force, the text 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.

## Article 18 - Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

## 第 17 條 保存人

1. 本議定書及依第 15 條獲得接受之任何修正案，應交本組織秘書長保存。
2. 本組織秘書長應：
  - (a) 通知所有已簽署或加入本議定書之國家：
    - (i) 任一新的簽署或新的文件之交存及其日期；
    - (ii) 依第 13 條提交之任一聲明及通告，及依照 1984 年責任公約第 5 條第 9 項發表之任一聲明及通知；
    - (iii) 本議定書之生效日期；
    - (iv) 依據第 15 條第 1 項所提出之任何修正責任限制之提案；
    - (v) 依據第 15 條第 4 項獲得通過之任何修正案；
    - (vi) 依據第 15 條第 7 項被視為已獲接受之任何修正案，連同依照該條第 8 項及第 9 項規定之該修正案應生效之日期；
    - (vii) 交存退出本議定書之任何文件，連同交存日期及其生效日期；
    - (viii) 依照第 16 條第 5 項被視為已提出之任何退出；
    - (ix) 本議定書任何條款所要求之通知。
  - (b) 將本議定書核正無誤之副本分送所有簽署國及所有加入本議定書之國家。
3. 本議定書一經生效，本組織秘書長應依照聯合國憲章第 102 條規定將本議定書文本送交聯合國秘書處，以供登記及公佈。

## 第 18 條 文字

本議定書正本一份，以阿拉伯文、中文、英文、法文、俄文及西班牙文寫成，各文本具有同等效力。

**DONE AT LONDON**, this twenty-seventh day of November one thousand nine hundred and ninety-two. 1992年11月27日訂於倫敦。

**IN WITNESS WHEREOF** the undersigned, being duly authorized by their respective Governments for that purpose, have signed this Protocol. 下列署名者，均經各自政府正式授權，特簽署本議定書，以昭信守。

**ANNEX**

**Certificate of Insurance or Other Financial Security in Respect of Civil Liability for Oil Pollution Damage**

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of security .....

Duration of security .....

Name and address of the insurer(s) and/or guarantor(s) name .....

Address .....

This certificate is valid until .....

Issued or certified by the Government of .....  
(Full designation of the State)

At ..... On .....  
(Place) (Date)

.....  
Signature and title of issuing or certifying official

**Explanatory Notes:**

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

附件

## 關於油污損害民事責任的保險或其他財務擔保書

根據 1992 年國際油污損害民事責任公約第 7 條規定頒發。

船名	船舶編號或呼號	船籍港	船舶所有人名稱及地址

茲證明，上述船舶依照 1992 年國際油污損害民事責任公約第 7 條要求取得保險單或其他財務保證為有效。

擔保類別\_\_\_\_\_

擔保期限\_\_\_\_\_

保險人及/或擔保人的名稱及地址

名稱\_\_\_\_\_

地址\_\_\_\_\_

本證書之效期至：

由\_\_\_\_\_政府頒發或簽證。  
(頒發國全稱)

\_\_\_\_\_年\_\_\_\_\_月\_\_\_\_\_日於\_\_\_\_\_  
(地點)

\_\_\_\_\_  
(頒發或簽證官員的簽署及職銜)

附註：

- 1.如可以，頒發國名稱可包括頒發證書之國家主管機關之名稱。
- 2.如擔保總額由一個以上之來源所提供，應列明每一來源之數額。
- 3.如擔保係由多種方式所提供，應將各方式一一列舉。
- 4.填寫“擔保期限”時必須註明該擔保之生效日期。