

# 1974 年關於海上載運旅客及其行李之雅典公約 2002 年議定書

2002 年 11 月 1 日 訂於倫敦

## Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974

Signed at London, November 1, 2002

### Athen 2002

#### The States Parties to this Protocol,

**CONSIDERING** that it is desirable to revise the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974, to provide for enhanced compensation, to introduce strict liability, to establish a simplified procedure for updating the limitation amounts, and to ensure compulsory insurance for the benefit of passengers,

**RECALLING** that the 1976 Protocol to the Convention introduces the Special Drawing Right as the Unit of Account in place of the gold franc,

**HAVING NOTED** that the 1990 Protocol to the Convention, which provides for enhanced compensation and a simplified procedure for updating the limitation amounts, has not entered into force,

**HAVE AGREED** as follows:

#### Article 1

For the purposes of this Protocol:

1. "Convention" means the text of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974.
2. "Organization" means the International Maritime Organization.
3. "Secretary-General" means the Secretary-General of the Organization.

#### Article 2

Article 1, paragraph 1 of the Convention is replaced by the following text:

1.
  - (a) "carrier" means a person by or on behalf of whom a contract of carriage has been concluded, whether the carriage is actually performed by that person or by a performing carrier;
  - (b) "performing carrier" means a person other than the

本議定書各締約國，

慮及希望修正 1974 年 12 月 13 日在雅典制定之海上旅客及其行李運送雅典公約，以規定更高的賠償額、引入嚴格責任、建立更新限額之簡化程序及確保旅客利益之強制保險，

瞭解本公約 1976 年修正議定書引進特別提款權取代金法郎，

注意到本公約尚未生效實施之 1990 年修正議定書中有關更高賠償額及更新限額之簡化程序之規定

茲協議如下：

#### 第 1 條

於本公約：

1. 「公約」係指 1974 年海上旅客及其行李運送雅典公約。
2. 「本組織」係指國際海事組織。
3. 「秘書長」係指本組織秘書長。

#### 第 2 條

下列文字取代本公約第 1 條第 1 項：

1.
  - (a) 「運送人」係指由或以其名義訂立運送契約之人，而不論該運送是否實際由其履行或由履約運送人履行；
  - (b) 「履約運送人」係指運送人以

carrier, being the owner, charterer or operator of a ship, who actually performs the whole or a part of the carriage; and

- (c) "carrier who actually performs the whole or a part of the carriage" means the performing carrier, or, in so far as the carrier actually performs the carriage, the carrier.

### Article 3

- 1 Article 1, paragraph 10 of the Convention is replaced by the following:  
10 .Organization. means the International Maritime Organization.
- 2 The following text is added as Article 1, paragraph 11, of the Convention:  
11 "Secretary-General" means the Secretary-General of the Organization.

### Article 4

Article 3 of the Convention is replaced by the following text:

#### Article 3 Liability of the carrier

1. For the loss suffered as a result of the death of or personal injury to a passenger caused by a shipping incident, the carrier shall be liable to the extent that such loss in respect of that passenger on each distinct occasion does not exceed 250,000 units of account, unless the carrier proves that the incident:
  - (a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
  - (b) was wholly caused by an act or omission done with the intent to cause the incident by a third party.If and to the extent that the loss exceeds the above limit, the carrier shall be further liable unless the carrier proves that the incident which caused the loss occurred without the fault or neglect of the carrier.
2. For the loss suffered as a result of the death of or personal injury to a passenger not caused by a shipping incident, the carrier shall be liable if the incident which caused the loss was due to the fault or neglect of the carrier. The burden of proving fault or neglect shall lie with the claimant.
3. For the loss suffered as a result of the loss of or damage to cabin luggage, the carrier shall be liable if the incident which caused the loss was due to the fault or neglect of the carrier. The fault or neglect of the carrier shall be presumed for loss caused by a shipping incident.
4. For the loss suffered as a result of the loss of or damage to luggage other than cabin luggage, the carrier shall be liable unless the carrier proves that the incident which caused the loss occurred without the fault or neglect of the carrier.
5. For the purposes of this Article:
  - (a) shipping incident. means shipwreck, capsizing, collision or stranding of the ship, explosion or fire in the ship, or defect in the ship;
  - (b) fault or neglect of the carrier. includes the fault or neglect

外，實際履行全部或部分運送之任一船舶之所有人、租傭船人或營運人；及

- (c) 「實際履行全部或部分運送之運送人」係指履約運送人，或實際履行運送範圍內之運送人。

### 第 3 條

1. 下列文字取代本公約第 1 條第 10 項：  
10. 「本組織」係指國際海事組織。
2. 下列文字新增為本公約第 1 條第 11 項：  
11. 「秘書長」係指本組織秘書長。

### 第 4 條

下列文字取代本公約第 3 條：

#### 第 3 條 運送人責任

1. 船運事故所致旅客傷亡所遭受之損害，除運送人能證明意外為下列原因所致者外，運送人應負責每位旅客每一事故不超過 250,000 記帳單位之損失：
  - (a) 因戰爭、敵對行為、內戰、叛亂或具異常、不可避免且不可抗拒本質之自然現象；或
  - (b) 完全由意圖造成該事故之第三人之作為或不作為。損失超過前述限額之部分，除運送人能證明其對於損失事故之發生無任何過失或疏失者外，仍應負責之。
2. 非船運事故所致旅客傷亡所遭受之損害，如該損失係運送人之過失或疏失所致，運送人應負責之。過失或疏失之舉證責任由求償人負擔。
3. 有關自帶行李毀損滅失所遭受之損害，如該損失係運送人之過失或疏失所致，運送人應負責之。運送人之過失或疏失應推定該損失為船運事故所致。
4. 有關自帶行李以外行李毀損滅失所遭受之損害，除運送人能證明其對於損失事故之發生無任何過失或疏失者外，仍應負責之。
5. 為本條文目的：
  - (a) 船運事故係指沈船、翻覆、船舶碰撞或擱淺、爆炸或船上失火，或船舶瑕疵；
  - (b) 運送人過失或疏失包括運送人之

of the servants of the carrier, acting within the scope of their employment;

- (c) defect in the ship. means any malfunction, failure or non-compliance with applicable safety regulations in respect of any part of the ship or its equipment when used for the escape, evacuation, embarkation and disembarkation of passengers; or when used for the propulsion, steering, safe navigation, mooring, anchoring, arriving at or leaving berth or anchorage, or damage control after flooding; or when used for the launching of life saving appliances; and
- (d) loss shall not include punitive or exemplary damages.
6. The liability of the carrier under this Article only relates to loss arising from incidents that occurred in the course of the carriage. The burden of proving that the incident which caused the loss occurred in the course of the carriage, and the extent of the loss, shall lie with the claimant.
7. Nothing in this Convention shall prejudice any right of recourse of the carrier against any third party, or the defence of contributory negligence under Article 6 of this Convention. Nothing in this Article shall prejudice any right of limitation under Articles 7 or 8 of this Convention.
8. Presumptions of fault or neglect of a party or the allocation of the burden of proof to a party shall not prevent evidence in favour of that party from being considered.

## Article 5

The following text is added as Article 4bis of the Convention:

### Article 4bis Compulsory insurance

1. When passengers are carried on board a ship registered in a State Party that is licensed to carry more than twelve passengers, and this Convention applies, any carrier who actually performs the whole or a part of the carriage shall maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover liability under this Convention in respect of the death of and personal injury to passengers. The limit of the compulsory insurance or other financial security shall not be less than 250,000 units of account per passenger on each distinct occasion.
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 carrier who

受雇人於其受雇範圍內之過失或疏失；

- (c) 船舶瑕疵係指用於旅客逃生、疏散、上船及下船等與安全規定有關之船舶任何部分或其設備；或用於推進、操舵、安全航行、繫纜、下錨、停靠或離開碼頭或錨區、淹水損害控制或用於置放人命安全設施等功能喪失、失效或不符合規定；
- (d) 損害不包括懲罰性損害賠償。
6. 本條有關運送人之責任僅限於運送過程中所生事故所致之損害。運送過程事故損害及損害範圍，由求償人舉證。
7. 本公約規定不應損及運送人得向任何第三人為追償或本公約第 6 條與有過失抗辯之權利。本條文不應損及本公約第 7 條及第 8 條責任限制規定之任何權利。
8. 任一方疏失或過失之推定及舉證責任之分配不應對有利於該方當事人所提出之證據造成任何妨礙。

## 第 5 條

下列文字增列為本公約第 4 條之一：

### 第4條之一 強制保險

1. 旅客所搭載之船舶係於任一締約國內註冊且發證得載運十二名以上旅客者，實際履行全部或部分運送之任何運送人即應為投保或提供其他財務擔保，例如銀行或類似財務機構之擔保，以保障其於本公約下有關旅客傷亡之責任。強制保險或其他財務擔保之限額不應低於每一旅客每一事故 250,000 特別提款權。
2. 締約國有關機關於確定第 1 項要求已經符合者，應簽發船舶已依本公約規定而為有效之保險或其他財務擔保證書以資證明。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下列事項：
- (a) 船名、船舶編號或符號及船籍港；
- (b) 實際履行全部或部分運送之運

- actually performs the whole or a part of the carriage;
- (c) IMO ship identification number;
  - (d) type and duration of security;
  - (e) name and principal place of business of insurer or other person providing financial security and, where appropriate, place of business where the insurance or other financial security is established; and
  - (f) period of validity of the certificate, which shall not be longer than the period of validity of the insurance or other financial security.
- 3.
- (a) A State Party may authorize an institution or an Organization recognised by it to issue the certificate. 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 arrangements 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 recognised by it;
    - (ii) the withdrawal of such authority; and
    - (iii) the date from which such authority or withdrawal of such authority takes effect.An authority delegated shall not take effect prior to three months from the date from 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 complied with. 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 languages, 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 authority of the State 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, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 5, 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 other financial 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

- 送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，該期間不得超過保險或其他擔保之有效期間。
- 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。於所有情況下，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三個月內生效。
  - (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。於任何情況下，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，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，或如非在締約國登記者，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，除該證明已經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三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。

- 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 other 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.
  9. Certificates issued or certified under the authority of a State Party shall be accepted by other States Parties for the purposes 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 insurance certificate is not financially capable of meeting the obligations imposed by this Convention.
  10. Any claim for compensation covered by insurance or other financial security pursuant to this Article may be brought directly against the insurer or other person providing financial security. In such case, the amount set out in paragraph 1 applies as the limit of liability of the insurer or other person providing financial security, even if the carrier or the performing carrier is not entitled to limitation of liability. The defendant may further invoke the defences (other than the bankruptcy or winding up) which the carrier referred to in paragraph 1 would have been entitled to invoke in accordance with this Convention. Furthermore, the defendant may invoke the defence that the damage resulted from the wilful misconduct of the assured, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the assured against the defendant. The defendant shall in any event have the right to require the carrier and the performing carrier to be joined in the proceedings.
  11. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 shall be available exclusively for the satisfaction of claims under this Convention, and any payments made of such sums shall discharge any liability arising under this Convention to the extent of the amounts paid.
  12. 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 paragraphs 2 or 15.
  13. Subject to the provisions of this Article, each State Party shall ensure, under its national law, that insurance or other financial security, to the extent specified in paragraph 1, is in force in respect of any ship that is licensed to carry more than twelve passengers, wherever registered, entering or leaving a port in its territory in so far as this Convention applies.
  14. Notwithstanding the provisions of paragraph 5, a State Party may notify the Secretary-General that, for the purposes of paragraph 13, ships are not required to carry on board or to produce the certificate required by paragraph 2 when entering or leaving ports in its territory, provided that the State Party which issues the certificate has notified the Secretary-General
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在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. 本條保險或其他財務擔保所涵蓋之任何損害賠償，得直接向保險人或財務擔保人請求之。於此情況下，既使運送人或履約運送人無權主張責任限制，保險人或提供財務擔保之人仍得以同等於依第1項規定之數額限制其責任。被告可主張第1項運送人依本公約可得主張之抗辯(破產或結束業務除外)。此外，被告亦得以損害係由被保險人之故意不當行為所致為抗辯，但對於被保險人對其提起的訴訟程序中，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運送人及履約運送人參加訴訟。
  11. 第1項保險或其他財務擔保所提供之任何款項應專用於本公約之求償，且於此款項下所為之任何付款，就其支付之範圍，應免除其於本公約下之任何責任。
  12. 除已依第2項或第15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。
  13. 於本條規定情況下，任一締約國應使其國內法，對進出其領域各港口或到離其領海內各離岸港站之任何可載運超過十二名旅客以上之船舶，無論是否於該國登記，確保其已依本條第1項所述之範圍已為有效之保險或其他擔保。
  14. 無論第5項規定為何，為第13項規定之目的，在簽發第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

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 obligations under paragraph 13.

15. 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 liability is covered within the amount prescribed in accordance with paragraph 1. Such a certificate shall follow as closely as possible the model prescribed by paragraph 2.

## Article 6

Article 7 of the Convention is replaced by the following text:

### Article 7 Limit of liability for death and personal injury

1. The liability of the carrier for the death of or personal injury to a passenger under Article 3 shall in no case exceed 400,000 units of account per passenger on each distinct occasion. Where, in accordance with the law of the court seized of the case, damages are awarded in the form of periodical income payments, the equivalent capital value of those payments shall not exceed the said limit.
2. A State Party may regulate by specific provisions of national law the limit of liability prescribed in paragraph 1, provided that the national limit of liability, if any, is not lower than that prescribed in paragraph 1. A State Party, which makes use of the option provided for in this paragraph, shall inform the Secretary-General of the limit of liability adopted or of the fact that there is none.

## Article 7

Article 8 of the Convention is replaced by the following text:

### Article 8 Limit of liability for loss of or damage to luggage and vehicles

1. The liability of the carrier for the loss of or damage to cabin luggage shall in no case exceed 2,250 units of account per passenger, per carriage.
2. The liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle shall in no case exceed 12,700 units of account per vehicle, per carriage.
3. The liability of the carrier for the loss of or damage to luggage other than that mentioned in paragraphs 1 and 2 shall in no case exceed 3,375 units of account per passenger, per carriage.
4. The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 330 units of account in the case of damage to a vehicle and not exceeding 149 units of account per passenger in the case of

達或離開領海內之港口時，船上即無須備有第2項所需證書情事，通知秘書長，且此並使締約國得免除第13項之責任。

15. 如一締約國之國有船舶並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。

## 第6條

下列文字取代本公約第7條：

### 第7條 人員傷亡之責任限制

1. 運送人依第3條規定對每一旅客傷亡所應承擔之責任，於任何情況下，不應超過每位旅客每一事故400,000記帳單位。如依受審法院地之法律，損害賠償應以分期付款者，則這些付款額度相應之本金價值不得超過上述限額。
2. 對於第1項所規定之責任限制，締約國得以其國內法特別規定不低於第1項規定之本國責任限額。締約國依本項規定為之時，應將其事實上所採用或不採用之責任限額通知秘書長。

## 第7條

下列文字取代本公約第8條：

### 第8條 行李及車輛毀損滅失之責任限制

1. 運送人對自帶行李毀損滅失之責任，於任何情況下，不應超過每位旅客每次運送2,250記帳單位。
2. 運送人對車輛，包括車內或車上所有行李之毀損滅失所承擔之責任，於任何情況下，不應超過每一車輛每次運送12,700記帳單位。
3. 運送人對本條第1項及第2項所述以外之其他行李之毀損滅失責任，於任何情況下，不應超過每位旅客每次運送3,375記帳單位。
4. 運送人及旅客可以協議對每一車輛損壞不超過330記帳單位之自負額，對其他行李毀損滅失每位旅客不超過149記帳單位之自負額。上述自負

loss of or damage to other luggage, such sum to be deducted from the loss or damage.

## Article 8

Article 9 of the Convention is replaced by the following text:

### Article 9 Unit of Account and conversion

1. The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1, and Article 8 shall be converted into the national currency of the State of the court seized of the case on the basis of the value of that currency by reference to the Special Drawing Right on the date of the judgment or the date agreed upon by the parties. The value of the national currency, in terms of the Special Drawing Right, of a State Party 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 State Party which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State Party.
2. Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 1 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 1 shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrams 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.
3. The calculation mentioned in the last sentence of paragraph 1, and the conversion mentioned in paragraph 2 shall be made in such a manner as to express in the national currency of the States Parties, as far as possible, the same real value for the amounts in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1, and Article 8 as would result from the application of the first three sentences of paragraph 1. States shall communicate to the Secretary-General the manner of calculation pursuant to paragraph 1, or the result of the conversion in paragraph 2, 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.

## Article 9

Article 16, paragraph 3, of the Convention is replaced by the following text:

- 3 The law of the Court seized of the case shall govern the

額應從毀損減失中扣除之。

## 第 8 條

下列文字取代本公約第 9 條：

### 第 9 條 記帳單位及兌換

1. 本公約所述“記帳單位”為國際貨幣基金組織規定之特別提款權。應根據受理法院地國之國家貨幣於判決日或各締約當事人所同意之日期參照特別提款權之價值，將第 3 條第 1 項、第 4 條之一第 1 項、第 7 條第 1 項及第 8 條中所述之金額兌換成該國貨幣。國際貨幣基金組織會員國，特別提款權兌換為該國貨幣之價值應根據國際貨幣基金組織於所述日期之作業交易實際使用之定值方法計算之。非屬國際貨幣基金組織會員國之國家，特別提款權兌換成該國貨幣之價值應根據該締約國所確定之方式計算之。
2. 非屬國際貨幣基金組織會員國之法律不允許適用本條第 1 項規定者，在批准、接受、核准或加入本公約時或在此以後之任何時間，均可聲明第 1 項所指記帳單位應等於 15 個金法郎。本項所指的金法郎相當於六十五點五毫克含金量為千分之九百的黃金。此種金法郎應依照有關國家法律兌換為該國貨幣。
3. 第 1 項末句所述計算及第 2 項所述的兌換，應盡可能地使以該國貨幣表示之同意之日期參照特別提款權之價值，將第 3 條第 1 項、第 4 條之一第 1 項、第 7 條第 1 項及第 8 條中之金額與應用第 1 項前三項所得金額具有相同之實際價值。各國在交存批准、接受、核准或加入本公約文件時，應將第 1 項之計算方法或第 2 項之兌換結果通知秘書長，兩者之一有變化時，亦應通知秘書長。

## 第 9 條

下列文字取代本公約第 16 條第 3 項：

3. 有關訴訟時效中止及中斷之事由，應

grounds for suspension and interruption of limitation periods, but in no case shall an action under this Convention be brought after the expiration of any one of the following periods of time:

- (a) A period of five years beginning with the date of disembarkation of the passenger or from the date when disembarkation should have taken place, whichever is later; or, if earlier
- (b) a period of three years beginning with the date when the claimant knew or ought reasonably to have known of the injury, loss or damage caused by the incident.

## Article 10

Article 17 of the Convention is replaced by the following text:

### Article 17 Competent jurisdiction

1. An action arising under Articles 3 and 4 of this Convention shall, at the option of the claimant, be brought before one of the courts listed below, provided that the court is located in a State Party to this Convention, and subject to the domestic law of each State Party governing proper venue within those States with multiple possible forums:
  - (a) the court of the State of permanent residence or principal place of business of the defendant, or
  - (b) the court of the State of departure or that of the destination according to the contract of carriage, or
  - (c) the court of the State of the domicile or permanent residence of the claimant, if the defendant has a place of business and is subject to jurisdiction in that State, or
  - (d) the court of the State where the contract of carriage was made, if the defendant has a place of business and is subject to jurisdiction in that State.
2. Actions under Article 4bis of this Convention shall, at the option of the claimant, be brought before one of the courts where action could be brought against the carrier or performing carrier according to paragraph 1.
3. After the occurrence of the incident which has caused the damage, the parties may agree that the claim for damages shall be submitted to any jurisdiction or to arbitration.

## Article 11

The following text is added as Article 17bis of the Convention:

### Article 17bis Recognition and enforcement

1. Any judgment given by a court with jurisdiction in accordance with Article 17 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 judgment was obtained by fraud; or
  - (b) where the defendant was not given reasonable notice and a fair opportunity to present the case.
2. A judgment recognised under paragraph 1 shall be

受受審法院地之法律拘束，但於任何情況下，於下列任一期間屆滿後，即不得依據本公約提起訴訟：

- (a) 在旅客離船之日或本應離船之日起五年(以較遲者為準)；
- (b) 求償人知曉或得合理知曉事故所致受傷或毀損滅失之日起三年。

## 第 10 條

下列文字取代本公約第 17 條：

### 第 17 條 適當管轄

1. 依據本公約第 3 條及第 4 條所提起之訴訟，得依原告選擇，於下列任一法院提出，然該法院必須位於本公約締約國境內，並依據任一締約國之國內法有關多數審判籍國之適當管轄規定：
  - (a) 被告永久居所地或主要營業地之法院，或
  - (b) 運送契約規定之出發地或目的地之法院，或
  - (c) 原告戶籍地或永久居所地國之法院，但被告須在該國有營業所並受其管轄，或
  - (d) 運送契約訂立地國之法院，但被告須在該國有營業所並受其管轄。
2. 依本公約第 4 條之一所提起之訴訟，得依被告選擇，於數可提起訴訟之法院中，依據第 1 項規定向運送人或履約運送人提出訴訟。
3. 於造成損失之事故發生後，當事各方可商定將損失求償提交任何法院管轄或交付仲裁。

## 第 11 條

下列文字增列為本公約第 17 條之一：

### 第 17 條之一 承認及執行

- (1) 依本公約第 17 條規定由有管轄權之法院所為之判決，不得再行審究，且在原判決國內具有判決之強制力，任何締約國均應予以承認，然下列情況除外：
  - (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



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.

3. A State Party to this Protocol may apply other rules for the recognition and enforcement of judgments, provided that their effect is to ensure that judgments are recognised and enforced at least to the same extent as under paragraphs 1 and 2.

## Article 12

Article 18 of the Convention is replaced by the following text:

### Article 18 Invalidity of contractual provisions

Any contractual provision concluded before the occurrence of the incident which has caused the death of or personal injury to a passenger or the loss of or damage to the passenger's luggage, purporting to relieve any person liable under this Convention of liability towards the passenger or to prescribe a lower limit of liability than that fixed in this Convention except as provided in Article 8, paragraph 4, and any such provision purporting to shift the burden of proof which rests on the carrier or performing carrier, or having the effect of restricting the options specified in Article 17, paragraphs 1 or 2, shall be null and void, but the nullity of that provision shall not render void the contract of carriage which shall remain subject to the provisions of this Convention.

## Article 13

Article 20 of the Convention is replaced by the following text:

### Article 20 Nuclear damage

No liability shall arise under this Convention for damage caused by a nuclear incident:

- (a) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy as amended by its Additional Protocol of 28 January 1964, or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or any amendment or Protocol thereto which is in force; or
- (b) if the operator of a nuclear installation is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as either the Paris or the Vienna Conventions or any amendment or Protocol thereto which is in force.

## Article 14 Model certificate

1. The model certificate set out in the annex to this Protocol shall be incorporated as an annex to the Convention.

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。

- (3) 本修正議定書之締約國得適用判決之承認及執行之其他規則，然其適用至少應保有第1項及第2項判決承認及執行之同樣效果。

## 第 12 條

下列文字取代本公約第 18 條：

### 第18條 契約條款之無效

於造成旅客死傷或其行李毀損滅失之事故發生前所達成之任何契約條款，如旨在解除運送人對旅客所承擔之責任，或約定低於本公約所確定之責任限制(第8條第4項規定除外)，及旨在轉換運送人或履約運送人之舉證責任，或限制第17條第1項及第2項規定之選擇權，均屬無效，但該條款之無效不應使運送契約無效，運送契約仍應受本公約規定之拘束。

## 第 13 條

下列文字取代本公約第 20 條：

### 第20條 核子損害

於下列情況下，對核子事故造成之損害，不得依據本公約產生任何責任：

- (a) 如依據 1964 年 1 月 28 日補充議定書修正之 1960 年 7 月 29 日核能方面第三方責任巴黎公約，或 1963 年 5 月 21 日核損害民事責任維也納公約或其有效之修正議定書之規定，核子設施營運人應對此損害負責者，或
- (b) 依據拘束此損害責任之國內法，核子設施營運人應對此種損害負責者，但此國內法應在各方面及巴黎公約或維也納公約或其有效之任何修正或議定書一樣有利於可能遭受損害之人者為限。

## 第14條 證書範本

1. 本修正議定書附錄所列證書範本應併入公約成為公約之附錄。

2. The following text is added as Article 1bis of the Convention:

Article 1 bis *Annex*

The annex to this Convention shall constitute an integral part of the Convention..

## Article 15 Interpretation and application

1. The Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. The Convention as revised by this Protocol shall apply only to claims arising out of occurrences which take place after the entry into force for each State of this Protocol.
3. Articles 1 to 22 of the Convention, as revised by this Protocol, together with Articles 17 to 25 of this Protocol and the annex thereto, shall constitute and be called the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.

## Article 16

The following text is added as Article 22bis of the Convention.

Article 22bis Final clauses of the Convention

The final clauses of this Convention shall be Articles 17 to 25 of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974. References in this Convention to States Parties shall be taken to mean references to States Parties to that Protocol.

## FINAL CLAUSES

### Article 17 Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at the Headquarters of the Organization from 1 May 2003 until 30 April 2004 and shall thereafter remain open for accession.
2. States may express their consent to be bound by this Protocol by:
  - (a) signature without reservation as to ratification, acceptance or approval; or
  - (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 Protocol with respect to all existing States Parties, or after the completion of all measures required for the entry into force of the amendment with

2. 下列文字增列為本公約第1條之一。

第1條之一 附錄

本公約附錄應構成本公約不可分離之一部份。

## 第 15 條 解釋與適用

1. 就本議定書之締約國間，公約及本議定書應被理解及解釋成單一文件。
2. 本修正議定書所修正之公約應僅是用於本修正議定書之締約國加入生效後所發生事件之求償。
3. 本修正議定書所修正之公約第 1 條至第 22 條、以及本修正議定書之第 17 條至第 25 條及其附錄應構成且稱為「2002 年海上運送旅客及其行李之雅典公約」。

## 第 16 條

下列文字增列為本公約第 22 條之一：

第22條之一 公約之最後條款

公約之最後條款為1974年海上運送旅客及其行李雅典公約之2002年修正議定書第17條至第25條規定。公約締約國為公約適用時，應同樣適用時本修正議定書之締約國。

## 最後條款

### 第 17 條 簽署、批准、接受、核准及加入

1. 本議定書自 2003 年 5 月 1 日起至 2004 年 4 月 30 日止在本組織總部開放供所有國家簽署。
2. 任何國家均可以下列方式表示同意受本議定書拘束：
  - (a) 簽署並對批准、接受或核准無保留；
  - (b) 簽署而有待於批准、接受或核准，隨後批准、接受或核准；或
  - (c) 加入。
3. 批准、接受、核准或加入應向秘書長交存一份相應文件。
4. 經本議定書修正之公約之某一修正案生效後交存之批准、接受、核准或加入文件，應被視為適用於經該修正案修改之經本議定書修正之公約。

respect to those States Parties shall be deemed to apply to this Protocol as modified by the amendment.

5. A State shall not express its consent to be bound by this Protocol unless, if Party thereto, it denounces:
  - (a) the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at Athens on 13 December 1974;
  - (b) the Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London on 19 November 1976; and
  - (c) the Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, done at London on 29 March 1990, with effect from the time that this Protocol will enter into force for that State in accordance with Article 20.

## Article 18 States with more than one system of law

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 Protocol, it may at the time of signature, ratification, acceptance, approval or accession declare that this Protocol 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 Protocol applies.
3. In relation to a State Party which has made such a declaration:
  - (a) 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;
  - (b) references to the requirements of national law, national limit of liability and national currency shall be construed respectively as references to the requirements of the law, the limit of liability and the currency of the relevant territorial unit; and
  - (c) references to courts, and to judgments which must be recognised in States Parties, shall be construed as references respectively to courts of, and to judgments which must be recognised in, the relevant territorial unit.

## Article 19 Regional Economic Integration Organizations

1. A Regional Economic Integration Organization, which is constituted by sovereign States that have transferred competence over certain matters governed by this Protocol to that Organization, may sign, ratify, accept, approve or accede to this Protocol. A Regional Economic Integration Organization which is a Party to this Protocol shall have the rights and obligations of a State Party, to the extent that the Regional Economic Integration Organization has competence

5. 除已退出下列公約或議定書外，締約國不應明示其受本修正議定書之拘束：

- (a) 1974年12月13日於雅典所制訂之有關海上運送旅客及其行李雅典公約；
- (b) 1976年11月19日於倫敦所制訂之有關海上運送旅客及其行李雅典公約之修正議定書；
- (c) 1990年3月29日於倫敦所制訂之有關海上運送旅客及其行李雅典公約之修正議定書(依該修正議定書第20條規定之國家開始生效)。

## 第18條 超過一法律制度之國家

1. 如一國擁有二或更多具不同法律制度之領區，其有關本修正議定書之適用問題，得於簽署、批准、接受、允許或加入時，聲明本修正議定書應擴大適用於其所有的領域或僅適用於這些領域中之某一或某些領域，且可於聲明後之任何時間以提交聲明方式變更之。
2. 任何是類聲明應通知秘書長，且應明確指出本修正議定書所適用之領區。
3. 締約國為是項聲明時：
  - (a) 說明相關領區之哪些船舶註冊及證書簽發及證明事項可構成其本國之船舶註冊及證書簽發及證明。
  - (b) 說明相關領區之哪些法律要求、責任限額及貨幣可構成其國內法要求、本國責任限額及本國貨幣。
  - (c) 說明相關領區之哪些法院及必須承認判決之事項可構成締約國法院及其必須承認之判決。

## 第19條 區域性經濟聯盟組織

1. 由許多主權國所組成之區域經濟聯盟組織，而這些主權國業已將本修正議定書所規範之某些事項授權給該組織者，該組織即可簽署、批准、接受、認可或加入本修正議定書。區域性經濟聯盟組織成為本修正議定書之會員者，就該區域性經濟聯盟組織有權批准本修正議定書之範圍，具有

- over matters governed by this Protocol.
2. Where a Regional Economic Integration Organization exercises its right of vote in matters over which it has competence, it shall have a number of votes equal to the number of its Member States which are Parties to this Protocol and which have transferred competence to it over the matter in question. A Regional Economic Integration Organization shall not exercise its right to vote if its Member States exercise theirs, and vice versa.
  3. Where the number of States Parties is relevant in this Protocol, including but not limited to Articles 20 and 23 of this Protocol, the Regional Economic Integration Organization shall not count as a State Party in addition to its Member States which are States Parties.
  4. At the time of signature, ratification, acceptance, approval or accession the Regional Economic Integration Organization shall make a declaration to the Secretary-General specifying the matters governed by this Protocol in respect of which competence has been transferred to that Organization by its Member States which are signatories or Parties to this Protocol and any other relevant restrictions as to the scope of that competence. The Regional Economic Integration Organization shall promptly notify the Secretary-General of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph. Any such declarations shall be made available by the Secretary-General pursuant to Article 24 of this Protocol.
  5. States Parties which are Member States of a Regional Economic Integration Organization which is a Party to this Protocol shall be presumed to have competence over all matters governed by this Protocol in respect of which transfers of competence to the Organization have not been specifically declared or notified under paragraph 4.

## Article 20 Entry into force

1. This Protocol shall enter into force twelve months following the date on which 10 States have 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.
2. For any State which ratifies, accepts, approves or accedes to this Protocol after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force three months after the date of deposit by such State of the appropriate instrument, but not before this Protocol has entered into force in agreement with paragraph 1.

## Article 21 Denunciation

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

締約國之權利及義務。

2. 區域性經濟聯盟組織行使其獲授權之投票權時，就本修正議定書會員國投票數而言，其即具有同等於其會員國數目之投票數。當其會員國行使投票權時，區域性經濟聯盟組織即不得行使該會員國之投票權，反之亦然。
3. 就本修正議定書有關之會員國數量，包括但不限於本修正議定書第20條及第23條規定，除其自身會員國為本議定書之會員國數外，區域性經濟聯盟組織另外算入。
4. 於簽署、批准、接受、允許或加入時，該區域性經濟聯盟組織可向秘書長提出聲明，指明本修正議定書所規範之哪些事項為其構成國且同為本組織之會員國或本修正議定書之締約國授權其為之，以及有關其授權之任何其他相關限制。任何授權之變動，包括新的授權，區域性經濟聯盟組織應以本項所規定之聲明立即通知秘書長。對於前述聲明，秘書長應依本修正議定書第24條予以保存。
5. 未依第4項規定為特別聲明或通知者，同屬於區域性經濟聯盟組織構成國並為本修正議定書之會員國之締約國，就其是否授權該區域性經濟聯盟組織方面，應推定其本修正議定書之所規範所有事項之權能。

## 第 20 條 生效

1. 本公約應在十個國家在公約上簽署並對批准、接受或核准無保留，或者已經交存給秘書長所需批准、接受、核准或加入書之日十二個月後生效。
2. 對此後簽署本公約並對批准、接受或核准無保留，或交存批准、接受、核准或加入之國家，本公約應在此種簽署或文件交存之日三個月後生效。

## 第 21 條 退出

1. 任何締約國於本議定書對該國生效後，可隨時退出本議定書。
2. 退出應向秘書長交存一份文件。
3. 退出應在向秘書長交存退出文件 12 個月後或退出文件中載明之較長期

after its deposit with the Secretary-General.

4. As between the States Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 25 thereof shall not be construed in any way as a denunciation of the Convention as revised by this Protocol.

## Article 22 Revision and Amendment

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

## Article 23 Amendment of limits

1. Without prejudice to the provisions of Article 22, the special procedure in this Article shall apply solely for the purposes of amending the limits set out in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1 and Article 8 of the Convention as revised by this Protocol.
2. Upon the request of at least one half, but in no case less than six, of the States Parties to this Protocol, any proposal to amend the limits, including the deductibles, specified in Article 3, paragraph 1, Article 4bis, paragraph 1, Article 7, paragraph 1, and Article 8 of the Convention as revised by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all States Parties.
3. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization (hereinafter referred to as "the Legal Committee") for consideration at a date at least six months after the date of its circulation.
4. All States Parties to the Convention as revised 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.
5. Amendments shall be adopted by a two-thirds majority of the States Parties to the Convention as revised by this Protocol present and voting in the Legal Committee expanded as provided for in paragraph 4, on condition that at least one half of the States Parties to the Convention as revised by this Protocol shall be present at the time of voting.
6. 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.
7.
  - (a) No amendment of the limits under this Article may be considered less than five years from the date on which this Protocol was opened for signature nor less than five years from the date of entry into force of a previous amendment under this Article.
  - (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as

限後生效。

4. 就本議定書締約國間而言，不應將其中任何締約國依公約第25條退出公約視為退出經本議定書修正之公約。

## 第 22 條 修改及修正

1. 修改或修正本議定書之會議，由本組織召開。
2. 經不少於三分之一締約國要求，本組織應召開本議定書之締約國會議，對其進行修改或修正。

## 第 23 條 限額之修正

1. 在不影響第 22 條規定之情況下，本條文所規定之特別程序應僅為本修正議定書所修正之公約之第 3 條第 11 項、第 4 條之一、第 7 條第 1 項及第 8 條為適用。
2. 經至少二分之一，但於任何情況下不得少於六個本議定書締約國之要求，秘書長應將有關修正經本議定書修正之公約之第 3 條第 11 項、第 4 條之一、第 7 條第 1 項及第 8 條規定之責任限額，包括自負額之任何提案發送給本組織之所有會員及所有締約國。
3. 凡提出並依上述方式發送之任何修正案，均應提交本組織之法律委員會（此後稱為“法律委員會”），在發送之日起至少六個月後之某一日日期審議。
4. 經本議定書修正之公約之所有締約國，不論是否係本組織之會員，均有權參加法律委員會審議及通過修正案之程序。
5. 修正案應由出席第 4 項規定之擴大法律委員會並參加投票之經本議定書修正之公約締約國之三分之二多數通過，但於投票時，至少應有二分之一經本議定書修正之公約之締約國出席。
6. 在對有關修正限額之某提案為作為時，法律委員會應斟酌各種事故經驗，特別是這些事故造成之損害數額、貨幣價值之變化及經提議之修正案對保險費用之影響。
7.
  - (a) 在本議定書開放供簽字之日起不足五年或本條原先之任一修正案生效之日起不足五年時，不予審議本條中規定之有關責任限額之任何修正案。
  - (b) 所增加之任何限額，不可超過相當於從本議定書開放供簽署之日

revised by this Protocol increased by six per cent per year calculated on a compound basis from the date on which this Protocol was opened for signature.

- (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the Convention as revised by this Protocol multiplied by three.
8. Any amendment adopted in accordance with paragraph 5 shall be notified by the Organization to all States Parties. 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 fourth of the States that were States Parties at the time of the adoption of the amendment have communicated to the Secretary-General that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.
9. An amendment deemed to have been accepted in accordance with paragraph 8 shall enter into force eighteen months after its acceptance.
10. All States Parties shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 21, 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.
11. When an amendment has been adopted but the eighteen-month period for its acceptance has not yet expired, a State which becomes a State Party during that period shall be bound by the amendment if it enters into force. A State which becomes a State Party after that period shall be bound by an amendment which has been accepted in accordance with paragraph 8. 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 24 Depositary

1. This Protocol and any amendments adopted under Article 23 shall be deposited with the Secretary-General.
2. The Secretary-General shall:
- inform all States which have signed or acceded to this Protocol of:
    - each new signature or deposit of an instrument of ratification, acceptance, approval or accession together with the date thereof;
    - each declaration and communication under Article 9, paragraphs 2 and 3, Article 18, paragraph 1 and Article 19, paragraph 4 of the Convention as revised by this Protocol;
    - the date of entry into force of this Protocol;
    - any proposal to amend the limits which has been made in accordance with Article 23, paragraph 2 of this Protocol;
    - any amendment which has been adopted in accordance with Article 23, paragraph 5 of this Protocol;
    - any amendment deemed to have been accepted under Article 23, paragraph 8 of this Protocol, together with the date on which that amendment shall enter into force in accordance with paragraph 8.

起以複利方法計算經本議定書修正之公約中規定的限額以每年遞增百分之六所得出之數額。

- (c) 所增加之任何限額，均不得超過以經本議定書修正的公約中規定的限額所得數額之三倍。
8. 本組織應將第5項通過之任何修正案通知所有締約國。除有少於四分之一在通過該修正案時即為締約國之國家通知秘書長不接受該修正案，該修正案於通知日十八個月後，視為已獲接受；於例外情況下，該修正案視為否決並屬無效。
9. 依第8項視為已獲接受之修正案，應在其獲接受十八個月後生效。
10. 所有締約國均應受該修正案之拘束，然在該修正案生效至少六個月前已依第21條第1項及第2項退出本議定書者不在此限。此退出應在該修正案生效時生效。
11. 某修正案雖獲通過但其獲得接受所需十八個月期限未屆滿時，如該修正案得以生效，則此期間締約國應受該修正案之拘束。在此期間後成為締約國之國家，應受依第8項被接受修正案之拘束。於本項所述情況，當某修正案生效時，或當本議定書對某國生效，但晚於該修正案生效時，該國即應受該修正案之拘束。

## 第 24 條 保存

1. 本議定書及依第 23 條獲通過之任何修正案，應交由秘書長保存。
2. 秘書長應：
- 將下列事項通知所有簽署或加入本議定書之國家：
    - 任一新的簽署或某一文件之存放及其日期；
    - 本議定書所修正之公約第 9 條第 2 項及第 3 項、第 18 條第 4 項規定之任一聲明及任一通知；
    - 本議定書之生效日期；
    - 依第 23 條第 2 項提出之關於修訂責任限額之任何提案；
    - 依第 23 條第 5 項已獲通過之任何修正案；
    - 依第 23 條第 8 項規定視為已獲接受之任何修正案及依該條第 8 項及第 9 項該修正案應當生效之日期；

- 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 communication called for by any Article of this Protocol;
- (b) transmit certified true copies of this protocol to all States which have signed or acceded to this Protocol.
3. As soon as this Protocol 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 25 Languages

This Protocol 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 first day of November two thousand and two.

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

## Conference Resolutions

### **Conference Resolution 1 – Regional Economic Integration Organizations**

The resolution notes that the 2002 Protocol to the Athens Convention allows Regional Economic Integration Organizations and their sovereign Member States to become parties to the Protocol and recognizes that States may, in the future, establish or become Members to various forms of regional economic integration organizations to which they may opt to transfer competencies or functions governed by treaties and exercise these in a shared manner. The resolution requests IMO to carry out a study of the issue, and, if found necessary, to develop appropriate provisions which may be considered in new treaties it may develop, or in amendments to existing treaties, when there will be a need for such provisions to be included so as to enable present and future regional economic integration organizations and their Member States to become parties to such treaties.

### **Conference Resolution 2 – Certificates of insurance or other financial security and ships flying the flag of a State under the terms of a bareboat charter registration**

The resolution addresses the fact that a number of States allow ships to fly their flag under the terms of bareboat charter, through which the bareboat charterer assumes all the duties and responsibilities of the owner for the operation of the ship whilst the ownership and encumbrances remain registered in another

- (vii) 關於退出本議定書之任何文件的交存及交存日期及退出之生效日期；
- (viii) 為或由本議定書任何條文規定所需之任何通訊。
- (b) 將本議定書核證無誤之副本發送給所有簽署國及所有加入本議定書之國家。
3. 本議定書一旦生效，秘書長應依聯合國憲章第102條之規定，將其文本送交聯合國秘書長供登記及公佈。

## 第 25 條 文字

本議定書正本一份，用阿拉伯文、中文、英文、法文、俄文及西班牙文寫成，每種文本均具有同等效力。

2002 年 11 月 1 日訂於倫敦。

下列署名者，經各自政府正式授權，特簽訂本議定書，以昭信守。

## 會議決議

### **會議決議一： 區域性經濟聯盟組織**

本決議注意到，雅典公約 2002 年議定書允許區域性經濟聯盟組織及其所屬會員國家可以成為本議定書之會員國，並承認這些國家得於日後以建立或成為不同類型區域性經濟聯盟組織之會員國時，得選擇依條約規定，將其權利或功能移轉給該組織並以分享方式行使其權利。本決議要求國際海事組織針對此一議題進行相關研究，並如有必要時，發展出適當的條款用語，以便現在或日後的區域性經濟聯盟組織及其會員國欲成為各類公約會員國而有需要相關條款用語時，能提供日後新公約使用，或用於修正現有公約。

### **會議決議二： 保險或其他財務擔保證明及依光 船租船登記條件懸掛某國國旗之 船舶**

本決議瞭解若干國家允許光船租船條件下之船舶可懸掛該國國旗航行，雖然光船租船人通常被認定承負船舶所有人在船舶操作營運方面之所有職責及義務，然對於船舶所有權登記在他國或

State which suspends the right of the ship to fly its flag. The resolution requests IMO to carry out a study of the issuing of certificates of insurance or financial security in these cases and, if found necessary, to develop appropriate guidelines.

他國有規範某些設籍障礙時，有些國家仍容許這類船舶可懸掛該國國旗。本決議要求國際海事組織進行此類情況下保險或財務擔保證明簽發方面之研究，並於必要時，發展出適當的指南。

### **Conference Resolution 3 – Framework of Good Practice with respect to carriers' Liabilities**

### **會議決議三： 建立有關運送人責任的良好實務 架構**

The resolution requests IMO to develop appropriate guidelines on the provision of insurance or financial security for compensation for claims for death of or personal injury to passengers which will establish an appropriate framework of good practice to ensure that all carriers take steps to maintain full insurance or financial security to meet their full level of liability provided for in the Protocol.

本決議要求國際海事組織能發展一有關旅客人命傷亡求償案件補償之保險或財務擔保規定之適當指南，以建立一良好之實務架構，確使所有運送人能採行所有措施，維持本議定書所規範責任水平之保險或財務擔保。



**ANNEX**

**CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN  
RESPECT OF LIABILITY FOR THE DEATH OF AND PERSONAL INJURY TO  
PASSENGERS**

Issued in accordance with the provisions of Article 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002,

<b>Name of Ship</b>	<b>Distinctive Number or letters</b>	<b>IMO Ship Identification Number</b>	<b>Port of Registry</b>	<b>Name and full address of the principal place of business of the carrier who actually performs the carriage</b>

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 4bis of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002.

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)

OR

The following text should be used when a State Party avails itself of Article 4bis, paragraph 3:

The present certificate is issued under the authority of the Government of .....

(full designation of the State) by ..... (name of institution or organisation)

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

### 有關旅客傷亡責任之保險證明或其他財務擔保

依據 2002 年有關旅客及其行李運送雅典公約第 4 條之一條規定而簽發。

船名	船舶編號或呼號	國際海事組織識別號	船籍港	實際履行運送之運送人之全稱及主事務所所在地地址

茲此證明前述船舶已具有依 2002 年有關旅客及其行李運送雅典公約第四條之一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)

或

會員國依第 4 條之一第三項規定授權簽發時，則使用下列用語：

本證書係經.....政府授權，由.....所簽發。

(國家全稱)

(或授權機構或組織名稱)

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。

## 會議決議全文

### Resolution on Regional Economic Integration Organizations

THE CONFERENCE,  
HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter "the Protocol"),  
RECALLING that Article 19 of the Protocol has been developed and included in the Protocol in order to allow Regional Economic Integration Organizations and their sovereign Member States to become parties to the Protocol in case competencies over matters governed by the Protocol are, or have been, or will be, transferred to that organization by its sovereign Member States,  
RECOGNIZING that States may, in the future, establish or become Members to various forms of regional integration organizations to which they may opt to transfer competencies or functions governed by treaties and exercise these in a shared manner,  
CONSIDERING FURTHER that it may not be feasible to cater for the particularities of each and every such organization or with the legislative or administrative functions or competencies such organizations may wish to adopt or share with its Member States,  
RECOGNIZING the need for the International Maritime Organization (hereinafter "the Organization") to promptly and adequately respond to evolution,  
RECOGNIZING FURTHER the importance and the benefits of providing a generally acceptable framework through which regional economic integration organizations and their Member States may become parties to treaties, or to amendments to treaties, developed by the Organization,  
COGNIZANT of the fact that the United Nations have already addressed the issue of international organizations becoming parties to treaties when adopting the United Nations Convention on the Law of the Sea (UNCLOS) as well as in other treaties developed and adopted during recent years,  
REQUESTS the Organization to carry out a study of the issue, and, if found necessary, to develop appropriate provisions which may be considered in new treaties it may develop, or in amendments to existing treaties, when there will be a need for such provisions to be included so as to enable present and future regional economic integration organizations and their Member States to become parties to such treaties.

### RESOLUTION ON CERTIFICATES OF INSURANCE OR OTHER FINANCIAL SECURITY AND SHIPS FLYING THE FLAG OF A STATE UNDER THE TERMS OF A BAREBOAT CHARTER REGISTRATION

THE CONFERENCE,  
HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter "the Protocol"),

### 有關區域性經濟聯盟組織之決議

本次會議，業已通過有關1974年海上旅客及其行李運送雅典公約之2002年修正議定書(以下稱本議定書)，回顧本議定書第19條，該組織之各會員國於本議定書所規定之權限正或已或將移轉給該組織時，已發展並納入允許區域性經濟聯盟組織及其各主權會員國成為本議定書會員會之規定，

承認各會員國於未來可能設立或成為不同形式區域聯盟組織之會員國，而可能選擇將各公約所規範之事項或功能及其執行以共有分享方式移轉給該區域聯盟組織，進一步考量，提供一能針對任一該類組織之特性或該類組織希望採行或其會員國所意欲分享之立法或行政功能或權限是不切實際的，承認國際海事組織(以下稱為本組織)立即及適當因應此一發展之需求，

進一步承認提供一般可接受之架構，以透過區域經濟聯盟組織及其會員會成為本組織所發展之公約或公約修正議定書之締約國之重要性及好處，

認知到聯合國已經宣示各國國際組織於採用聯合國海洋法公約時，得成為各公約及其他於最近幾年發展中或已通過之其他公約之締約國，

要求本組織進行相關議題之研究，且於發現有需要時，發展出可用於日後發展之新公約或現有公約之修正議定書之適當條款用語，以期將該條款予以納入並使現行及日後的區域經濟聯盟組織及其會員會能成為該公約會員國之可能需求。

### 有關保險或其他財務擔保證書及以光船租船登記方式懸掛某國旗幟之決議

本會議，業已通過有關1974年海上旅客及其行李運送雅典公約之2002年修正議定書(以下稱本議定書)，

RECALLING that Article 2(1)(a) of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter "the Convention") provides that the Convention applies to any international carriage if the ship is flying the flag of, or registered in a State Party.,

ALSO RECALLING that Article 5 of the Protocol (Article 4bis(1) of the Convention as modified by the Protocol) provides that any carrier who actually performs the whole or part of the carriage shall maintain insurance or other financial security to cover its liability under the Convention in respect of death of and personal injury to passengers,

FURTHER RECALLING that Article 5 of the Protocol (Article 4bis(2) of the Convention as modified by the Protocol) provides that a certificate (hereinafter the certificate.) attesting that insurance or other financial security is in force, in accordance with the provisions of the Convention, shall be issued to each ship,

RECOGNIZING that since the adoption of the Convention in 1974, considerable evolution has taken place in the legal systems and in the practices of States in respect of the conditions under which they allow a ship to fly their flag,

COGNIZANT of the fact that a number of States allow ships to fly their flag under the terms of bareboat charter, through which the bareboat charterer assumes all the duties and responsibilities of the owner for the operation of the ship whilst the ownership and encumbrances remain registered in another State which suspends the right of the ship to fly its flag,

REQUESTS the Organization to carry out a study of the issuing of the certificate with regard to bareboat charter registration in the context of the Convention as modified by the Protocol and, if found necessary, to develop appropriate guidelines.

## **RESOLUTION ON FRAMEWORK OF GOOD PRACTICE WITH RESPECT TO CARRIERS' LIABILITIES**

THE CONFERENCE,

HAVING adopted the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (hereinafter the Protocol.),

NOTING that Article 6 of the Protocol (Article 7 paragraph 1 of the Convention as modified by the Protocol) provides for the limit of liability of the carrier for death of or personal injury to a passenger to be 400,000 units of account per passenger,

CONSIDERING that Article 5 of the Protocol (Article 4bis paragraph 1 of the Convention as modified by the Protocol) requires a carrier to maintain compulsory insurance or other financial security of 250,000 units of account per passenger in respect of the carrier's liability under the Convention as revised by the Protocol for the death of or personal injury to a passenger,

RECALLING that the Assembly of the International Maritime Organization (hereinafter the Organization.) has adopted resolution A.898(21) on Guidelines on Shipowners' Responsibilities in Respect of Maritime Claims through which the shipowners are urged to maintain insurance cover to meet their liabilities for relevant claims up to the limits set out in Articles 6 and 7 of the International Convention on Limitation of Liability for Maritime Claims, 1976 including any amendments thereto that are in force internationally,

回顧有關1974年海上旅客及其行李運送雅典公約(以下稱本公約)第2條1項a款規定,如船舶懸掛某締約國或於某締約國登記時,本公約適用於任何國際運送,

亦回顧本議定書第5條(經本議定書修訂之本公約第4條之一第1項)規定任何實際履行全部或部分運送之運送人應維持一能涵蓋其於公約下有關旅客人命傷亡責任之保險或任何財務擔保,

進一步回顧本議定書第5條(經本議定書修訂之本公約第4條之一第2項)規定任一船舶應被簽發一能證明其具有依本公約規定之有效保險或財物擔保證書(以下稱證書),

承認自1974年通過本公約以來,各締約國有關允許懸掛該國旗幟條件之法律制度及實務已經有相當程度的改變,

認知到相當數量的締約國允許船舶得以光船租船形式懸掛該國旗幟之事實,既使光船租船人仍承擔船舶所有人有關船舶操作之所有義務及責任,且船舶之所有權及抵押權於另一國家登記而暫時中止該船舶懸掛該國旗幟,

要求本組織針對有關本議定書修訂本公約所規定之光船租船登記之證書簽發事宜,進行相關研究,並於發現需要時,發展適當指南。

## **有關運送人責任良好實務架構之決議**

本會議,

業已通過有關1974年海上旅客及其行李運送雅典公約之2002年修正議定書(以下稱本議定書),

注意到本議定書第6條(經本議定書修訂之本公約第7條第1項)規定運送人對於任一旅客人命傷亡之責任限制為每一旅客400,000記帳單位,

考量本議定書第5條(經本議定書修訂之本公約第4條之一第1項)要求運送人應維持一能涵蓋其於公約下有關旅客人命傷亡責任每位旅客250,000記帳單位之強制保險或任何財務擔保,

回顧國際海事組織大會(以下稱本組織)通過船舶所有人有關海事求償指南之第898(21)號決議,該指南敦促船舶所有人應維持一能符合1976年海事求償責任限制公約(包括國際生效之任何後續修正)第6條及第7條所規定相關求償責任之限責額度,

BELIEVING that it is desirable for States Parties to the Convention to ensure that carriers maintain full insurance or other financial security to meet their liabilities under the Convention for the death of or personal injury to passengers, REQUESTS the Organization to consider the issue, and, if found necessary, to develop appropriate guidelines on the provision of insurance or other financial security for compensation for claims for death of or personal injury to passengers which will establish an appropriate framework of good practice to ensure that all carriers take steps to maintain full insurance or financial security to meet the full level of their liability provided in Article 6 of the Protocol (Article 7 paragraph 1 of the Convention as revised by the Protocol).

相信本公約各締約國均希望確保所有運送人能維持一足以承擔其於本公約下有關旅客人命傷亡責任之足額保險或財務擔保之需求，要求本組織應考慮製作，或於發現需要時，針對旅客人命傷亡求償之保險或其他財務擔保之補償規定發展有關適當的指南，以建立良好實務之適當機制，確使所有運送人能採行能維持符合本議定書第6條(經本議定書修訂之本公約第7條第1項)所規定之責任標準之足額保險或財務擔保。

