

**2001 年燃油污染損害民事責任國際公約**  
**2001 年 3 月 23 日 訂於倫敦，2008 年 11 月 21 日生效**

**International Convention on Civil Liability for Bunker Oil Pollution  
Damage, 2001**

**London, 23 March 2001 ; Enter into Force on 21 November 2008**

**Bunker 2001**

THE STATE PARTIES TO THIS CONVENTION:

**RECALLING** article 194 of the United Nations Convention on the Law of the Sea 1982, which provides that States shall take all measures necessary to prevent, reduce and control pollution of the marine environment,

**RECALLING ALSO** article 235 of that Convention, which provides that, with the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall co-operate in the further development of relevant rules of international law,

**NOTING** the success of the International Convention on Civil Liability for Oil Pollution Damage, 1992 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 in ensuring that compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil carried in bulk at sea by ships,

**NOTING ALSO** the adoption of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 in order to provide adequate, prompt and effective compensation for damage caused by incidents in connection with the carriage by sea of hazardous and noxious substances,

**RECOGNIZING** the importance of establishing strict liability for all forms of oil pollution which is linked to an appropriate limitation of the level of that liability,

**CONSIDERING** that complementary measures are necessary to ensure the payment of adequate, prompt and effective compensation for damage caused by pollution resulting from the escape or discharges of bunker oil from ships,

**DESIRING** to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

**HAVE AGREED** as follows:

**ARTICLE 1 Definitions**

本公約締約國，

**鑑於 1982 年**聯合國海洋法公約第 194 條規定各國應採取防止、減少及控制海洋環境污染之所有必要措施，

**鑑於**該公約第 235 條規定，就確保海洋環境污染所致所有損失能立即且適當補償的目標，各國對國際法相關規則的未來發展應予合作，

**注意到** 1992 年油污染損害民事責任國際公約及 1992 年設置油污染損害補償國際基金國際公約在確保給予船舶海上運載散裝貨油洩漏或排出所致污染而蒙受損害之人有效補償的成功性，

**注意到**採用 1996 年有關海上運送危險及有害物質損害責任及補償國際公約所提供海上運送危險有毒物質有關事故所致損害之適當、立即及有效的補償，

**體認**到必須建立油污染所有類型與責任限制適當水平相配合之嚴格責任之重要性，

**慮及**必須採行適當措施以確保船上燃油洩漏或排出所致污染而生損害之適當、立即及有效補償支應之必須性，

**期欲**訂立統一之國際法規及程序，俾在前述情況發生時以決定責任問題，並提供合理之賠償，

爰經協議如次：

**第 1 條 定義**

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and seaborne craft, of any type whatsoever.
2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.
3. "Shipowner" means the owner, including the registered owner, bareboat charterer, manager and operator of the ship.
4. "Registered owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "registered owner" shall mean such company.
5. "Bunker oil" means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, any residues of such oil.
6. "Civil Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage 1992, as amended.
7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.
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.
9. "Pollution damage" means:
  - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker 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; and
  - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
10. "State of the ship's registry" means, in relation to a registered ship, the State of registration of the ship and, in relation to an unregistered ship, the State whose flag the ship is entitled to fly.
11. "Gross tonnage" means gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.
12. "Organization" means the International Maritime Organization.
13. "Secretary-General" means the Secretary-General of the Organization.

## ARTICLE 2 Application

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 State Party, established in accordance with international law, or, if a State Party has not established such a zone, in an area beyond and adjacent to the territorial sea of that State

為本公約目的：

1. 船舶：指不論任何類型之所有海船及海上載具。
2. 人：指任何個人、合夥、或不論是否為公司之公私法人，包括國家或其所屬之任何組成機關。
3. 船舶所有人：指所有人，包括登記所有人、光船租船人、船舶經理人及營運人。
4. 登記所有人：指登記為船舶之所有人之一人或數人，或於未登記之情況下，為擁有船舶之一人或數人。如船舶為某國家所有且為在該國登記為船舶營運人之某公司所營運者，則登記所有人為該公司。
5. 燃油：指用於或意圖用於船舶操作或推動之任何碳氫礦油，包括潤滑油，及其任何殘餘物。
6. 民事責任公約：指 1992 年油污染責任民事責任公約及其修訂。
7. 防止措施：指任何人於事故發生後為避免或減輕污染損害所採取之任何合理措施。
8. 事故：指任何具有同一來源足致污染損害或會造成污染之重大且立即威脅之任一事件或一系列之事件。
9. 污染損害：指
  - (a) 由船舶所洩漏或排出之燃油造成污損所生本船以外之損失或損害，而不論該洩漏或排出於何地發生，但有關營利損失以外之環境損害之賠償，應僅限於實際採取或將採取之合理回復措施之費用，及
  - (b) 防止措施費用及防止措施所發生之額外損失或損害。
10. 船舶登記國：對已經登記之船舶言，指船舶登記之國家；對未經登記之船舶言，指使船舶有權懸掛其國旗之國家。
11. 總噸位：指依照 1969 年船舶噸位丈量國際公約附錄一所規定之噸位測量規則計算而得之總噸位。
12. 組織：指國際海事組織。
13. 秘書長：指國際海事組織之秘書長。

## 第 2 條 適用

本公約應僅適用於

- (a) 於下列地點所致之污染損害：
  - (i) 於締約國領域，包括領海，及
  - (ii) 於締約國依國際法所確定之專屬經濟區，或如該締約國尚未確定此區域時，則為該國依國際法所確定，於其領海以外

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.

且與領海毗鄰，距測量其領海寬度的基線向外延伸不超過200 哩的區域；

- (b) 為避免或減輕該損害，無論於何處所採取之防止措施。

### ARTICLE 3 Liability of the Shipowner

1. Except as provided in paragraphs 3 and 4 of this article, the shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences.
2. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.
3. No liability for pollution damage shall attach to the shipowner if it is proven that:
  - (a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
  - (b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or
  - (c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.
4. If the shipowner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the shipowner may be exonerated wholly or partially from liability to such person.
5. No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with this Convention.
6. Nothing in this Convention shall prejudice any right of recourse of the shipowner which exists independently of this Convention.

### ARTICLE 4 Exclusions

1. This Convention shall not apply to pollution damage as defined in the Civil Liability Convention, whether or not compensation is payable in respect of it under that Convention.
2. Except as provided in paragraph 3, the provisions of this Convention shall not apply to warships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.
3. A State Party may decide to apply this Convention to its warships or other ships described in paragraph 2, in which case it shall notify the Secretary-General thereof specifying the terms and conditions of such application.
4. With respect to ships owned by a State Party and used for commercial purposes, each State shall be subject to suit in the

### 第 3 條 船舶所有人責任

1. 除本條第 3 項及第 4 項另有規定者外，事故發生時之船舶所有人應負責因其船上或來自於該船舶之任何燃油所致之污染損害，但如某事故係由同一事件之一系列事故所構成，則應由一系列事故中首次事故發生時之船舶所有人負責。
2. 依第 1 項應負責之人超過一人者，這些人應負連帶責任。
3. 如經證明事故為下列原因所致者，船舶所有人不負擔任何污染損害責任：
  - (a) 損害係由於戰爭行為、敵對行為、內戰、暴亂、或由於特殊且無法避免及不可抗力性質之自然現象所造成者；或
  - (b) 損害完全係因第三者故意之作為或不作為所致；或
  - (c) 損害完全係因負有維護燈光或其他助航設施責任之政府或其他主管機關於執行其任務時之過失或錯誤行為所致。
4. 如船舶所有人證明污染損害之全部或一部係由於受損害者故意之作為或不作為或過失所致，船舶所有人得被免除對該人之全部或一部賠償責任。
5. 污染損害賠償除依本公約規定外，不得向船舶所有人請求之。
6. 本公約之任何規定不得妨礙船舶所有人對第三人之任何追償求償權。

### 第 4 條 除外適用

1. 無論是否可依民事責任公約請求賠償，本公約均不適用於民事責任公約所定義之污染損害。
2. 除第 3 項另有規定外，本公約規定不適用於軍艦、海軍輔助船或由國家所有或營運並於當時使用於政府非商業服務的其他船舶。
3. 締約國可決定將公約適用於第 2 項所述之軍艦或其他船舶，於此種情況下，其應將此及該特別適用之條件或條款通知秘書長。
4. 對於為締約國所有且用於商業用途之船舶，每一締約國均應接受於第 9

jurisdictions set forth in article 9 and shall waive all defences based on its status as a sovereign State.

條所規定之管轄範圍內之起訴，且應放棄其基於主權國地位之所有抗辯。

#### **ARTICLE 5 Joint and several liability of owners of two or more ships**

#### **第 5 條 二或二艘以上船舶所有人之連帶責任**

When an incident involving two or more ships occurs and pollution damage results therefrom, the shipowners of all the ships concerned, unless exonerated under article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

當二艘或二艘以上發生事故，而該事故造成污染損害時，如是項污染損害無法合理分辨係由何船舶所致，所有船舶之船舶所有人，除具有第 3 條之免責原因外，應共負連帶賠償責任。

#### **ARTICLE 6 Limitation of liability**

#### **第 6 條 責任限制**

Nothing in this Convention shall affect the right of the shipowner and the person or persons providing insurance or other financial security to limit liability under any applicable national or international regime, such as the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

本公約不應影響船舶所有人及提供保險或其他財務擔保之人或數人得依任何可適用之各國或國際體制有關責任限制之權利，例如 1976 年海事求償責任限制公約及其修訂。

#### **ARTICLE 7 Compulsory insurance or financial security**

#### **第 7 條 強制保險或財務擔保**

1. The registered owner of a ship having a gross tonnage greater than 1000 registered in a State Party shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases, not exceeding an amount calculated in accordance with the Convention on Limitation for Maritime Claims, 1976, as amended.
2. 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 State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party 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 State Party it may be issued or certified by the appropriate authority of any State Party. This certificate shall be in the form of the model set out in the annex to this Convention and shall contain the following particulars:
  - (a) name of ship, distinctive number or letters and port of registry;
  - (b) name and principal place of business of the registered owner
  - (c) IMO ship identification number;
  - (d) type and duration of security;
  - (e) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
  - (f) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

1. 登記船舶所有人以其船舶於任一締約國內註冊且為 1,000 噸以上者，應被要求投保保險或提供其他財務擔保，例如銀行或類似財務機構之擔保，以保障登記船舶所有人因本公約規定所生，等同於國內或國際限責體制所適用之責任限制之賠償責任額度，惟在任何情況下，不應超過 1976 年海事求償責任限制公約及其修訂計算所得之數額。
2. 締約國有關機關關於確定第 1 項要求已符合者，應簽發船舶已依本公約規定而為有效保險或其他財務擔保之證書之證明。對於在締約國登記之船舶，應由船舶登記國有關機關頒發或簽發該證明；對於不在締約國登記之船舶，則可由任一締約國之有關機關頒發或簽發該證書。該證書應採用附件一所列範本格式並記載左列事項：
  - (a) 船名、船舶編號或符號及船籍港；
  - (b) 船舶登記所有人之姓名及其主營業所所在地；
  - (c) 國際海事組織船舶識別號碼；
  - (d) 擔保類型及期間；
  - (e) 保險人或其他提供擔保人之姓名及其主營業所所在地，及於適當時，記載訂立保險或提供擔保之營業所在地；
  - (f) 證書之有效期間；不得超過保險或其他擔保之有效期間。

3. (a) A State Party may authorize either an institute or an organization recognized by it to issue the certificate referred to in paragraph 2. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the certificate so issued and shall undertake to ensure the necessary arrangement to satisfy this obligation.
- (b) A State Party shall notify the Secretary-General of:
- (i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognized by it;
  - (ii) the withdrawal of such authority; and
  - (iii) the date from which such authority or withdrawal of such authority takes effect.
- Any authority delegated shall not take effect prior to three months from the date on which notification to that effect was given to the Secretary-General.
- (c) The Institution or organization authorized to issue certificates in accordance with this paragraph shall, as a minimum, be authorized to withdraw these certificates if the conditions under which they have been issued are not maintained. In all cases the institution or organization shall report such withdrawal to the State on whose behalf the certificate was issued.
4. The certificate shall be in the official language or languages of the issuing State. If the language used is not English, French or Spanish, the text shall include a translation into one of these language and, where the State so decides, the official language of the State may be omitted.
5. 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 State Party, with the authorities issuing or certifying the certificate.
6. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 5 of this article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.
7. The State of the ship's registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.
8. Nothing in this Convention shall be construed as preventing a State Party from relying on information obtained from other States or the Organization or other international organizations relating to the financial standing of providers of insurance or financial security for the purposes of this Convention. In such cases, the State Party relying on such information is not relieved of its responsibility as a State issuing the certificate required by paragraph 2.
9. Certificates issued or certified under the authority of a State Party shall be accepted by other States Parties for the purposes
3. (a) 締約國得授權任一協會或該協會所承認之組織簽發第 2 項所規定之證明。任一證書簽發時，該協會或組織應通知該國。在所有情況下，締約國應完全擔保所簽發證書之合格性及正確性，並應採行滿足本義務之必要安排。
- (b) 締約國應通知秘書長下列事項
- (i) 給予該協會或該協會所承認之組織授權之特別義務或條件；
  - (ii) 授權之撤銷，及
  - (iii) 授權及撤銷授權生效之日期。
- 任何授權不應於通知秘書長之日起 3 個月內生效。
- (c) 依本項規定獲授權簽發證書協會或組織，至少應被授權去撤銷那些未能維持其簽發條件之證書。在任何情況下，協會或組織應將撤銷情事報告其所代理簽發之國家。
4. 證書應以簽發國官方之一種或多種文字為之。如非以英文、法文或西文為之者，證書正文應包含有英文、法文或西文之譯文，此時該國官方語文可省略。
5. 證書應備置於船舶上，並應將副本存放於船舶登記國之主管機關，或如不是在締約國登記者，則交存簽發或發證國之主管機關。
6. 保險或其他財務擔保未能滿足本條要求，而須以本條第 2 項簽發之保險或擔保證書所載有效期間屆滿以外之理由而終止者，除該證明已繳還給主管機關或新證書已於該期間內簽發，否則應於效力終止日 3 個月以前通知本條第 5 項所述及之主管機關。保險或其他財務擔保之任何變更以致不能符合本條規定者，本項規定亦適用之。
7. 船舶登記國應依本條規定自行決定證書之簽發條件及其有效期間。
8. 本公約任何規定均不應解為有阻礙任一締約國得主張從其他締約國或國際海事組織或其他國際組織有關本公約保險或財務擔保提供人財務標準所獲取之資料。於此情況下，主張該資料之締約國不應解除其身為第 2 項所需證書簽發國之責任。
9. 經任一締約國授權簽發或證明之證書，基於本公約之目的，其他締約

of this Convention and shall be regarded by other States Parties 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 State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

10. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered owner's liability for pollution damage. In such case the defendant may invoke the defences (other than bankruptcy or winding up of the shipowner) which the shipowner would have been entitled to invoke, including limitation pursuant to article 6. Furthermore, even if the shipowner is not entitled to invoke to limitation of liability according to article 6, the defendant may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with paragraph 1. Moreover, the defendant may invoke the defence that the pollution damage resulted from the wilful misconduct of the shipowner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the shipowner against the defendant. The defendant shall in any event have the right to require the shipowner to be joined in the proceedings.
11. A State Party shall not permit a ship under its flag to which this article applies to operate at any time, unless a certificate has been issued under paragraph 2 or 14.
12. Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance or other security to the extent specified in paragraph 1 is in force in respect of any ship having a gross tonnage greater than 1000, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore facility in its territorial sea.
13. Notwithstanding the provisions of paragraph 5, a State Party may notify the Secretary-General that, for the purpose of paragraph 12, ships are not required to carry on board or to produce the certificate required by paragraph 2, when entering or leaving ports or arriving at or leaving from offshore facilities in its territory, provided that the State Party which issues the certificate required by paragraph 2 has notified the Secretary-General that it maintains records in an electronic format, accessible to all States Parties, attesting the existence of the certificate and enabling States Parties to discharge their obligation under paragraph 12.
14. If insurance or other financial security is not maintained in respect of a ship owned by a State Party, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limit prescribed in accordance with paragraph 1. Such a certificate shall follow as closely as possible the model prescribed by paragraph 2.
15. A State may, at the time of ratification, acceptance, approval of, or accession to this Convention, or at any time thereafter, declare that this article does not apply to ships operating

國應予以接受，並應視為與各該政府所簽發或簽證之證書具有同等效力。任一締約國如認為證書上之保險人或擔保人於財務上無法履行本公約所規定之義務時，得於任何期間請求與發證國諮商。

10. 污染損害之賠償得直接向保險人或對船舶所有人提供有關污染損害賠償責任之其他財務擔保人請求之。於此情況下，被告可主張船舶所有人可得主張之抗辯(船舶所有人破產或結束業務除外)，包括第 6 條之限制責任。再者，既使船舶所有人無法依第 6 條規定主張責任限制，被告仍得以同等於依第 1 項規定所需保險或財務擔保數額之數額限制其責任。此外，被告亦得以污染損害之造成係由船舶所有人故意行為之所致為抗辯，但對於船舶所有人對其提起之訴訟過程中，被告可得提出之其他抗辯，被告在此不得主張之。被告於訴訟程序進行中有權要求船舶所有人參加訴訟。
11. 除已依第 2 項或第 14 項簽發證書外，適用本條規定之任一締約國不應允許懸其國旗之船舶於任何時間內為營運。
12. 依本條規定，任一締約國應依其國內法，對進出其領域各港口或到離其領海內各離岸終端站之任何超過 1,000 總噸，確保其已依本條第 1 項所述之範圍為有效之保險或其他擔保。
13. 無論第 5 項規定為何，為第 12 項規定之目的，於簽發第 2 項所需證書之締約國已經通知秘書長，其已保持一可讓所有締約國查證有關該證書存在之電子格式之情況下，締約國得將船舶進出港口或抵達或離開領海內之近岸設施，船上得無須備有第 2 項所需證書情事，通知秘書長，且此並使締約國得免除第 12 項之責任。
14. 如一締約國之國有船舶未保險或具有其他財務擔保者，本條有關規定對該船舶不適用之。但該船舶仍應備有船籍國適當主管機關簽發之證書，該證書應載明該船舶係該締約國之國有船舶並包括有關第 1 項所規定之限制責任。該證書應儘量與本條第 2 項所述格式相符。
15. 任一國家得於批准、接受、認可或加入本公約當時或其後任何時間，聲明本條款不適用於專用第 2 條 a

exclusively within the area of that State referred to in article 2(a)(i).

項 i 款所述國家領域內營運之船舶。

## ARTICLE 8 Time limits

Rights to compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought more than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six-years' period shall run from the date of the first such occurrence.

## 第 8 條 時效

依本公約規定之求償權，自損害發生之日起 3 年內不起訴而消滅。但自造成損害之事故發生日起 6 年後不得再行起訴。如該事故係連續發生之一系列事故，6 年期間之計算應自第一次事故發生之日起算。

## ARTICLE 9 Jurisdiction

1. Where an incident has caused pollution damage in the territory, including the territorial sea, or in an area referred to in article 2(a)(ii) of one or more States Parties, or preventive measures have been taken to prevent or minimise pollution damage in such territory, including the territorial sea, or in such area, actions for compensation against the shipowner, insurer or other person providing security for the shipowner's liability may be brought only in the courts of any such States Parties.
2. Reasonable notice of any action taken under paragraph 1 shall be given to each defendant.
3. Each State Party shall ensure that its courts have jurisdiction to entertain actions for compensation under this Convention.

## 第 9 條 管轄

1. 在一個或一個以上締約國包括其領海之領域內(包括第 2 條 a 項 ii 款所述及之區域)發生事故造成之污損，或為防止或減少污損已在此包括領海或該區域之領域內採取防止措施者，對船舶所有人、保險人或其他為船舶所有人責任提供擔保之人之損害賠償之訴僅可向該締約國或多個締約國之法院為之。
2. 依第 1 項所提出任何訴訟之合理通知應送達被告。
3. 每一締約國應確保使其法院有管轄受理該項損害賠償訴訟之權。

## ARTICLE 10 Recognition and enforcement

1. Any judgement given by a Court with jurisdiction in accordance with article 9 which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognised in any State Party, except:
  - (a) where the judgement was obtained by fraud; or
  - (b) where the defendant was not given reasonable notice and a fair opportunity to present his or her case.
2. A judgement recognised under paragraph 1 of this article shall be enforceable in each State Party as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

## 第 10 條 承認與執行

1. 依本公約第 9 條規定由有管轄權之法院所為之判決，並不得再行審究，在原則國內具判決之強制力，任何締約國應予以承認。除非：
  - (a) 判決之取得係由於詐欺者；或
  - (b) 未給予被告合理之通知使無公平之機會出庭答辯者。
2. 依本條第 1 項承認之判決，於每一締約國依其國內規定程序完成之時起應具有強制力。此種程序不應准予案件得有再審之法律依據。

## ARTICLE 11 Supersession Clause

This Convention shall supersede any Convention in force or open for signature, ratification or accession at the date on which this Convention is opened for signature, but only to the extent that such Convention would be in conflict with it; however, nothing in this article shall affect the obligations of States Parties to States not party to this Convention arising under such Convention.

## 第 11 條 取代條款

本公約應取代任何生效中之國際公約，或自本公約公開供簽署之日起取代之聽由簽署批准或加入之國際公約，但以該等公約與本公約相抵觸為限。本條規定應不影響本公約締約國對於非締約國因依據該等國際公約所生之義務。

## ARTICLE 12 Signature, ratification, acceptance, approval and accession

## 第 12 條 簽署、批准、接受、核准或加入

1. The present Convention shall be open for signature at the Headquarters of the Organization from 1 October 2001 until 30 September 2002 and shall thereafter remain open for accession.
  2. States may express their consent to be bound by this Convention by:
    - (a) signature without reservation as to ratification, acceptance or approval;
    - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
    - (c) accession.
  3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
  4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing State Parties, or after the completion of all measures required for the entry into force of the amendment with respect to those State Parties shall be deemed to apply to the Convention as modified by the amendment.
1. 本公約應自 2001 年 10 月 1 日至 2002 年 9 月 30 日供開放簽署，此後開放供加入。
  2. 各國得依左列方式成為本公約之締約國：
    - (a) 簽署而對批准、接受或認可，不附保留。
    - (b) 簽署而保留批准、接受或認可，隨後批准、接受或認可。
    - (c) 加入。
  3. 批准、接受、核准或加入應向秘書長交存相應的正式文件。
  4. 本公約修訂生效後所交存之任何批准、接受、核准或加入之文件，對於所有現有締約國而言，或對公約修訂生效後已完成所需步驟之這些締約國而言，應視為適用修訂後之公約。

#### ARTICLE 13 States with more than one system of law

#### 第 13 條 國家具有數法律制度

1. If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
  2. Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.
  3. In relation to a State Party which has made such a declaration:
    - (a) in the definition of "registered owner" in article 1(4), references to a State shall be construed as references to such a territorial unit;
    - (b) references to the State of a ship's registry and, in relation to a compulsory insurance certificate, to the issuing or certifying State, shall be construed as referring to the territorial unit respectively in which the ship is registered and which issues or certifies the certificate;
    - (c) references in the Convention to the requirements of national law shall be construed as references to the requirements of the law of the relevant territorial unit; and
    - (d) references in articles 9 and 10 to courts, and to judgments which must be recognized in States Parties, shall be construed as references respectively to courts of, and to judgments which must be recognized in, the relevant territorial unit.
1. 如某國有二或以上領區分別適用不同法律制度者，有關本公約事項之處理，得於簽署、批准、接受、認可或聲明加入本公約之時，擴大適用其所有領區或僅適用於這些領區之一或多區，且得於任何時間以提出另一聲明方式變更此聲明。
  2. 任何這類聲明應通知秘書長，且應明確告知本公約應適用之領區。
  3. 對做出該聲明之締約國言：
    - (a) 述及第 1 條第 4 項「登記船舶所有人」定義者，該國係指該領區；
    - (b) 述及船舶登記國及有關強制保險證明之簽發或認證國者，應為船舶所登記及有關證明簽發或認證之領區；
    - (c) 本公約述及國內法要求者，指相關領區之法律要求；及
    - (d) 第 9 條及第 10 條所稱之法院及各締約國應予承認的裁判，應指相關領區之法院及應予承認之判決。

#### ARTICLE 14 Entry into Force

#### 第 14 條 生效

1. The present Convention shall enter into force one year following the date on which 18 states including five States each with sips whose combined gross tonnage is not less than 1,000,000 have
1. 本公約自 18 個國家之政府，其中 5 國各擺有油輪總噸位不少於 100 萬總噸者，已簽署而不保留批准、接



either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. 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 Convention shall come into force three months after the date of deposit by such State of the appropriate instrument.

## ARTICLE 15 Denunciation

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

## ARTICLE 16 Revision or amendment

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

## ARTICLE 17 Depository

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

## ARTICLE 18 Transmission to United Nations

As soon as this Convention comes into force, the text shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

## ARTICLE 19 Languages

受、認可、或已存放批准書、接受書、認可書、加入書於該組織秘書長處之日起 1 年生效。

2. 於第 1 項生效條件符合後，嗣後批准、接受、認可、或加入本公約之每一國家，應於其存放適當文件後 3 個月後生效。

## 第 15 條 退出

1. 任一締約國在本公約對其生效之日起，得隨時退出本公約。
2. 退出應將文件存放於本組織秘書長始屬有效。
3. 退出應於退出文件存放於本組織秘書長後 1 年，或依退出文件上特別聲明之較長期間屆滿時有效。

## 第 16 條 修改或修訂

1. 本公約之修訂或增訂會議得由本組織召集之。
2. 本組織應不少於三分之一締約國之請求，應召集各締約國舉行公約之修訂或增訂會議。

## 第 17 條 存放人

1. 本公約應存放於該組織秘書長處。
2. 本組織秘書長應：
  - (a) 將下列事項通知所有已簽署或接受本公約之國家：
    - (i) 新簽署或存放之每一文件及其日期；
    - (ii) 本公約之生效日期；
    - (iii) 存放退出本公約之任一文件及存放之日期及退出之有效日期；
    - (iv) 依本公約所作之其他聲明與通知。
  - (b) 分送本公約簽證無誤之副本與全體簽約國及所有接受本公約之國家。

## 第 18 條 函送聯合國

本公約一經生效，本組織秘書長依聯合國憲章第 102 條之規定應儘速將本公約之全文送聯合國秘書長登記並公佈之。

## 第 19 條 文字

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

DONE AT LONDON this.23.day of March 2001

IN WITNESS WHEREOF the undersigned being duly authorised by their respective Governments for that purpose have signed this Convention.

### **Resolution on limitation of liability**

- the resolution urges all States that have not yet done so, to ratify, or accede to the Protocol of 1996 to amend the Convention on Limitation of Liability for Maritime Claims, 1976. The 1996 LLMC Protocol raises the limits of liability and therefore amounts of compensation payable in the event of an incident, compared to the 1976 Convention. The Protocol will enter into force 90 days after being accepted by 10 States - it has received four acceptances to date.

### **Resolution on promotion of technical co-operation**

the resolution urges all IMO Member States, in co-operation with IMO, other interested States, competent international or regional organizations and industry programmes, to promote and provide directly, or through IMO, support to States that request technical assistance for:

- (a) the assessment of the implications of ratifying, accepting, approving, or acceding to and complying with the Convention;
- (b) the development of national legislation to give effect to the Convention; and
- (c) the introduction of other measures for, and the training of personnel charged with, the effective implementation and enforcement of the Convention.

The resolution also urges all States to initiate action without awaiting the entry into force of the Convention.

### **Resolution on protection for persons taking measures to prevent or minimize the effects of oil pollution :**

- the resolution urges States, when implementing the Convention, to consider the need to introduce legal provision for protection for persons taking measures to prevent or minimize the effects of bunker oil pollution. It recommends that persons taking reasonable measures to prevent or minimize the effects of oil pollution be exempt from liability unless the liability in question resulted from their personal act or omission, committed with the intent to cause damage, or recklessly and with knowledge that such damage would probably result. It also recommends that States consider the relevant provisions of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as a model for their legislation.

本公約之原本以阿拉伯文、中文、英文、法文、俄文及西班牙文作成，皆具同等效力。

2001年3月23日訂於倫敦。

為此各國政府授權之代表爰簽署本公約，以昭信守。

### **有關責任限制的決議：**

本決議敦促尚未批准或加入 1976 年海事求償責任限制公約 1996 年議定書之所有國家應儘速批准或加入。與 1976 年公約比較，1976 年海事求償限責公約 1996 年議定書提高責任限責，也因此提高事故發生時之賠償數額。該議定書將於 10 個締約國接受 90 天後生效，迄今已有 4 國接受。

### **有關加強技術合作的決議：**

本決議敦促所有國際海事組織會員國，與國際海事組織、其他利害國、適當的國際或區域組織及工業團體，以促進並提供直接或經由國際海事組織支援需要下列技術協助事項的國家：

- (a) 批准、接受、承認或加入及遵守本公約之影響評估；
- (b) 使公約生效之各國立法發展；及
- (c) 公約有效履行及執行之相關措施之引進及主管人員之訓練；

本決議亦敦促所有國家應無待本公約生效地儘速採取相關作為。

### **有關保護盡力採行避免或減輕油污措施之人之決議：**

本決議敦促各國於履行本公約時，應考慮制訂法律條款以保護哪些盡力採行避免或減輕燃油污染措施之人之必須性。本決議建議，除責任係由其個人作為或不作為、意圖造成損害、重大疏失並知曉事故可能造成損害者外，應免除哪些盡力採行避免或減輕燃油污染措施之人之責任。本決議亦建議，所有國家可考慮 1996 年國際海上運送有害有毒物質損害責任及賠償公約相關條款規定，作為其立法範本。

ANNEX

**Certificate Of Insurance Or Other Financial Security In Respect Of Liability For Damage  
Caused By Ships' Bunkers**

Issued in accordance with the provisions of article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Name of Ship	Distinctive Number or letters	IMO Ship Identification Number	Port of Registry

Name and full address of the principal address of business of the registered owner [and any co-insured owners]

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 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

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.
- (5) The entry "Address" of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.

附錄

有關燃油污染民事責任之保險證明或其他財務擔保

依據 2001 年燃油污染民事責任公約第 7 條規定而簽發。

船名	船舶編號或呼號	國際海事組織識別號	船籍港

茲此證明前述船舶已具有依 2001 年燃油污染責任公約第 7 條所要求之保險保單或其他財務擔保。

擔保方式.....

擔保期間.....

保險人或擔保人之姓名地址

姓名.....

地址.....

本保證函效期至.....

由..... 國政府簽發或簽證

(國家全稱)

簽發地：..... 簽發日期：.....

.....  
簽發或簽證官員簽署及全銜

說明：

1. 如有需要，國名可包括發證國家主管機關的名稱。
2. 如總擔保額度係由一件以上的來源所提供，應詳載每一擔保來源之金額。
3. 如擔保是以多種方式提供者，應將各種方式一一列舉。
4. 填寫「擔保期間」時，必須註明擔保生效之日期。
5. 保險人及或擔保人的「地址」欄必須註明保險人及或擔保人的主要營業地，於適當時，應註明提供保險或其他擔保的營業地。