

# 聯合國船舶司法拍賣國際效力公約

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## United Nations Convention on the International Effects of Judicial Sales of Ships

Adopted by United Nations General Assembly on 7 December 2022

Signed at Beijing on 5 September 2003

### Judicial Sales 2022

*The States Parties to this Convention,*  
*Reaffirming* their belief that international trade on the basis of equality and mutual benefit is an important element in promoting friendly relations among States,  
*Mindful* of the crucial role of shipping in international trade and transportation, of the high economic value of ships used in both seagoing and inland navigation, and of the function of judicial sales as a means to enforce claims,  
*Considering* that adequate legal protection for purchasers may positively impact the price realized at judicial sales of ships, to the benefit of both shipowners and creditors, including lienholders and ship financiers,  
*Wishing*, for that purpose, to establish uniform rules that promote the dissemination of information on prospective judicial sales to interested parties and give international effects to judicial sales of ships sold free and clear of any mortgage or *hypothèque* and of any charge, including for ship registration purposes,  
*Have agreed* as follows:

#### Article 1 Purpose

This Convention governs the international effects of a judicial sale of a ship that confers clean title on the purchaser.

#### Article 2 Definitions

For the purposes of this Convention:

(a) “Judicial sale” of a ship means any sale of a ship:

- (i) Which is ordered, approved or confirmed by a court or other public authority either by way of public auction or by

本公約各締約國，  
重申其相信平等互利基礎上的國際貿易  
是促進各國間友好關係的一重要因素，

謹記航運在國際貿易及運輸中的關鍵作用、海上及內河航行所使用船舶的巨大經濟價值及司法拍賣作為實現請求權的一種手段之功能，

考慮到向拍得人提供充分法律保障可對船舶司法拍賣價格產生有利於船舶所有人與包括權利擔保人及船舶融資人在內的債權人的積極影響，

希望為此目的擬訂一統一規則，促進向相關當事人發送有關擬實施司法拍賣之訊息，及包括為船舶登記等目的賦予拍出後不附帶任何抵押權或質權及任何負擔的船舶司法拍賣之國際效力，  
謹協議如下：

#### 第1條 目的

本公約規範賦予拍得人清潔物權的船舶司法拍賣的國際效力。

#### 第2條 定義

於本公約：

(a)船舶“司法拍賣”係指下列對船舶的任何拍賣：

- (i)該拍賣係由法院或其他公共機構之命令、核准或確認，並以公開拍賣

private treaty carried out under the supervision and with the approval of a court; and

- (ii) For which the proceeds of sale are made available to the creditors;
- (b) “Ship” means any ship or other vessel registered in a register that is open to public inspection that may be the subject of an arrest or other similar measure capable of leading to a judicial sale under the law of the State of judicial sale;
- (c) “Clean title” means title free and clear of any mortgage or *hypothèque* and of any charge;
- (d) “Mortgage or *hypothèque*” means any mortgage or *hypothèque* that is effected on a ship and registered in the State in whose register of ships or equivalent register the ship is registered;
- (e) “Charge” means any right whatsoever and howsoever arising which may be asserted against a ship, whether by means of arrest, attachment or otherwise, and includes a maritime lien, lien, encumbrance, right of use or right of retention but does not include a mortgage or *hypothèque*;
- (f) “Registered charge” means any charge that is registered in the register of ships or equivalent register in which the ship is registered or in any different register in which mortgages or *hypothèques* are registered;
- (g) “Maritime lien” means any charge that is recognized as a maritime lien or *privilege maritime* on a ship under applicable law;
- (h) “Owner” of a ship means any person registered as the owner of the ship in the register of ships or equivalent register in which the ship is registered;
- (i) “Purchaser” means any person to whom the ship is sold in the judicial sale;
- (j) “Subsequent purchaser” means the person who purchases the ship from the purchaser named in the certificate of judicial sale referred to in article 5;
- (k) “State of judicial sale” means the State in which the judicial sale of a ship is conducted.

### Article 3 Scope of application

1. This Convention applies only to a judicial sale of a ship if:
  - (a) The judicial sale is conducted in a State Party; and
  - (b) The ship is physically within the territory of the State of judicial sale at the time of that sale.
2. This Convention shall not apply to warships or naval auxiliaries, or other vessels owned or operated by a State and used, immediately prior to the time of judicial sale, only on government non-commercial service.

### Article 4 Notice of judicial sale

1. The judicial sale shall be conducted in accordance with the law of the State of judicial sale, which shall also provide procedures for challenging the judicial sale prior to its completion and determine the time of the sale for the purposes of this Convention.

或由法院監督及核准的非公開協議方式實施；及

- (ii) 該拍賣所得係供有關債權人分配；
- (b) “船舶”係指在可供公開查詢的船舶登記簿登記的任何船舶或其他艇具，並可成為依據司法拍賣國法律能導致被司法拍賣的假扣押或其他類似措施的客體；
- (c) “清潔物權”係指不帶有任何抵押權或質權及任何負擔的物權；
- (d) “抵押權或質權”係指對船舶所設立並在船舶登記簿或登記該船舶的同等登記簿所在國進行登記的任何抵押權或質權；
- (e) “負擔”係指各種類型及各種方式所產生可通過假扣押、查封或其他手段對船舶主張的任何權利，包括海事優先權、擔保權、物上負擔、使用權或留置權，但不包括抵押權或質權；
- (f) “已登記的負擔”係指在船舶登記簿或登記該船舶的同等登記簿或另設的登記簿抵押權或質權的任何登記簿所登記的任何負擔；
- (g) “海事優先權”係指依據可適用的法律被認定為附在船舶之上的海事優先權或類似優先權利的任何負擔；
- (h) 船舶之“所有權人”係指在船舶登記簿或登記該船舶的同等登記簿被登記為該船舶的所有權人的任何人；
- (i) “拍得人”係指在司法拍賣中船舶被拍賣予其之任何人；
- (j) “後續買受人”係指從第5條所述司法拍得證書記載的拍得人購買船舶之人；
- (k) “司法拍賣國”係指在其境內實施船舶司法拍賣之國家。

### 第3條 適用範圍

1. 本公約僅適用於下列之船舶司法拍賣：
  - (a) 司法拍賣係在一締約國境內實施者；且
  - (b) 於拍賣時船舶實際位於司法拍賣國的領土內。
2. 本公約不適用於軍艦或海軍輔助艦艇或由一國所擁有或經營且在迫近司法拍賣前僅使用於政府非商業服務的其他船舶。

### 第4條 司法拍賣之通知

1. 司法拍賣應依據司法拍賣國法律實施之，該法律應訂有司法拍賣完成前就司法拍賣為異議之程序，並決定為本公約目的之拍賣時間。

2. Notwithstanding paragraph 1, a certificate of judicial sale under article 5 shall only be issued if a notice of judicial sale is given prior to the judicial sale of the ship in accordance with the requirements of paragraphs 3 to 7.
  3. The notice of judicial sale shall be given to:
    - (a) The registry of ships or equivalent registry with which the ship is registered;
    - (b) All holders of any mortgage or *hypothèque* and of any registered charge, provided that the register in which it is registered, and any instrument required to be registered under the law of the State of registration, are open to public inspection, and that extracts from the register and copies of such instruments are obtainable from the registry;
    - (c) All holders of any maritime lien, provided that they have notified the court or other public authority conducting the judicial sale of the claim secured by the maritime lien in accordance with the regulations and procedures of the State of judicial sale;
    - (d) The owner of the ship for the time being; and
    - (e) If the ship is granted bareboat charter registration:
      - (i) The person registered as the bareboat charterer of the ship in the bareboat charter register; and
      - (ii) The bareboat charter registry.
  4. The notice of judicial sale shall be given in accordance with the law of the State of judicial sale, and shall contain, as a minimum, the information mentioned in annex I.
  5. The notice of judicial sale shall also be:
    - (a) Published by announcement in the press or other publication available in the State of judicial sale; and
    - (b) Transmitted to the repository referred to in article 11 for publication.
  6. For the purpose of communicating the notice to the repository, if the notice of judicial sale is not in a working language of the repository, it shall be accompanied by a translation of the information mentioned in annex I into any such working language.
  7. In determining the identity or address of any person to whom the notice of judicial sale is to be given, it is sufficient to rely on:
    - (a) Information set forth in the register of ships or equivalent register in which the ship is registered or in the bareboat charter register;
    - (b) Information set forth in the register in which the mortgage or *hypothèque* or the registered charge is registered, if different to the register of ships or equivalent register; and
    - (c) Information notified under paragraph 3, subparagraph (c).
2. 不論第1項規定為何，第5條所規定的司法拍賣證書僅能於依據第3項至第7項規定在船舶司法拍賣前發出司法拍賣通知的前提下方可簽發。
  3. 司法拍賣通知書應發送給：
    - (a) 船舶登記機關或登記該船舶的同等登記機關；
    - (b) 所有抵押權或質權及已登記負擔之權利人，但以登記該權利的登記簿及依據登記國法律需要登記的任何文件均可開放供公眾閱覽，且登記簿的摘要及登記文件副本可從登記機關獲取者為限；
    - (c) 所有海事優先權人，但以其已依據司法拍賣國的規則及程序就受海事優先權所擔保的債權通知實施司法拍賣之法院或其他公共機構；
    - (d) 當時的船舶所有權人；及
    - (e) 如該船舶獲准光船租賃登記：
      - (i) 於光船租賃登記簿登記為該船之光船承租人之人；及
      - (ii) 光船租賃登記機關。
  4. 司法拍賣通知應依據司法拍賣國法律發出，並應至少包含本公約附件一所規定之各項訊息。
  5. 司法拍賣通知書另應：
    - (a) 於司法拍賣國可閱覽到的報刊或其他出版品上予以公告發佈；及
    - (b) 發送給第11條所規定的存放處以供公佈。
  6. 為向存放處發送通知之目的，如司法拍賣通知並非以存放處工作語文所編寫，則應附有附件一所述訊息之任一種工作語文的譯本。
  7. 於確定需向其發送司法拍賣通知的任何人身份或地址時，下列各項為可依賴的充分資訊：
    - (a) 船舶登記簿或登記該船舶的同等登記簿或對船舶進行光船租賃登記的登記簿所記載的訊息；
    - (b) 登記抵押權或其同種權利或已登記負擔的登記簿所記載的訊息，如該訊息有別於船舶登記簿或同等登記簿所載訊息；及
    - (c) 依據第3項第(c)款通知的訊息。

## Article 5 Certificate of judicial sale

1. Upon completion of a judicial sale that conferred clean title to the ship under the law of the State of judicial sale and was conducted in accordance with the requirements of that law and the requirements of this Convention, the court or other public authority that conducted the judicial sale or other competent authority of the State of judicial sale shall, in accordance with its regulations and procedures, issue a certificate of judicial sale to the purchaser.

## 第5條 司法拍賣證書

1. 於依據司法拍賣國法賦予船舶清潔物權的司法拍賣完成後，且該司法拍賣的實施符合該國法律要求及本公約要求，實施司法拍賣的法院或其他公共機構或司法拍賣國的其他主管機構應依據其規定及程序，向拍得人簽發司法拍賣證書。

2. The certificate of judicial sale shall be substantially in the form of the model contained in annex II and contain:
    - (a) A statement that the ship was sold in accordance with the requirements of the law of the State of judicial sale and the requirements of this Convention;
    - (b) A statement that the judicial sale has conferred clean title to the ship on the purchaser;
    - (c) The name of the State of judicial sale;
    - (d) The name, address and the contact details of the authority issuing the certificate;
    - (e) The name of the court or other public authority that conducted the judicial sale and the date of the sale;
    - (f) The name of the ship and registry of ships or equivalent registry with which the ship is registered;
    - (g) The IMO number of the ship or, if not available, other information capable of identifying the ship;
    - (h) The name and address of residence or principal place of business of the owner of the ship immediately prior to the judicial sale;
    - (i) The name and address of residence or principal place of business of the purchaser;
    - (j) The place and date of issuance of the certificate; and
    - (k) The signature or stamp of the authority issuing the certificate or other confirmation of authenticity of the certificate.
  3. The State of judicial sale shall require the certificate of judicial sale to be transmitted promptly to the repository referred to in article 11 for publication.
  4. The certificate of judicial sale and any translation thereof shall be exempt from legalization or similar formality.
  5. Without prejudice to articles 9 and 10, the certificate of judicial sale shall be sufficient evidence of the matters contained therein.
  6. The certificate of judicial sale may be in the form of an electronic record provided that:
    - (a) The information contained therein is accessible so as to be usable for subsequent reference;
    - (b) A reliable method is used to identify the authority issuing the certificate; and
    - (c) A reliable method is used to detect any alteration to the record after the time it was generated, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display.
  7. A certificate of judicial sale shall not be rejected on the sole ground that it is in electronic form.
2. 司法拍賣證書應充分採用附件二所載範本格式並記載下列事項：
    - (a) 有關該船舶的法拍符合司法拍賣國法律要求及本公約要求的說明；
    - (b) 有關司法拍賣已賦予拍得人對該船舶的清潔物權的說明；
    - (c) 司法拍賣國名；
    - (d) 證書簽發機構的名稱、地址及聯繫方式；
    - (e) 實施司法拍賣的法院或其他公共機構的名稱及拍賣日期；
    - (f) 船舶及船舶登記機關或登記該船舶的同等登記機關的名稱；
    - (g) 該船國際海事組織編號，或無法提供該編號時能識別該船的其他資訊；
    - (h) 迫近拍賣前的船舶所有權人名稱、住所或主要營業地地址；
    - (i) 拍得人名稱、住所或主要營業地地址；
    - (j) 證書簽發地點及日期；及
    - (k) 證書簽發機構之簽名或蓋章或以其他方式對證書真實性的確認。
  3. 司法拍賣國應當要求將司法拍賣證書迅速發送給第11條所述存放處予以公佈。
  4. 司法拍賣證書及證書的任何譯本應當免於認證或類似手續。
  5. 在不影響第9條及第10條情況下，司法拍賣證書是其所載事項的充分證據。
  6. 司法拍賣證書可採用電子記錄形式，但以符合下列條件為限：
    - (a) 其所含資訊可供取閱並供後續查詢使用；
    - (b) 使用一可靠方法以識別證書簽發機構；及
    - (c) 使用一可靠方法以甄別除附加任何背書以及正常通信、存儲及顯示過程中產生的任何更動之外針對電子記錄生成後對電子記錄的任何變更。
  7. 司法拍賣證書不得僅以其係電子形式為由而被拒絕。

## Article 6 International effects of a judicial sale

A judicial sale for which a certificate of judicial sale referred to in article 5 has been issued shall have the effect in every other State Party of conferring clean title to the ship on the purchaser.

## Article 7 Action by the registry

1. At the request of the purchaser or subsequent purchaser and

## 第6條 司法拍賣的國際效力

已簽發第5條所載司法拍賣證書的司法拍賣應於任一其他締約國具有賦予拍得人對船舶清潔物權的效力。

## 第7條 各國登記機關的作為

1. 應拍得人或後續買受人之請求並出示

upon production of the certificate of judicial sale referred to in article 5, the registry or other competent authority of a State Party shall, as the case may be and in accordance with its regulations and procedures, but without prejudice to article 6:

- (a) Delete from the register any mortgage or *hypothèque* and any registered charge attached to the ship that had been registered before completion of the judicial sale;
  - (b) Delete the ship from the register and issue a certificate of deletion for the purpose of new registration;
  - (c) Register the ship in the name of the purchaser or subsequent purchaser, provided further that the ship and the person in whose name the ship is to be registered meet the requirements of the law of the State of registration;
  - (d) Update the register with any other relevant particulars in the certificate of judicial sale.
2. At the request of the purchaser or subsequent purchaser and upon production of the certificate of judicial sale referred to in article 5, the registry or other competent authority of a State Party in which the ship was granted bareboat charter registration shall delete the ship from the bareboat charter register and issue a certificate of deletion.
  3. If the certificate of judicial sale is not issued in an official language of the registry or other competent authority, the registry or other competent authority may request the purchaser or subsequent purchaser to produce a certified translation into such an official language.
  4. The registry or other competent authority may also request the purchaser or subsequent purchaser to produce a certified copy of the certificate of judicial sale for its records.
  5. Paragraphs 1 and 2 do not apply if a court in the State of the registry or of the other competent authority determines under article 10 that the effect of the judicial sale under article 6 would be manifestly contrary to the public policy of that State.

## Article 8 No arrest of the ship

1. If an application is brought before a court or other judicial authority in a State Party to arrest a ship or to take any other similar measure against a ship for a claim arising prior to a judicial sale of the ship, the court or other judicial authority shall, upon production of the certificate of judicial sale referred to in article 5, dismiss the application.
2. If a ship is arrested or a similar measure is taken against a ship by order of a court or other judicial authority in a State Party for a claim arising prior to a judicial sale of the ship, the court or other judicial authority shall, upon production of the certificate of judicial sale referred to in article 5, order the release of the ship.
3. If the certificate of judicial sale is not issued in an official language of the court or other judicial authority, the court or other judicial authority may request the person producing the certificate to produce a certified translation into such an official language.
4. Paragraphs 1 and 2 do not apply if the court or other judicial authority determines that dismissing the application or ordering the release of the ship, as the case may be, would be manifestly contrary to the public policy of that State.

第5條所述的司法拍賣證書，締約國登記機關或其他主管機構應在不違反第6條規定之前提下依據該國規定及程序，視情況：

- (a) 從登記簿中註銷在司法拍賣完成前業已登記附加在該船舶的任何抵押權或質權及任何已登記的負擔；
  - (b) 自登記簿中註銷該船舶，並簽發註銷證書以辦理新的登記；
  - (c) 將該船舶登記在拍得人或後續買受人名下，但限於該船舶及擬將船舶登記在其名下的人符合登記國法律要求；
  - (d) 依據司法拍賣證書記載的任何其他相關事項對登記簿進行更新。
2. 經拍得人或後續買受人請求並出示第5條所述的司法拍賣證書，准予該船舶光船租賃登記的締約國的登記機關或其他主管機構應從光船租賃登記簿中註銷該船舶，並簽發註銷證書。
  3. 如司法拍賣證書並非以登記機關或其他主管機構官方語文簽發，登記機關或其他主管機構可要求拍得人或後續買受人出示經核證的該官方語文的譯本。
  4. 登記機關或其他主管機構另可要求拍得人或後續買受人提交司法拍賣證書經核證的副本供其存檔。
  5. 如登記機關或其他主管機構所在國法院依據第10條認定第6條的司法拍賣效力明顯違反該國公共政策，則不適用第1項及第2項規定。

## 第8條 不得為船舶假扣押

1. 如因在船舶司法拍賣前所生的請求權而向締約國法院或其他司法機構聲請船舶假扣押或對船舶採取任何其他類似措施，經出示第5條所述司法拍賣證書，法院或其他司法機構應駁回該聲請。
2. 如船舶因在船舶司法拍賣前所生的請求權而被締約國法院或其他司法機構命令假扣押或採取類似措施，經出示第5條所述司法拍賣證書，法院或其他司法機構應當命令解除對該船舶的假扣押。
3. 如司法拍賣證書並非以法院或其他司法機構的官方語文簽發，法院或其他司法機構可要求證書出示人出示經核證的該官方語文的譯本。
4. 如法院或其他司法機構視情認定駁回聲請或命令解除對船舶的假扣押將明顯違反該國公共政策，則不適用第1項及第2項規定。

## Article 9 Jurisdiction to avoid and suspend judicial sale

1. The courts of the State of judicial sale shall have exclusive jurisdiction to hear any claim or application to avoid a judicial sale of a ship conducted in that State that confers clean title to the ship or to suspend its effects, which shall extend to any claim or application to challenge the issuance of the certificate of judicial sale referred to in article 5.
2. The courts of a State Party shall decline jurisdiction in respect of any claim or application to avoid a judicial sale of a ship conducted in another State Party that confers clean title to the ship or to suspend its effects.
3. The State of judicial sale shall require the decision of a court that avoids or suspends the effects of a judicial sale for which a certificate has been issued in accordance with article 5, paragraph 1, to be transmitted promptly to the repository referred to in article 11 for publication.

## Article 10 Circumstances in which judicial sale has no international effect

A judicial sale of a ship shall not have the effect provided in article 6 in a State Party other than the State of judicial sale if a court in the other State Party determines that the effect would be manifestly contrary to the public policy of that other State Party.

## Article 11 Repository

1. The repository shall be the Secretary-General of the International Maritime Organization or an institution named by the United Nations Commission on International Trade Law.
2. Upon receipt of a notice of judicial sale transmitted under article 4, paragraph 5, certificate of judicial sale transmitted under article 5, paragraph 3, or decision transmitted under article 9, paragraph 3, the repository shall make it available to the public in a timely manner, in the form and in the language in which it is received.
3. The repository may also receive a notice of judicial sale emanating from a State that has ratified, accepted, approved or acceded to this Convention and for which the Convention has not yet entered into force and may make it available to the public.

## Article 12 Communication between authorities of States Parties

1. For the purposes of this Convention, the authorities of a State Party shall be authorized to correspond directly with the authorities of any other State Party.
2. Nothing in this article shall affect the application of any international agreement on judicial assistance in respect of civil and commercial matters that may exist between States Parties.

## 第9條 對撤銷及中止司法拍賣的管轄權

1. 司法拍賣國法院擁有對審理撤銷在其境內實施並賦予船舶清潔物權的船舶司法拍賣或中止其效力的任何請求或聲請的專屬管轄權，該管轄權擴及適用針對第5條所述司法拍賣證書的簽發提出異議所提出的任何請求或聲請。
2. 締約國法院應拒絕就撤銷在另一締約國實施的賦予船舶清潔物權的船舶司法拍賣或中止其效力的任何請求或聲請行使管轄權。
3. 司法拍賣國應要求將撤銷已依第5條第1項簽發證書的司法拍賣或中止其效力的法院決定迅速發送給第11條所述存放處以供公佈。

## 第10條 司法拍賣不具國際效力之情形

船舶司法拍賣在司法拍賣國以外的另一締約國將不具有第6條規定的效力的前提要件是該締約國法院認定該效力將明顯違反該國公共政策。

## 第11條 存放處

1. 存放處應為國際海事組織秘書長或由聯合國國際貿易法委員會所指定之任一機構。
2. 於收到依據第4條第5項發送的司法拍賣通知、依據第5條第3項發送的司法拍賣證書或依據第9條第3項發送的決定書後，存放處應以及時方式依據所收到時的格式及語文予以公佈。
3. 存放處另可接收雖已批准、接受、核准或加入本公約但本公約尚未對其生效的國家發來的司法拍賣通知並可予以公佈。

## 第12條 締約國主管機構間的聯繫

1. 為本公約目的，各締約國主管機構應被授權直接與任何其他締約國的主管機構進行通信聯繫。
2. 本條規定概不影響締約國間可能存在有關民商事司法協助的任何國際協定之適用。

## Article 13 Relationship with other international conventions

1. Nothing in this Convention shall affect the application of the Convention on the Registration of Inland Navigation Vessels (1965) and its Protocol No. 2 concerning Attachment and Forced Sale of Inland Navigation Vessels, including any future amendment to that convention or protocol.
2. Without prejudice to article 4, paragraph 4, as between States Parties to this Convention that are also parties to the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1965), the notice of judicial sale may be transmitted abroad using channels other than those provided for in that convention.

## Article 14 Other bases for giving international effect

Nothing in this Convention shall preclude a State from giving effect to a judicial sale of a ship conducted in another State under any other international agreement or under applicable law.

## Article 15 Matters not governed by this Convention

1. Nothing in this Convention shall affect:
  - (a) The procedure for or priority in the distribution of proceeds of a judicial sale; or
  - (b) Any personal claim against a person who owned or had proprietary rights in the ship prior to the judicial sale.
2. Moreover, this Convention shall not govern the effects, under applicable law, of a decision by a court exercising jurisdiction under article 9, paragraph 1.

## Article 16 Depositary

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

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

1. This Convention is open for signature by all States.
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. This Convention is open for accession by all States that are not signatories as from the date it is open for signature.
4. Instruments of ratification, acceptance, approval or accession are to be deposited with the depositary.

## Article 18 Participation by regional economic integration organizations

1. A regional economic integration organization that is constituted by sovereign States and has competence over

## 第13條 與其他國際公約的關係

1. 本公約規定不影響 1965 年內河航行船舶登記公約及其關於假處分及強制出售內河航行船舶的第 2 號議定書的適用，包括對該公約或議定書的任何後續修訂。
2. 於不影響第 4 條第 4 項情況下，已加入 1965 年關於向國外送達民事或商事司法文書及司法外文書公約的本公約締約國可使用該公約所規定的途徑以外的其他途徑向國外發送司法拍賣通知。

## 第14條 賦予國際效力的其他依據

本公約的規定不排除一國依據任何其他國際協議或可適用的法律賦予在另一國實施的船舶司法拍賣之效力。

## 第15條 不受本公約規範的事項

1. 本公約規定不影響：
  - (a) 司法拍賣所得款項分配之程序或優先順序；或
  - (b) 向司法拍賣前擁有船舶或對船舶享有所有權權利之人所提出的任何個人請求權。
2. 此外，本公約不約制依據第 9 條第 1 項行使管轄權法院所作出的決定在可適用法律下之效力。

## 第16條 保存人

指定聯合國秘書長為本公約保存人。

## 第17條 簽署、批准、接受、核准、加入

1. 本公約開放供各國簽署。
2. 本公約須經簽署國批准、接受或核准。
3. 本公約自開放供簽署之日起向未簽署本公約的所有國家開放以供加入。
4. 批准書、接受書、核准書或加入書應交存給保存人。

## 第18條 區域經濟一體化組織的參與

1. 由主權國家所組成並對本公約規範的某些事項擁有許可權利的區域經濟一

certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a State Party, to the extent that that organization has competence over matters governed by this Convention. For the purposes of articles 21 and 22, an instrument deposited by a regional economic integration organization shall not be counted in addition to the instruments deposited by its member States.

2. The regional economic integration organization shall make a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.
3. Any reference to a “State”, “States”, “State Party” or “States Parties” in this Convention applies equally to a regional economic integration organization where the context so requires.
4. This Convention shall not affect the application of rules of a regional economic integration organization, whether adopted before or after this Convention:
  - (a) In relation to the transmission of a notice of judicial sale between member States of such an organization; or
  - (b) In relation to the jurisdictional rules applicable between member States of such an organization.

## Article 19 Non-unified legal systems

1. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may declare that this Convention shall extend to all its territorial units or only to one or more of them.
2. Declarations under this article shall state expressly the territorial units to which this Convention extends.
3. If a State makes no declaration under paragraph 1, this Convention shall extend to all territorial units of that State.
4. If a State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention:
  - (a) Any reference to the law, regulations or procedures of the State shall be construed as referring, where appropriate, to the law, regulations or procedures in force in the relevant territorial unit;
  - (b) Any reference to the authority of the State shall be construed as referring, where appropriate, to the authority in the relevant territorial unit.

## Article 20 Procedure and effects of declarations

1. Declarations under article 18, paragraph 2, and article 19, paragraph 1, shall be made at the time of signature, ratification, acceptance, approval or accession. Declarations made at the time of signature are subject to confirmation upon ratification,

體化組織亦可簽署、批准、接受、核准或加入本公約。於此情況下，如區域經濟一體化組織對本公約所規範事項擁有許可權利，該組織所享有的權利及承擔的義務應與締約國相同。就第21條及第22條而言，由區域經濟一體化組織交存的文書不應被額外計入由其成員國所交存的文書。

2. 區域經濟一體化組織應作出聲明，列明許可權利已由其成員國轉移給該組織受本公約規範的具體事項。依據本項規定作出聲明後，如許可權利的分配發生包括許可權利又有新的轉移等任何變化，區域經濟一體化組織應迅速通知保存人。
3. 於本公約，凡述及“一國”、“各國”、“締約國”或“各締約國”者，視情同等適用於區域經濟一體化組織。
4. 本公約不影響區域經濟一體化組織於本公約之前或之後所通過有關下列事項規則之適用：
  - (a) 涉及司法拍賣通知在此類組織成員國間之傳送；或
  - (b) 涉及可在此類組織成員國間適用的管轄權規則。

## 第19條 非統一法律制度

1. 如一國在本公約所涉事項上具有兩個或多個領土單位適用不同法律制度者，該國可聲明本公約擴大適用於其全部領土單位或僅適用於其中某一或某些領土單位。
2. 依據本條所作聲明應載明適用本公約的領土單位。
3. 如一國未依據第1項作出任何聲明，本公約應適用於該國全部領土單位。
4. 如一國於本公約所涉事項上擁有兩個或多個領土單位適用不同法律制度者：
  - (a) 凡述及該國法律、規則或程序者，應視情被解釋為指於相關領土單位生效的法律、規則或程序；
  - (b) 凡述及該國主管機構者，應視情被解釋為指相關領土單位的主管機構。

## 第20條 聲明的程序及效力

1. 依據第18條第2項及第19條第1項所作聲明，應於簽署、批准、接受、核准或加入時作出。於簽署時所作的聲明，須於批准、接受或核准時予以確認。



acceptance or approval.

2. Declarations and their confirmations shall be in writing and formally notified to the depositary.
3. A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned.
4. Any State that makes a declaration under article 18, paragraph 2, and article 19, paragraph 1, may modify or withdraw it at any time by a formal notification in writing addressed to the depositary. The modification or withdrawal shall take effect 180 days after the date of the receipt of the notification by the depositary. If the depositary receives the notification of the modification or withdrawal before entry into force of this Convention in respect of the State concerned, the modification or withdrawal shall take effect simultaneously with the entry into force of this Convention in respect of that State.

### Article 21 Entry into force

1. This Convention shall enter into force 180 days after the date of the deposit of the third instrument of ratification, acceptance, approval or accession.
2. When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention shall enter into force in respect of that State 180 days after the date of the deposit of its instrument of ratification, acceptance, approval or accession.
3. This Convention shall apply only to judicial sales ordered or approved after its entry into force in respect of the State of judicial sale.

### Article 22 Amendment

1. Any State Party may propose an amendment to this Convention by submitting it to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within 120 days from the date of such communication at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations.
2. The conference of States Parties shall make every effort to achieve consensus on each amendment. If all efforts at consensus are exhausted and no consensus is reached, the amendment shall, as a last resort, require for its adoption a two-thirds majority vote of the States Parties present and voting at the conference. For the purposes of this paragraph, the vote of a regional economic integration organization shall not be counted.
3. An adopted amendment shall be submitted by the depositary to all States Parties for ratification, acceptance or approval.
4. An adopted amendment shall enter into force 180 days after the date of deposit of the third instrument of ratification, acceptance or approval. When an amendment enters into force, it shall be binding on those States Parties that have expressed

2. 聲明及其確認應以書面形式為之，並正式通知保存人。
3. 聲明在本公約對相關國家生效時同時生效。
4. 依據第18條第2項及第19條第1項作出聲明的任何國家均可隨時以書面形式正式通知保存人修改或撤回其聲明。所為修改或撤回應在保存人收到通知之日起180天後生效。如保存人於本公約對相關國家生效前收到修改或撤回的通知者，該修改或撤回應在本公約對該國生效之時同時生效。

### 第21條 生效

1. 本公約於第3份批准書、接受書、核准書或加入書交存之日起180天後生效。
2. 於一國在第3份批准書、接受書、核准書或加入書交存之後批准、接受、核准或加入本公約，本公約於該國交存批准書、接受書、核准書或加入書之日起180天後對其生效。
3. 本公約僅適用於在其對司法拍賣國生效後命令或核准的司法拍賣。

### 第22條 修訂

1. 任何締約國均可向聯合國秘書長提交修訂建議對本公約進行修訂。秘書長應立即將所提修訂案轉發各締約國，提請其就是否贊成召開締約國會議以對該修訂案進行審議及表決發表意見。自轉發之日起120天內，如有不少於三分之一的締約國贊成召開此會議，秘書長應在聯合國主持下召開會議。
2. 締約國會議應盡一切努力就每項修訂案達成協商一致。如盡一切努力仍未能達成一致協商者，作為最後手段，該修訂案須有出席會議並參加表決的締約國的三分之二多數票贊成方可通過。就本項而言，區域經濟一體化組織的投票不應被計入在內。
3. 獲得通過的修訂案應由保存人提交給所有締約國批准、接受或核准。
4. 獲得通過的修訂案應在第3份批准書、接受書或核准書交存之日起180天後生效。修訂案一經生效，即應對已表示同意受其約束的締約國具有約束力。

consent to be bound by it.

5. When a State Party ratifies, accepts or approves an amendment following the deposit of the third instrument of ratification, acceptance or approval, the amendment shall enter into force in respect of that State Party 180 days after the date of the deposit of its instrument of ratification, acceptance or approval.

## Article 23 Denunciation

1. A State Party may denounce this Convention by a formal notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies.
2. The denunciation shall take effect 365 days after the date of the receipt of the notification by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the date of the receipt of the notification by the depositary. This Convention shall continue to apply to a judicial sale for which a certificate of judicial sale referred to in article 5 has been issued before the denunciation takes effect.

DONE in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

## Annex I

### Minimum information to be contained in the notice of judicial sale

1. Statement that the notice of judicial sale is given for the purposes of the United Nations Convention on the International Effects of Judicial Sales of Ships
2. Name of State of judicial sale
3. Court or other public authority ordering, approving or confirming the judicial sale
4. Reference number or other identifier for the judicial sale procedure
5. Name of ship
6. Registry
7. IMO number
8. (If IMO number not available) Other information capable of identifying the ship
9. Name of the owner
10. Address of residence or principal place of business of the owner
11. (If judicial sale by public auction) Anticipated date, time and place of public auction
12. (If judicial sale by private treaty) Any relevant details, including time period, for the judicial sale as ordered by the court or other public authority
13. Statement either confirming that the judicial sale will confer clean title to the ship, or, if it is not known whether the judicial sale will confer clean title, a statement of the circumstances

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5. 對於第3批准書、接受書或核准書交存後批准、接受或核准修訂案的締約國，該修訂案應於該締約國交存批准書、接受書或核准書之日起180天後其生效。

## 第23條 退出

1. 任一締約國可以書面形式正式通知保存人宣佈退出本公約。退出可僅限於適用本公約的、非統一法律制度的某領土單位。
2. 退出於保存人收到通知之日起365天後生效。通知中聲明退出生效需更長期限者，退出於保存人收到通知之日後該更長期限期滿時生效。本公約將繼續適用於退出生效前已簽發第5條所述司法拍賣證書的司法拍賣。

本公約正本一份，阿拉伯文、中文、英文、法文、俄文及西班牙文文本同為作準文本。

## 附件一

### 司法拍賣通知所應包含的基本訊息

1. 關於係為聯合國船舶司法拍賣國際效力公約之目的發送此司法拍賣通知之說明
2. 司法拍賣國的名稱
3. 命令、核准或確認司法拍賣的法院或其他公共機構
4. 司法拍賣程序之參考編號或其他識別符號
5. 船舶名稱
6. 登記機關
7. 國際海事組織編號
8. (國際海事組織編號不適用時)能夠識別該船舶的其他資訊
9. 所有權人的名稱
10. 所有權人住所或主要營業地地址
11. (以公開拍賣進行司法拍賣時)公開拍賣的預定日期、時間及地點
12. (以非公開協議進行司法拍賣時)由法院或其他公共機構命令的司法拍賣的時限等全部有關事項
13. 確認司法拍賣賦予船舶清潔物權的說明或在司法拍賣是否賦予清潔物權不確定時就司法拍賣不賦予清潔物權情

under which the judicial sale would not confer clean title  
14. Other information required by the law of the State of judicial sale, in particular any information deemed necessary to protect the interests of the person receiving the notice

況的說明  
14. 司法拍賣國法律要求的其他資訊，特別是被視為係保護通知接收人利益所必需的任何資訊

## Annex II

## 附件二

### Model certificate of judicial sale

### 司法拍賣證書範本

*Issued in accordance with the provisions of article 5 of the United Nations Convention on the International Effects of Judicial Sales of Ships*

依據聯合國船舶司法拍賣國際效力公約第5條規定簽發

This is to certify that:

茲證明：

- (a) The ship described below was sold by way of judicial sale in accordance with the requirements of the law of the State of judicial sale and the requirements of the United Nations Convention on the International Effects of Judicial Sales of Ships; and  
(b) The judicial sale has conferred clean title to the ship on the purchaser.

- (a) 下述船舶已通過符合司法拍賣國法律要求聯合國船舶司法拍賣國際效力公約所要求的司法拍賣方式為拍賣；且  
(b) 司法拍賣已賦予拍得人對該船舶的清潔物權。

**1. State of judicial sale** .....

**1. 司法拍賣國** .....

#### **2. Authority issuing this certificate**

#### **2. 本證書簽發機構**

- 2.1 Name .....
- 2.2 Address .....
- 2.3 Telephone/fax/email, if available .....

- 2.1 名稱 .....
- 2.2 地址 .....
- 2.3 電話/傳真電子郵件，如適用 .....

#### **3. Judicial sale**

#### **3. 司法拍賣**

- 3.1 Name of court or other public authority that conducted the judicial sale .....
- 3.2 Date of the judicial sale .....

- 3.1 實施司法拍賣的法院或其他公共機構的名稱 .....
- 3.2 司法拍賣的日期 .....

#### **4. Ship**

#### **4. 船舶**

- 4.1 Name .....
- 4.2 Registry .....
- 4.3 IMO number .....
- 4.4 (If IMO number not available) Other information capable of identifying the ship (Please attach any photos to the certificate) .....

- 4.1 名稱 .....
- 4.2 登記機關 .....
- 4.3 國際海事組織編號 .....
- 4.4 (國際海事組織編號不適用時) 可鑒明船舶的其他資訊 (證書請隨附照片) .....

#### **5. Owner immediately prior to the judicial sale**

#### **5. 迫近司法拍賣前的所有權人**

- 5.1 Name .....
- 5.2 Address of residence or principal place of business .....

- 5.1 名稱 .....
- 5.2 住所或主要營業地地址 .....

#### **6. Purchaser**

#### **6. 拍得人**

- 6.1 Name .....
- 6.2 Address of residence or principal place of business .....

- 6.1 名稱 .....
- 6.2 住所或主要營業地地址 .....

**At** ..... **On** .....

(place) (date)

在 ..... 於 .....

(地點) (日期)

Signature and/or stamp of issuing authority or other confirmation of authenticity of the certificate

簽發機構的簽名/蓋章或以其他方式對證書真實性的確認