

1971 年設立油污損害國際賠償基金國際公約 1992 年修正議定書

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

Protocol of 1992 to amend the International Convention on The Establishment of An International Fund for Compensation for Oil Pollution Damage, 1971

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

FUND 1992

THE PARTIES TO THE PRESENT PROTOCOL,
HAVING CONSIDERED the International Convention on the
Establishment of an International Fund for Compensation for Oil
Pollution Damage, 1971, 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 the advantage for the States Parties of arranging
for the amended Convention to coexist with and be supplementary
to the original Convention for a transitional period,
CONVINCED that the economic consequences of pollution
damage resulting from the carriage of oil in bulk at sea by ships
could continue to be shared by the shipping industry and by the oil
cargo interests,
BEARING IN MIND the adoption of the Protocol of 1992 to
amend the International Convention on Civil Liability for Oil
Pollution Damage, 1969,
HAVE AGREED AS FOLLOWS:

Article 1

The Convention which the provisions of this Protocol amend is 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". For States
Parties to the Protocol of 1976 to the 1971 Fund Convention, such
reference shall be deemed to include the 1971 Fund Convention as
amended by that Protocol.

本議定書各當事國，
考量 1971 年設立國際油污損害賠償基金
國際公約及其 1984 年議定書，

注意到該公約對增進適用範圍、提高賠
償限額所作出之 1984 年議定書仍未生
效，

確認保持國際油污責任及賠償體系存續
力之重要性，

瞭解確保 1984 年議定書規定應儘快生效
之必要性，

認識到各當事國透過安排，使經修正之
公約於過渡期間與原公約共存並對原公
約加以補充之優點，

確信船舶於海上運送散裝油類所生油污
損害之經濟後果應繼續由航運業及貨油
業分攤，

注意到通過修正 1969 年國際油污損害民
事責任公約之 1992 年議定書，

謹達成協定如下：

第 1 條

本議定書各規定所修正之公約為 1971 年
設立國際油污損害賠償基金國際公約，
以下稱“1971 年基金公約”。就 1971 年基
金公約 1976 年議定書之締約國而言，述
及 1971 年基金公約者應認為包括經該議
定書修正之 1971 年基金公約。

Article 2

Article 1 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
 1. "1992 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992.
2. After paragraph 1 a new paragraph is inserted as follows:
 - 1 bis. "1971 Fund Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1971 Fund Convention as amended by that Protocol.
3. Paragraph 2 is replaced by the following text:
 2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident", and "Organization" have the same meaning as in Article I of the 1992 Liability Convention.
4. Paragraph 4 is replaced by the following text:
 4. "Unit of account" has the same meaning as in Article V, paragraph 9, of the 1992 Liability Convention.
5. Paragraph 5 is replaced by the following text:
 5. "Ship's tonnage" has the same meaning as in Article V, paragraph 10, of the 1992 Liability Convention.
6. Paragraph 7 is replaced by the following text:
 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 1992 Liability Convention.

Article 3

Article 2 of the 1971 Fund Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. An International Fund for compensation for pollution damage, to be named "The International Oil Pollution Compensation Fund 1992" 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 1992 Liability Convention is inadequate;
 - (b) to give effect to the related purposes set out in this Convention.

Article 4

Article 3 of the 1971 Fund 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

第 2 條

1971 年基金公約第 1 條修正如下：

1. 以下列條文取代第 1 項：
 1. 1992 年責任公約係指 1992 年國際油污損害民事責任公約。
2. 在第 1 項之後，插入新的一項如下：
 - 1 之一 "1971 年基金公約" 係指 1971 年設立國際油污損害賠償基金國際公約。就該公約 1976 年議定書之締約國而言，應認為包括經該議定書修正之 1971 年基金公約。
3. 以下列條文取代第 2 項：
 2. "船舶"、"人"、"船舶所有人"、"油類"、"油污損害"、"預防措施"、"事件" 及 "本組織" 等名詞之意義與 1992 年責任公約第 1 條有關名詞之意義相同。
4. 以下列條文取代第 4 項：
 4. "記帳單位" 與 1992 年責任公約第 5 條第 9 項所規定之意義相同。
5. 以下列條文取代第 5 項：
 5. "船舶噸位" 與 1992 年責任公約第 5 條第 10 項所規定之意義相同。
6. 以下列條文取代第 7 項：
 7. "保證人" 係指依 1992 年責任公約第 7 條第 1 項為船舶所有人之賠償責任提供保險或其他財務擔保之人。

第 3 條

1971 年基金公約第 2 條修正如下：

以下列條文取代第 1 項：

1. 用於賠償污染損害之國際基金，定名為 "1992 年國際油污賠償基金" (以下稱為 "本基金") 謹為下列目的而設立：
 - (a) 為 1992 年責任公約所提供之防護不足部分提供污染損害賠償；
 - (b) 為實現本公約所規定之有關目的。

第 4 條

以下列文字取代 1971 年基金公約第 3 條：

本公約專屬適用於：

- (a) 於下列區域所造成之污染損害：
 - (i) 締約國領土，包括領海；及
 - (ii) 締約國依國際法設立之專屬經濟區；如締約國尚未設立該區域，則為該國依國際法所確定，其領海以外與領海毗連之

State determined by that State in accordance with international law baselines from which the breadth of its territorial sea is measured;

- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 5

The heading to Articles 4 to 9 of the 1971 Fund Convention is amended by deleting the words "and indemnification".

Article 6

Article 4 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the five references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".
2. Paragraph 3 is replaced by the following text:
 3. If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with the 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. 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 1992 Liability Convention. However, there shall be no such exoneration of the Fund with regard to preventive measures.
3. Paragraph 4 is replaced by the following text:
 4.
 - (a) Except as otherwise provided in subparagraphs (b) and (c) 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 1992 Liability Convention for pollution damage within the scope of application of this Convention as defined in Article 3 shall not exceed 135 million units of account.
 - (b) Except as otherwise provided in subparagraph (c), 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 135 million units of account.
 - (c) The maximum amount of compensation referred to in subparagraphs (a) and (b) shall be 200 million units of account with respect to any incident occurring during any period when there are three Parties to this Convention in respect of which the combined relevant quantity of contributing oil received by persons in the territories of such Parties, during the preceding calendar year, equalled or exceeded 600 million tons.
 - (d) Interest accrued on a fund constituted in accordance with Article V, paragraph 3, of the 1992 Liability Convention, if any, shall not be taken into account for the computation of the maximum compensation payable by the Fund under this Article.
 - (e) The amounts mentioned in this Article shall be converted

區域，自該國測量其領海寬度之基線起算，外延不超過 200 哩；

- (b) 為預防或減輕該污染損害而於任何地點所採取之預防措施。

第 5 條

修正 1971 年基金公約第 4 條至第 9 條標題，刪去“及補償”。

第 6 條

1971 年基金公約第 4 條修正如下：

1. 第 1 項述及“責任公約”五處均改為“1992 年責任公約”。
2. 以下列文字取代第 3 項：
 3. 經本基金證明，污染損害係全部或部分由受害人故意造成損害之作為或不作為或因受害人之疏忽所致，本基金可全部或部分地免除對此人之賠償義務。於任何情況下，本基金均可在船舶所有人依 1992 年責任公約第 3 條第 3 項免除責任之範圍內，免除其責任。然就預防措施而言，本基金不得享有該免責。
3. 以下列文字取代第 4 項：
 4.
 - (a) 除本項第(b)及第(c)項另有規定外，本基金依本條對任一事件應付之賠償總額應限於：該總額加上依 1992 年責任公約於本公約第 3 條規定之適用範圍內對污染損害所實際付出之賠償金額不得超過 135 百萬記帳單位。
 - (b) 除第(c)項另有規定外，對於特殊、不可避免及不可抗力性質之自然現象所致之污染損害，本基金依本條應付之賠償總額不得超過 135 百萬記帳單位。
 - (c) 如於本公約 3 個締約國領土內之人所接收有關攤款油類總量於前一曆年度等於或超過 600 百萬噸，則不論發生何種事故，亦不論何時發生事故，第(a)及第(b)項所述之最高賠償金額應為 200 百萬記帳單位。
 - (d) 於計算本基金依本條應付之最高賠償金額時，不應計入依 1992 年責任公約第 5 條第 3 項所規定之基金應收利息。
 - (e) 本條所述金額應依本基金大會

into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the decision of the Assembly of the Fund as to the first date of payment of compensation.

4. Paragraph 5 is replaced by the following text:

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 this Convention shall be the same for all claimants.

5. Paragraph 6 is replaced by the following text:

6. The Assembly of the Fund may decide that, in exceptional cases, compensation in accordance with this Convention can be paid even if the owner of the ship has not constituted a fund in accordance with Article V, paragraph 3, of the 1992 Liability Convention. In such case paragraph 4 (e) of this Article applies accordingly.

Article 7

Article 5 of the 1971 Fund Convention is deleted.

Article 8

Article 6 of the 1971 Fund Convention is amended as follows:

1. In paragraph 1 the paragraph number and the words "or indemnification under Article 5" are deleted.
2. Paragraph 2 is deleted.

Article 9

Article 7 of the 1971 Fund Convention is amended as follows:

1. In paragraphs 1, 3, 4 and 6 the seven references to "the Liability Convention" are replaced by references to "the 1992 Liability Convention".
2. In paragraph 1 the words "or indemnification under Article 5" are deleted.
3. In the first sentence of paragraph 3 the words "or indemnification" and "or 5" are deleted.
4. In the second sentence of paragraph 3 the words "or under Article 5, paragraph 1" are deleted.

Article 10

In Article 8 of the 1971 Fund Convention the reference to "the Liability Convention" is replaced by a reference to "the 1992 Liability Convention".

Article 11

Article 9 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

決定支付賠償之首日特別提款權與該國貨幣之兌換率折算成該國貨幣。

4. 以下列文字取代第 5 項：

5. 如向本基金提出已確認之求償金額超過依第 4 項應付之賠償總額，賠償金額之分配應使任何已確認之求償與其求償人依本公約所實際取得之賠償金額間之比例，對所有求償人均應一致。

5. 以下列文字取代第 6 項：

6. 本基金大會可決定，於特殊情況下，即使船舶所有人未依 1992 年責任公約第 5 條第 3 項設立基金，亦可支付依本公約應付之賠償。於此情況下，本條第 4 項第(e)項應予以準用。

第 7 條

刪除 1971 年基金公約第 5 條。

第 8 條

1971 年基金公約第 6 條修正如下：

1. 於第 1 項，刪除該項編號及“或依第 5 條取得補償”。
2. 刪除第 2 項。

第 9 條

1971 年基金公約第 7 項修正如下：

1. 於第 1、3、4、及 6 項提及“責任公約”七處均改為“1992 年責任公約。”
2. 於第 1 項，刪除“或依第 5 條取得補償”。
3. 於第 3 項第 1 句刪除“或補償”及“或第 5 條”字樣。
4. 於第 3 項第 2 句，刪除“或第 5 條第 1 項”。

第 10 條

在 1971 年基金公約第 8 條中，將“責任公約”改為“1992 年責任公約”。

第 11 條

1971 年基金公約第 9 條修正如下：

1. 以下列文字取代第 1 項

1. 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 1992 Liability Convention against the owner or his guarantor.

2. In paragraph 2 the words "or indemnification" are deleted.

Article 12

Article 10 of the 1971 Fund Convention is amended as follows:
The opening phrase of paragraph 1 is replaced by the following text:

Annual 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 12, paragraph 2 (a) or (b), has received in total quantities exceeding 150,000 tons:

Article 13

Article 11 of the 1971 Fund Convention is deleted.

Article 14

Article 12 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase of paragraph 1 the words "for each person referred to in Article 10" are deleted.
2. In paragraph 1 (i), subparagraphs (b) and (c), the words "or 5" are deleted and the words "15 million francs" are replaced by the words "four million units of account".
3. Subparagraph 1 (ii) (b) is deleted.
4. In paragraph 1 (ii), subparagraph (c) becomes (b) and subparagraph (d) becomes (c).
5. The opening phrase in paragraph 2 is replaced by the following text:

The Assembly shall decide the total amount of contributions to be levied. On the basis of that decision, the Director shall, in respect of each Contracting State, calculate for each person referred to in Article 10 the amount of his annual contribution:

6. Paragraph 4 is replaced by the following text:
 4. The annual contribution shall be due on the date to be laid down in the Internal Regulations of the Fund. The Assembly may decide on a different date of payment.
7. Paragraph 5 is replaced by the following text:
 5. The Assembly may decide, under conditions to be laid down in the Financial Regulations of the Fund, to make transfers between funds received in accordance with Article 12.2 (a) and funds received in accordance with Article 12.2 (b).
8. Paragraph 6 is deleted.

Article 15

Article 13 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

(1)對於由本基金依本公約第4條第1項對污染損害支付之任何賠償，本基金得代位取得受償人依1992年責任公約對船舶所有人或其擔保人所能享有之權益。

2.於第2項，刪除“或補償”。

第12條

1917年基金公約第10條修正如下：
以下列文字取代第1項首句：

任一締約國對本基金之年度攤款，應由於第12條第2項第(a)或第(b)項規定之曆年度所收到油類總量超過150,000噸之人交付之：

第13條

刪除1971年基金公約第11條。

第14條

1971年基金公約第12條修正如下：

- 1.於第1項首句，刪除“依第10條所述之任何人”。
- 2.於第1項第(i)款第(b)及第(c)目，刪除“或第5條”，並以400萬記帳單位取代“1,500萬法郎”。
- 3.刪除第1項第(ii)款(b)目。
- 4.於第1項(ii)款，第(c)目成為第(b)目，及第(d)目成為第(c)目。
- 5.以下列文字取代第2項首句

大會應決定應收之攤款總額。依大會決定，董事應對任一締約國計算出第10條所述每人之年度攤款金額。

- 6.以下列文字取代第4項：
 - 4.年度攤款應於本基金內部規則所規定之日期為交付。大會可確定與上述日期不同之付款日期。
- 7.用下列文字取代第5項：
 - 5.大會可於在本基金財務規則所規定之條件下，決定於依第12條第2項第(a)款所收到之基金及依第12條第2項第(b)款所收到之基金間互為轉帳。
- 8.刪除第6項。

第15條

1917年基金公約第13條修正如下：

- 1.以下列文字取代第1項：

1. The amount of any contribution due under Article 12 and which is in arrears shall bear interest at a rate which shall be determined in accordance with the Internal Regulations of the Fund, provided that different rates may be fixed for different circumstances.
2. In paragraph 3 the words "Articles 10 and 11" are replaced by the words "Articles 10 and 12" and the words "for a period exceeding three months" are deleted.

Article 16

A new paragraph 4 is added to Article 15 of the 1971 Fund Convention:

4. Where a Contracting State does not fulfill its obligations to submit to the Director the communication referred to in paragraph 2 and this results in a financial loss for the Fund, that Contracting State shall be liable of compensate the Fund for such loss. The Assembly shall, on the recommendation of the Director, decide whether such compensation shall be payable by that Contracting State.

Article 17

Article 16 of the 1971 Fund Convention is replaced by the following text:

- The Fund shall have an Assembly and a Secretariat headed by a Director.

Article 18

Article 18 of the 1971 Fund Convention is amended as follows:

1. In the opening sentence of the article the words ", subject to the provisions of Article 26," are deleted.
2. Paragraph 8 is deleted.
3. Paragraph 9 is replaced by the following text:
 9. to establish any temporary or permanent subsidiary body it may consider to be necessary, to define its terms of reference and to give it the authority needed to perform the functions entrusted to it; when appointing the members of such body, the Assembly shall endeavour to secure an equitable geographical distribution of members and to ensure that the Contracting States, in respect of which the largest quantities of contributing oil are being received, are appropriately represented; the Rules of Procedure of the Assembly may be applied, mutatis mutandis, for the work of such subsidiary body;
4. In paragraph 10 the words ", the Executive Committee," are deleted.
5. In paragraph 11 the words ", the Executive Committee" are deleted.
6. Paragraph 12 is deleted.

Article 19

Article 19 of the 1971 Fund Convention is amended as follows:

- 1.依第 12 條應付未付之任何攤款利息，其利率依本基金內部規則決定之，然可針對不同情況定出不同之利率。

- 2.於第 3 項，以“第 10 條及第 12 條”取代“第 10 條及第 11 條”，並刪除“超過三個月”。

第 16 條

於 1971 年基金公約第 15 條，增加新的第 4 項：

- 4.如某締約國未履行第 2 項所述向董事提交通知之義務，並因此造成本基金財務損失，該締約國向本基金負責賠償該損失。大會應依董事建議決定締約國是否應支付該賠償。

第 17 條

以下列文字取代 1971 年基金公約第 16 條：

- 本基金應設一大會及一以董事為首之秘書處。

第 18 條

1971 年基金公約第 18 條修正如下：

- 1.本條開頭用語”，於適用第 26 條規定之情況下”，予以刪除。
- 2.刪除第 8 項。
- 3.以下列文字取代第 9 項：
 - 9.於認為必要時，設立任何臨時性或永久性之附屬機構，確定其職責範圍，並授予其履行其受託職責所需要之權力；當任命該機構之成員時，大會應努力保證成員間公平之地理分佈，並保證接收最大攤款油量之各締約國均有適當代表；大會議事規則可依實際情況為必要修改或修正，以適用於該附屬機構之任務。
- 4.於第 10 項，刪除“，執行委員會”。
- 5.於第 11 項，刪除“，執行委員會”。
- 6.刪除第 12 項。

第 19 條

1971 年基金公約第 19 條修正如下：

1. Paragraph 1 is replaced by the following text:
 1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director.
2. In paragraph 2 the words "of the Executive Committee or" are deleted.

Article 20

Articles 21 to 27 of the 1971 Fund Convention and the heading to these articles are deleted.

Article 21

Article 29 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:
 1. The Director shall be the chief administrative officer of the Fund. Subject to the instructions given to him by the Assembly, he shall perform those functions which are assigned to him by this Convention, the Internal Regulations of the Fund and the Assembly.
2. In paragraph 2 (e) the words "or to the Executive Committee" are deleted.
3. In paragraph 2 (f) the words "or to the Executive Committee, as the case may be," are deleted.
4. Paragraph 2 (g) is replaced by the following text:
 - (g) prepare, in consultation with the Chairman of the Assembly, and publish a report of the activities of the Fund during the previous calendar year;
5. In paragraph 2 (h) the words ", the Executive Committee" are deleted.

Article 22

In Article 31, paragraph 1, of the 1971 Fund Convention, the words "on the Executive Committee and" are deleted.

Article 23

Article 32 of the 1971 Fund Convention is amended as follows:

1. In the opening phrase the words "and the Executive Committee" are deleted.
2. In subparagraph (b) the words "and the Executive Committee" are deleted.

Article 24

Article 33 of the 1971 Fund Convention is amended as follows:

1. Paragraph 1 is deleted.
2. In paragraph 2 the paragraph number is deleted.
3. Subparagraph (c) is replaced by the following text:
 - (c) the establishment of subsidiary bodies, under Article 18, paragraph 9, and matters relating to such establishment.

- 1.以下列文字取代第1項：
 1. 大會常會由董事召集，每一曆年度應開會一次。
- 2.於第2項，刪除“經執行委員會或”。

第20條

刪除1971年基金公約第21條至第27條及該條文之標題。

第21條

1971年基金公約第29條修正如下：

- 1.以下列文字取代第1項：
 - 1.董事為本基金之首席管理官員。於遵守大會所為指示之情況下，其應履行公約、本基金內部規則及大會賦予其之職責。
- 2.於第2項第(e)款，刪除“或執行委員會”。
- 3.於第2項第(f)款，刪除“依情況”及“或執行委員會，”等字樣。
- 4.以下列文字取代第2項第(g)款：
 - (g) 於與大會主席協商基礎上擬定並出版前一曆年度本基金之活動報告。
- 5.於第2項第(h)款，刪除“，執行委員會”。

第22條

於1971年基金公約第31條第1項，刪除“在執行委員會及”。

第23條

1971年基金公約第32條修正如下：

- 1.於開頭首句，刪除“及執行委員會”。
- 2.於第(b)項，刪除“及執行委員會”。

第24條

1971年基金公約第33條修正如下：

- 1.刪除第1項。
- 2.刪除第2項編號。
- 3.以下列文字取代c款：
 - (c) 依第18條第9項設立附屬機構及與設立該機構有關之事項。

Article 25

Article 35 of the 1971 Fund Convention is replaced by the following text:

Claims for compensation under Article 4 arising from incidents occurring after the date of entry into force of this Convention may not be brought against the Fund earlier than the one hundred and twentieth day after that date.

Article 26

After Article 36 of the 1971 Fund Convention four new articles are inserted as follows:

Article 36 bis

The following transitional provisions shall apply in the period, hereinafter referred to as the transitional period, commencing with the date of entry into force of this Convention and ending with the date on which the denunciations provided for in Article 31 of the 1992 Protocol to amend the 1971 Fund Convention take effect:

- (a) In the application of paragraph 1 (a) of Article 2 of this Convention, the reference to the 1992 Liability Convention shall include reference to the International Convention on Civil Liability for Oil Pollution Damage, 1969, either in its original version or as amended by the Protocol thereto of 1976 (referred to in this Article as "the 1969 Liability Convention"), and also the 1971 Fund Convention.
- (b) Where an incident has caused pollution damage within the scope of this Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person has been unable to obtain full and adequate compensation for the damage under the terms of the 1969 Liability Convention, the 1971 Fund Convention and the 1969 Liability Convention, provided that, in respect of pollution damage within the scope of this Convention in respect of a Party to this Convention but not a Party to the 1971 Fund Convention, the Fund shall pay compensation to any person suffering pollution damage only if, and to the extent that, such person would have been unable to obtain full and adequate compensation had that State been party to each of the above-mentioned Conventions.
- (c) In the application of Article 4 of this Convention, the amount to be taken into account in determining the aggregate amount of compensation payable by the Fund shall also include the amount of compensation actually paid under the 1969 Liability Convention, if any, and the amount of compensation actually paid or deemed to have been paid under the 1971 Fund Convention.
- (d) Paragraph 1 of Article 9 of this Convention shall also apply to the rights enjoyed under the 1969 Liability Convention.

Article 36 ter

1. Subject to paragraph 4 of this Article, the aggregate amount

第 25 條

以下列文字取代 1971 年基金公約第 35 條：

依第 4 條提出有關本公約生效後所發生事件之賠償要求，不得於本公約生效後第 120 天前向本基金提出。

第 26 條

於 1971 年基金公約第 36 條之後，加列全新三條文如下：

第 36 條之一

於本公約生效日起至 1971 年基金公約 1992 議定書第 31 條規定之退出生效日止之期間(以下稱為過渡期間)，應適用下列過渡性條款：

- (a) 於實施本公約第 2 條第 1 項第(a)款時，述及 1992 年責任公約應包括原本或經 1976 年議定書修正之 1969 年國際油污損害民事責任公約(於本條稱“1969 年責任公約”)及 1971 年基金公約。
- (b) 如一事件造成本公約範圍內之污染損害，對於遭受污染損害之任何人，本基金僅在該人依 1969 年責任公約、1971 年基金公約及 1992 年責任公約規定，未能取得全部及足額損害賠償時，且在該限度內，給予賠償。然就本公約範圍內之污染損害而言，為本公約締約國，而非 1971 年基金公約之締約國，而遭受污染損害之任何人，本基金僅於假定該國為前述每一公約締約國且該人仍不能取得全部及足額賠償時，且於此限度內，給予賠償。
- (c) 於實施本公約第 4 條時，決定本基金應付之賠償總額時，所計入之金額應包括依 1969 年責任公約實際支付之賠償金及依 1971 年基金公約實際支付或視為已支付之賠償金。
- (d) 本公約第 9 條第 1 項另應適用依 1969 年責任公約所享有之權利。

第 36 條之二

1. 於適用本條第 4 項規定之情況

of the annual contributions payable in respect of contributing oil received in a single Contracting State during a calendar year shall not exceed 27.5% of the total amount of annual contributions pursuant to the 1992 Protocol to amend the 1971 Fund Convention, in respect of that calendar year.

2. If the application of the provisions in paragraphs 2 and 3 of Article 12 would result in the aggregate amount of the contributions payable by contributors in a single Contracting State in respect of a given calendar year exceeding 27.5% of the total annual contributions, the contributions payable by all contributors in that State shall be reduced pro rata so that their aggregate contributions equal 27.5% of the total annual contributions to the Fund in respect of that year.
3. If the contributions payable by persons in a given Contracting State shall be reduced pursuant to paragraph 2 of this Article, the contributions payable by persons in all other Contracting States shall be increased pro rata so as to ensure that the total amount of contributions payable by all persons liable to contribute to the Fund in respect of the calendar year in question will reach the total amount of contributions decided by the Assembly.
4. The provisions in paragraphs 1 to 3 of this Article shall operate until the total quantity of contributing oil received in all Contracting States in a calendar year has reached 750 million tons or until a period of 5 years after the date of entry into force of the said 1992 Protocol has elapsed, whichever occurs earlier.

Article 36 quater

Notwithstanding the provisions of this Convention, the following provisions shall apply to the administration of the Fund during the period in which both the 1971 Fund Convention and this Convention are in force:

- (a) The Secretariat of the Fund, established by the 1971 Convention (hereinafter referred to as "the 1971 Fund"), headed by the Director, may also function as the Secretariat and the Director of the Fund.
- (b) If, in accordance with subparagraph (a), the Secretariat and the Director of the 1971 Fund also perform the function of Secretariat and Director of the Fund, the Fund shall be represented, in cases of conflict of interests between the 1971 Fund and the Fund, by the Chairman of the Assembly of the Fund.
- (c) The Director and the staff and experts appointed by him, performing their duties under this Convention and the 1971 Fund Convention, shall not be regarded as contravening the provisions of Article 30 of this Convention in so far as they discharge their duties in accordance with this Article.
- (d) The Assembly of the Fund shall endeavour not to take decisions which are incompatible with decisions taken by the Assembly of the 1971 Fund. If differences of opinion with respect to common administrative issues arise, the Assembly of the Fund shall try to reach a consensus with the Assembly of the 1971 Fund, in a spirit of mutual co-operation and with the common aims of both organizations in mind.

下，對某一曆年度中於某單一締約國所收到之攤款油之應付合計年度攤款額，不應超過於該曆年度修正 1971 年基金公約之 1992 年議定書所規定之年度攤款總額之 27.5%。

2. 如適用第 12 條第 2 及 3 項之規定會使某單一締約國之攤款人於某特定曆年度之應付合計攤款額超過年度攤款總額之 27.5%，則該國之所有攤款人應付攤款額應依比例減少，使其合計攤款額等於於該曆年度向基金支付之總年度攤款額之 27.5%。
3. 如某特定締約國之攤款人之應付攤款額須依本條第 2 項予以減少，則所有其他締約國之攤款人之應付攤款額須作成比例之增加，以保證於所述曆年度所有攤款人之應付攤款總額達到大會所確定之攤款總額。
4. 本條第 1 至第 3 項規定，應於所有締約國於某曆年度所收到之攤款油總量達到 750 百萬噸時實施，或從 1992 年議定書之生效日期起算滿 5 年時實施，以較早者為準。

第 36 條之三

無論本公約規定為何，於 1971 年基金公約及本公約同時有效期間，下列規定適用於本基金之管理：

- (a) 1971 年基金公約(以下稱“1971 年基金”)所設立以董事為首之該基金秘書處亦可履行本基金秘書處及董事之職責。
- (b) 如依第(a)項，1971 年基金秘書處及董事亦履行本基金秘書處及董事之職責，於 1971 年基金及本基金利益發生衝突時，本基金之代表應是本基金大會之主席。
- (c) 董事及其任命之工作人員及專家依本公約及 1971 年基金公約履行職責時，只要其依本條執行其職責，即不應被視為違反本公約第 30 條之規定。
- (d) 本基金大會應努力做到不作出與 1971 年基金大會所作決定不相一致之決定。如產生有關共同管理問題之不同意見，本基金大會與 1971 年基金大會應本於相互合作精神，並考慮二組織之共同目標盡力達成一致意見。

- (e) The Fund may succeed to the rights, obligations and assets of the 1971 Fund if the Assembly of the 1971 Fund so decides, in accordance with Article 44, paragraph 2, of the 1971 Fund Convention.
- (f) The Fund shall reimburse to the 1971 Fund all costs and expenses arising from administrative services performed by the 1971 Fund on behalf of the Fund.

Article 36 quinquies Final clauses

The final clauses of this Convention shall be Articles 28 to 39 of the Protocol of 1992 to amend the 1971 Fund Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 27

1. The 1971 Fund Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles 1 to 36 quinquies of the 1971 Fund Convention as amended by this Protocol shall be known as the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention).

FINAL CLAUSES

Article 28 - 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 any State which has signed the 1992 Liability Convention.
2. Subject to paragraph 4, this Protocol shall be ratified, accepted or approved by States which have signed it.
3. Subject to paragraph 4, this Protocol is open for accession by States which did not sign it.
4. This Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the 1992 Liability Convention.
5. 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.
6. A State which is a Party to this Protocol but is not a Party to the 1971 Fund Convention shall be bound by the provisions of the 1971 Fund Convention as amended by this Protocol in relation to other Parties hereto, but shall not be bound by the provisions of the 1971 Fund Convention in relation to Parties thereto.
7. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1971 Fund Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

- (e) 如 1971 年基金大會依 1971 年基金公約第 44 條第 2 項作出決定，本基金可繼承 1971 年基金之權利、義務及資產。
- (f) 本基金應將 1971 年基金為本基金進行管理服務而產生之費用償還 1971 年基金。

第 36 條之四 最後條款

本公約之最後條款應為 1971 年基金公約 1992 年議定書第 28 條至第 39 條。本公約所指之締約國應被視為該議定書之締約國。

第 27 條

1. 在本議定書各締約國之間，1971 年基金公約及本議定書應作為一個整體公約來理解及解釋。
2. 經本議定書修正的 1971 年基金公約第 1 條至第 36 條之四應被稱為 1992 年設立國際油污損害賠償基金國際公約(1992 年基金公約)。

最終條款

第 28 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 日止於倫敦開放供已簽署 1992 年責任公約之任何國家簽署。
2. 於適用第 4 項規定之情況下，本議定書供已簽署之國家批准、接受或核准。
3. 於適用第 4 項規定之情況下，本議定書對未簽署之國家開放，以供加入。
4. 本議定書僅能由已批准、接受、核准或加入 1992 年責任公約之國家批准、接受、核准或加入。
5. 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正式文件後，始生效力。
6. 屬本議定書之締約國，然非 1971 年基金公約締約國之國家，對本議定書之其他締約國而言，應受經本議定書修正之 1971 年基金公約規定之拘束，然對 1971 年基金公約之締約國而言，則不受 1971 年基金公約規定之拘束。
7. 經本議定書修正之 1971 年基金公約之修正案生效後交存之任何批准、接受、核准或加入文件，應視為適用依該修正案修正之經本議定書修正之公約。

Article 29 - Information on contributing oil

1. Before this Protocol comes into force for a State, that State shall, when depositing an instrument referred to in Article 28, paragraph 5, 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 of the 1971 Fund Convention as amended by this Protocol 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.
2. During the transitional period, the Director shall, for Parties, communicate annually to the Secretary-General of the Organization data on quantities of contributing oil received by persons liable to contribute to the Fund pursuant to article 10 of the 1971 Fund Convention as amended by this Protocol.

Article 30 - Entry into force

1. This Protocol shall enter into force twelve months 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 29 that those persons who would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 450 million tons of contributing oil.
2. However, this Protocol shall not enter into force before the 1992 Liability Convention has entered into force.
3. For each State which ratifies, accepts, approves or accedes to this Protocol after the conditions in paragraph 1 for entry into force have been met, the Protocol shall enter into force twelve months following the date of the deposit by such State of the appropriate instrument.
4. Any State 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 not take effect for the purpose of this Article until the end of the six-month period in Article 31.
5. 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, and any State making such a withdrawal shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.
6. Any State which has made a declaration under Article 13, paragraph 2, of the Protocol of 1992 to amend the 1969 Liability Convention shall be deemed to have also made a declaration under paragraph 4 of this Article. Withdrawal of a declaration under the said Article 13, paragraph 2, shall be deemed to

第 29 條 攤款油類資料

1. 於本議定書對某國生效前，該國於交存第 28 條第 5 項所述文件，及此後每年依本組織秘書長決定之日期及依經本議定書修正之 1971 年基金公約第 10 條規定，應負責將本基金攤款之人之名稱及地址，及其於前一曆年度於該國領土內接收有關攤款油量之資料，通知秘書長。
2. 於過渡期間，董事應每年將各締約國依經本議定書修正之 1971 年基金公約第 10 條負責繳納本基金攤款之人所接收之攤款油量資料，通知本組織秘書長。

第 30 條 生效

1. 本議定書應自下列要求達到之日起 12 個月後生效：
 - (a) 至少已有 8 個國家向本組織秘書長交存批准、接受、核准或加入書；及
 - (b) 本組織秘書長依第 29 條已收到之通知顯示，依經本議定書修正之 1971 年基金公約第 10 條負責繳納攤款之人，於前一曆年度已收到之攤款油類總量已達到 450 百萬噸。
2. 然本議定書不得於 1992 年責任公約生效前生效。
3. 於第 1 項規定生效條件達到後批准、接受、核准或加入本議定書之國家，本議定書應自該國交存有關文件之日起 12 個月後生效。
4. 任何國家可於交存本議定書之批准、接受、核准或加入文件時聲明，該文件不得於第 31 條規定之 6 個月期間結束前生效。
5. 依前項為聲明之任何國家，可於任何時候以送交本組織秘書長通知之方式撤回其聲明。該撤回於接到通知之日生效。作出該撤回之任何國家，即應視為已於該日交存本議定書之批准、接受、核准或加入文件。
6. 依 1969 年責任公約 1992 年議定書第 13 條第 2 項為聲明之任何國家，應視為亦即依本條第 4 項為聲明。依前述第 13 條第 2 項對聲明之撤回，應視為亦依本條第 5 項為撤回。

constitute withdrawal also under paragraph 5 of this Article.

Article 31 - Denunciation of the 1969 and 1971 Conventions **第 31 條 退出 1969 年及 1971 年公約**

Subject to Article 30, within six months following the date on which the following requirements are fulfilled:

- (a) at least eight States have become Parties to this Protocol or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, whether or not subject to Article 30, paragraph 4, and
- (b) the Secretary-General of the Organization has received information in accordance with Article 29 that those persons who are or would be liable to contribute pursuant to Article 10 of the 1971 Fund Convention as amended by this Protocol have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil;

Each Party to this Protocol and each State which has deposited an instrument of ratification, acceptance, approval or accession, whether or not subject to Article 30, paragraph 4, shall, if Party thereto, denounce the 1971 Fund Convention and the 1969 Liability Convention with effect twelve months after the expiry of the above-mentioned six-month period.

於適用第 30 條之情況下，於下列要求達成之日後之 6 個月內：

- (a) 不論是否依第 30 條第 4 項，至少有 8 個國家已成為本議定書之締約國或已向本組織秘書長交存批准、接受、核准或加入文件；及
- (b) 本組織秘書長依第 29 條已收到之通知聲明，依經本議定書修正之 1971 年基金公約第 10 條負責或行將負責繳納攤款之人，於前一曆年度已收到之攤款油量總量至少已達到 750 百萬噸；

不論是否依第 30 條第 4 項規定，本議定書任一締約國及已交存批准、接受、核准或加入文件之任一國家，如屬 1971 年基金公約及 1969 年責任公約之締約國，應退出該二公約。退出應於前述 6 個月期間屆滿之時起 12 個月後生效。

Article 32 - Revision and amendment

1. A conference for the purpose of revising or amending the 1992 Fund 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 Fund Convention at the request of not less than one third of all Contracting States.

第 32 條 修訂及修正

1. 修訂或修正 1992 年基金公約的會議，由本組織召開。
2. 經不少於 3 分之 1 締約國之請求，本組織應召開修訂或修正 1992 年基金公約之締約國會議。

Article 33 - Amendment of compensation limits

1. Upon the request of at least one quarter of the Contracting States, any proposal to amend the limits of amounts of compensation laid down in Article 4, paragraph 4, of the 1971 Fund 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 1971 Fund Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings 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

第 33 條 對賠償限額的修正

1. 經至少 4 分之 1 締約國之請求，對於經本議定書修正之公約第 4 條第 4 項所規定之賠償限額之任何修正案，應由秘書長發送給本組織所有會員國及所有締約國。
2. 依前述規定提出及發送及任何修正案，應在發送之日起至少 6 個月後交由本組織法律委員會審議。
3. 經本議定書修正本公約之所有締約國，不論是否為本組織成員國，均有權參加法律委員會審議及通過修正案之作業。
4. 修正案應於依第 3 項規定之擴大法律委員會上，經出席並投票之締約國 3 分之 2 多數通過，然投票時至少應有締約國半數出席會議。
5. 就修正限額提案採取作業時，法律委

Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom and changes in the monetary values. It shall also take into account the relationship between the limits in Article 4, paragraph 4, of the 1971 Fund Convention as amended by this Protocol and those in Article V, paragraph 1, of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

6.
 - (a) No amendment of the limits 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 1971 Fund Convention as amended by this Protocol increased by six per cent per year calculated on a compound basis for 15 January 1993.
 - (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1971 Fund Convention as amended by this Protocol multiplied by three.
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 34, 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 cases 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 34 - 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

員會應考慮事故經驗，特別是事故所致損害金額及幣值變動。其另應考慮經本議定書修正之本公約第 4 條第 4 項限額及 1992 年國際油污損害民事責任公約第 5 條第 1 項限額間之關連。

6.
 - (a) 於 1998 年 1 月 15 日前或依本條為前次修正案生效之日起 5 年之內予以審議。依本條所提出之任何修正案，不得於本議定書生效前予以審議。
 - (b) 任何限額之提高，不得超過依經本議定書修正之本公約規定之限額，自 1993 年 1 月 15 日起，以每年遞增 6% 複利計算所得之數額。
 - (c) 任何限額之提高，不得超過經本議定書修正之本公約所規定限額之 3 倍。
7. 依第 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 4 分之 1 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. 依第 7 項已被視為接受之修正案應於接受後 18 個月後生效。
9. 所有締約國均應受該修正案之拘束，然其依據第 34 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 34 條 退出

1. 任何締約國於在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，應於向本組織秘書長交存一份文件後，方為有效。
3. 退出本議定書，應於向本組織秘書長

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

4. Denunciation of the 1992 Liability 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 1969 Liability Convention takes effect according to Article 16 of that Protocol.
5. Any Contracting State to this Protocol which has not denounced the 1971 Fund Convention and the 1969 Liability Convention as required by Article 31 shall be deemed to have denounced this Protocol with effect twelve months after the expiry of the six-month period mentioned in that Article. As from the date on which the denunciations provided for in Article 31 take effect, any Party to this Protocol which deposits an 1969 Liability Convention shall be deemed to have denounced this Protocol with effect from the date on which such instrument takes effect.
6. As between the Parties to this Protocol, denunciation by any of them of the 1971 Fund Convention in accordance with Article 41 thereof shall not be construed in any way as a denunciation of the 1971 Fund Convention as amended by this Protocol.
7. Notwithstanding a denunciation of this Protocol by a Party pursuant to this Article, any provisions of this Protocol relating to the obligations to make contributions under Article 10 of the 1971 Fund Convention as amended by this Protocol with respect to an incident referred to in Article 12, paragraph 2 (b), of that amended Convention and occurring before the denunciation takes effect shall continue to apply.

交存文件 12 個月後，或於退出文件中
所載明之更長期限後生效。

4. 退出 1992 年責任公約應視為退出本
議定書。該退出應於依 1969 年責任公
約 1992 年議定書第 16 條退出 1969 年
責任公約 1992 年議定書生效之日生
效。
5. 未依第 31 條要求退出 1971 年基金公
約及 1969 年責任公約之本議定書締
約國，於該條規定之 6 個月期間屆滿
之後 12 個月，應視為已退出本議定
書。於第 31 條規定之退出生效日起，
交存批准、接受、核准或加入 1969 年
責任公約文件之本議定書之任何締約
國，應視為已退出本議定書。該退出
應於上述文件生效之日起生效。
6. 於本議定書之締約國間，任一締約國
依本議定書第 41 條退出 1971 年基金
公約時，不得被推定為退出經本議定
書修正之 1971 年基金公約。
7. 無論締約國是否已依本條退出本議定
書，經本議定書修正之 1971 年基金公
約第 10 條有關攤款義務之任何規
定，仍應繼續適用於經修正公約第 12
條第 2 項第(b)款所規定並發生於退出
生效前之事件。

Article 35 - Extraordinary sessions of the Assembly

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 the 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 of 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 the denunciation takes effect, denounce this Protocol with effect from the same date.

第 35 條 大會特別會議

1. 任何締約國於交存退出文件後 90 天
之內，認為該退出將導致仍為締約國
國家之攤款幅度會大量增加，可要求
董事召開大會特別會議。董事應於接
到請求後 60 天內，召集大會開會。
2. 董事如認為某退出將導致仍為締約國
國家之攤款幅度會大量增加，則可於
該退出文件交存後 60 天內主動召開
大會特別會議。
3. 如大會依第 1 或 2 項召開之特別會議
上確定該退出會造成其餘締約國攤款
水平之嚴重提高，則任何該國家可於
不遲於該退出生效之日前 120 天退出
本議定書並於同一日期生效。

Article 36 - Termination

1. This Protocol shall cease to be in force on the date when the number of Contracting States falls below three.
2. States which are bound by this Protocol on the day before the date it ceases to be in force shall enable the Fund to exercise its

第 36 條 終止

1. 本議定書應於締約國數量降至 3 個以
下之日起，終止其效力。
2. 於本議定書終止其效力之日前受本議
定書拘束之國家，應使本基金能夠行

functions as described under Article 37 of this Protocol and shall, for that purpose only, remain bound by this Protocol.

使其於本議定書第 37 條所規定之職責，並應僅為此目的而繼續受本議定書之拘束。

Article 37 - Winding up of the Fund

1. If this Protocol ceases to be in force, the Fund shall nevertheless:
 - (a) meet its obligations in respect of any incident occurring before the Protocol 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.
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.

第 37 條 基金之解散

1. 如本公約失效，本基金仍應：
 - (a) 履行其對於本公約失效前發生之任何事故之義務；及
 - (b) 於攤款係為履行(a)款規定之責任(包括為此目的所需之本基金管理費用)所需範圍內有權行使其攤款權利。
2. 大會應採取一切適當措施完成本基金之解散工作，包括向本基金交付攤款之人之間公平分配任何剩餘資產。
3. 為本條目的，本基金應仍然是法人。

Article 38 - Depositary

1. This Protocol and any amendments accepted under Article 33 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 30 including declarations and withdrawals deemed to have been made in accordance with that Article;
 - (iii) the date of entry into force of this Protocol;
 - (iv) the date by which denunciations provided for in Article 31 are required to be made;
 - (v) any proposal to amend limits of amounts of compensation which has been made in accordance with Article 33, paragraph 1;
 - (vi) any amendment which has been adopted in accordance with Article 33, paragraph 4;
 - (vii) any amendment deemed to have been accepted under Article 33, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
 - (viii) the deposit of an instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
 - (ix) any denunciation deemed to have been made under Article 34, paragraph 5;
 - (x) any communication called for by any Article in this Protocol;
 - (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to the Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the

第 38 條 保存人

1. 本議定書及依第 33 條獲接受之任何修正案，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 30 條所提出之任一聲明及通知，包括被視為依該條所提出之聲明撤回事項；
 - (iii) 本議定書之生效日期；
 - (iv) 依第 31 條規定，需要提出之退出日期；
 - (v) 依第 33 條第 1 項所提出之修正賠償限額之任何提案；
 - (vi) 依第 33 條第 4 項獲得通過之任何修正案；
 - (vii) 依第 33 條第 7 項被視為已獲得接受之任何修正案；連同依該條第 8 及第 9 項該修正案應生效之日期；
 - (viii) 交存退出本議定書之任何文件連同其交存日期及生效日期；
 - (ix) 依第 34 條第 5 項被視為已提出之任何退出事項；
 - (x) 本議定書任何規定所要求之通知；
 - (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，本組織秘書長應依聯合國憲章第 102 條規定將本議定

Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

書文本送交聯合國秘書處，以供登記及公佈。

Article 39 - Languages

第 39 條 文字

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

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，各文本均具同等效力。

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 for that purpose have signed this Protocol.

下列具名者，均經正式授權，特簽署本議定書，以昭信守。