

2004 年船舶壓艙水及沈積物控制及管理國際公約

2004 年 2 月 13 日 倫敦，2017 年 9 月 8 日生效

2004 International Convention for The Control and Management of Ships' Ballast Water and Sediments

London, 13 February, 2004 ; Enter into Force on 8 September 2017

BWM 2004

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簡介：船上壓艙水於各港間之抽放可能造成嚴重生態浩劫；另船上廢水亦為海洋污染另一重要污染源。本公約分別就公約目的、定義、各國義務、適用範圍、壓艙水及廢水排放之管制、岸上接受設備、訓練、科技研究及監視、檢驗、國際壓艙水管理證書之簽發、證書之格式、證書之有效期限、違反及其檢查、避免船舶受到不必要之遲延、資訊聯繫、爭議解決等實質事項規定。另擬定「Regulation for The Control and Management of Ships' Ballast Water and Sediments to Prevent, Reduce and Eliminate the Transfer of Harmful Aquatic Organisms and Pathogens」之管理規則，壓艙水檢驗證明 inspection certification 及記錄簿 record 等格式範本，供各國為行政作業或國內立法之參考。

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THE PARTIES TO THIS CONVENTION,

RECALLING Article 196(1) of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides that —States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto,“

NOTING the objectives of the 1992 Convention on Biological Diversity (CBD) and that the transfer and introduction of Harmful Aquatic Organisms and Pathogens via ships' ballast water threatens the conservation and sustainable use of biological diversity as well as decision IV/5 of the 1998 Conference of the Parties (COP 4) to the CBD concerning the conservation and sustainable use of marine and coastal ecosystems, as well as decision VI/23 of the 2002 Conference of the Parties (COP 6) to the CBD on alien species that threaten ecosystems, habitats or species, including guiding principles on invasive species,

NOTING FURTHER that the 1992 United Nations Conference on Environment and Development (UNCED) requested the International Maritime Organization (the Organization) to consider the adoption of appropriate rules on ballast water discharge,

MINDFUL of the precautionary approach set out in Principle 15 of the Rio Declaration on Environment and Development and referred to in resolution MEPC.67(37), adopted by the Organization's Marine Environment Protection Committee on 15 September 1995,

ALSO MINDFUL that the 2002 World Summit on Sustainable Development, in paragraph 34(b) of its Plan of Implementation, calls for action at all levels to accelerate the development of measures to address invasive alien species in ballast water,

CONSCIOUS that the uncontrolled discharge of Ballast Water and Sediments from ships has led to the transfer of Harmful Aquatic Organisms and Pathogens, causing injury or damage to the environment, human health, property and resources,

本公約各締約國，

回顧「1982 年聯合國海洋法公約」(UNCLOS)第 196(1)條規定“各國應採取一切必要措施以防止、減少及控制因在其管轄或控制下使用技術而造成之海洋環境污染，或因故意或偶然於海洋環境某一特定部分引進外來或新的物種致使海洋環境可能發生重大及有害之變化，”

注意到「1992 年生物多樣性公約」(CBD)的目標及有害水生物及病原體透過船舶壓艙水之轉移及引入對生物多樣性之保護及可持續使用造成之威脅及 1998 年生物多樣性公約締約國外交大會(COP4)VI/5 決議有關海洋及海岸生態系統保護及可持續利用，及 2002 年生物多樣性公約締約國外交大會(COP6)VI/23 決議有關外來物種對生態系統、棲息地及物種威脅，包括對入侵物種之指導原則，

進一步注意到 1992 年聯合國環境與發展大會要求國際海事組織(本組織)考慮通過適當的壓艙水排放規定，

意識到里約環境與發展宣言第 15 條規定及 1995 年 9 月 15 日本組織海上環境保護委員會通過之第 MEPC.67(37)決議所述及之預防措施，

也意識到 2002 年世界可持續發展峰會實施計畫之第 34(b)號召告各方行動加快解決壓艙水引入外來生物問題措施之制定，

意識到船舶無控制地排放壓艙水及沉積物已造成有害水生物及病原體之轉移，對環境、人類健康、財產及資源造成傷害或損害，

RECOGNIZING the importance placed on this issue by the Organization through Assembly resolutions A.774(18) in 1993 and A.868(20) in 1997, adopted for the purpose of addressing the transfer of Harmful Aquatic Organisms and Pathogens,

RECOGNIZING FURTHER that several States have taken individual action with a view to prevent, minimize and ultimately eliminate the risks of introduction of Harmful Aquatic Organisms and Pathogens through ships entering their ports, and also that this issue, being of worldwide concern, demands action based on globally applicable regulations together with guidelines for their effective implementation and uniform interpretation,

DESIRING to continue the development of safer and more effective Ballast Water Management options that will result in continued prevention, minimization and ultimate elimination of the transfer of Harmful Aquatic Organisms and Pathogens,

RESOLVED to prevent, minimize and ultimately eliminate the risks to the environment, human health, property and resources arising from the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships' Ballast Water and Sediments, as well as to avoid unwanted side-effects from that control and to encourage developments in related knowledge and technology,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention for the Control and Management of Ships' Ballast Water and Sediments,

HAVE AGREED as follows:

Article 1 Definitions

For the purpose of this Convention, unless expressly provided otherwise:

1. "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of its natural resources, including Floating Storage Units (FSUs) and Floating Production Storage and Offloading Units (FPSOs), the Administration is the Government of the coastal State concerned.
2. "Ballast Water" means water with its suspended matter taken on board a ship to control trim, list, draught, stability or stresses of the ship.
3. "Ballast Water Management" means mechanical, physical, chemical, and biological processes, either singularly or in combination, to remove, render harmless, or avoid the uptake or discharge of Harmful Aquatic Organisms and Pathogens within Ballast Water and Sediments.
4. "Certificate" means the International Ballast Water Management Certificate.

承認到本組織於 1993 年大會通過第 A.774(18)號及 1997 年大會通過第 A.868(20)號有關此問題之二重要決議，以解決有害水生物及病原體轉移的決心；

進一步承認到數國已採取單邊行動以防止、最大限度地減少並最終消除通過船舶進入其港口引入有害水生物及病原體之風險，且在同一問題上，引起全世界之廣泛關注，制定一個全球適用之規定及指導原則使其得以有效實施並統一解釋，

希望繼續推進更安全且更有效之壓艙水管理方法發展，從而繼續防止、最大限度地減少並最終消除有害水生物及病原體的轉移，

決心透過控制及管理船舶壓艙水及沉積物以防止、最大限度地減少並最終消除有害水生物及病原體之轉移所造成的環境、人類健康、財產及資源風險，及避免此種控制造成不必要的消極影響並鼓勵相關知識及技術的發展，

考慮實現上述目標最好的辦法是制定控制及管理船舶壓艙水及沉積物國際公約。

謹協議如下：

第 1 條 定義

除另有明文規定外，為本公約之目的：

1. “主管機關”係指船舶在其權力下營運之國家政府。就有權懸掛某國國旗之船舶而言，主管機關係指該國政府。就於沿海國行使自然資源勘探及開發主權之海岸附近水域從事海床及底土勘探及開發之浮動式平臺，包括浮動式儲存裝置 (FSUs) 及浮動式生產、儲存及卸貨裝置 (FPSOs)，主管機關係指相關沿海國政府。
2. “壓艙水”係指為控制船舶橫傾、縱傾、吃水、穩性或應力而加裝到船上的水及懸浮物質。
3. “壓艙水管理”係指用機械、物理、化學及生物方法，單獨或聯合使用以清除、使之無害或避免加裝及排放壓艙水及沉積物中之有害水生物及病原體。
4. “證書”係指國際壓艙水管理證書。

5. “Committee” means the Marine Environment Protection Committee of the Organization.
 6. “Convention” means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments.
 7. “Gross tonnage” means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 or any successor Convention.
 8. “Harmful Aquatic Organisms and Pathogens” means aquatic organisms or pathogens which, if introduced into the sea including estuaries, or into fresh water courses, may create hazards to the environment, human health, property or resources, impair biological diversity or interfere with other legitimate uses of such areas.
 9. “Organization” means the International Maritime Organization.
 10. “Secretary-General” means the Secretary-General of the Organization.
 11. “Sediments” means matter settled out of Ballast Water within a ship.
 12. “Ship” means a vessel of any type whatsoever operating in the aquatic environment and includes submersibles, floating craft, floating platforms, FSUs and FPSOs.
5. “委員會”係指本組織海上環境保護委員會。
 6. “公約”係指船舶壓艙水及沉積物控制及管理國際公約。
 7. “總噸位”係指依據「1969年國際噸位丈量公約」附則 I 或任何後繼公約之噸位丈量規定所計算出之總噸位。
 8. “有害水生物或病原體”係指下列水生物及病原體，該水生物及病原體一旦進入海水，包括河口或進入淡水水體中，會危害環境、人類健康、財產及資源，影響生物多樣性及該種水域之其他合理利用。
 9. “本組織”係指國際海事組織。
 10. “秘書長”係指本組織之秘書長。
 11. “沉積物”係指從船舶壓艙水中沉澱之物質。
 12. “船舶”係指於水域環境中運行之任何類型之船舶，包括潛水船、水上船艇、浮動平臺、浮動式儲存裝置及浮動式生產、儲存及卸貨裝置。

Article 2 General obligations

1. Parties undertake to give full and complete effect to the provisions of this Convention and the Annex thereto in order to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.
2. The Annex forms an integral part of this Convention. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Annex.
3. Nothing in this Convention shall be interpreted as preventing a Party from taking, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments, consistent with international law.
4. Parties shall endeavour to co-operate for the purpose of effective implementation, compliance and enforcement of this Convention.
5. Parties undertake to encourage the continued development of Ballast Water Management and standards to prevent, minimize and ultimately eliminate the transfer of Harmful Aquatic Organisms and Pathogens through the control and management of ships’ Ballast Water and Sediments.
6. Parties taking action pursuant to this Convention shall endeavour not to impair or damage their environment, human health, property or resources, or those of other States.
7. Parties should ensure that Ballast Water Management practices used to comply with this Convention do not cause greater harm

第 2 條 一般義務

1. 本公約各締約國承諾全面且充分地實施本公約規定及其附則，以控制及管理船舶壓艙水及沉積物以防止、最大限度地減少及消除有害水生物及病原體之轉移。
2. 附則與本公約構成一整體，除另有明文規定外，述及本公約同時意指述及其附則。
3. 本公約之任何規定均不得被解釋為阻礙任一締約國於符合國際法前提下，單獨地或與其他締約國聯合就通過控制及管理船舶壓艙水及沉積物防止、減少或消除有害水生物及病原體之操作採取更為嚴格之措施。
4. 締約國為有效實施、符合及執行本公約應通力合作。
5. 締約國應鼓勵繼續制定壓艙水管理及標準以透過控制及管理船舶壓艙水及沉積物以防止、最大限度地減少並最終消除有害水生物及病原體的轉移。
6. 締約國依照本公約所採取之措施不應影響或損害本國或其他國家之環境、人類健康、財產及資源。
7. 締約國應確保為遵守本公約而實施之壓艙水管理作業對本國或其

than they prevent to their environment, human health, property or resources, or those of other States.

8. Parties shall encourage ships entitled to fly their flag, and to which this Convention applies, to avoid, as far as practicable, the uptake of Ballast Water with potentially Harmful Aquatic Organisms and Pathogens, as well as Sediments that may contain such organisms, including promoting the adequate implementation of recommendations developed by the Organization.
9. Parties shall endeavour to co-operate under the auspices of the Organization to address threats and risks to sensitive, vulnerable or threatened marine ecosystems and biodiversity in areas beyond the limits of national jurisdiction in relation to Ballast Water Management.

Article 3 Applications

1. Except as expressly provided otherwise in this Convention, this Convention shall apply to:
 - (a) ships entitled to fly the flag of a Party; and
 - (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.
2. This Convention shall not apply to:
 - (a) ships not designed or constructed to carry Ballast Water;
 - (b) ships of a Party which only operate in waters under the jurisdiction of that Party, unless the Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent or other States;
 - (c) ships of a Party which only operate in waters under the jurisdiction of another Party, subject to the authorization of the latter Party for such exclusion. No Party shall grant such authorization if doing so would impair or damage their environment, human health, property or resources, or those of adjacent or other States. Any Party not granting such authorization shall notify the Administration of the ship concerned that this Convention applies to such ship;
 - (d) ships which only operate in waters under the jurisdiction of one Party and on the high seas, except for ships not granted an authorization pursuant to sub-paragraph (c), unless such Party determines that the discharge of Ballast Water from such ships would impair or damage their environment, human health, property or resources, or those of adjacent of other States;
 - (e) any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention; and
 - (f) permanent Ballast Water in sealed tanks on ships, that is not subject to discharge.

他國家的環境、人類健康、財產及資源造成之影響比預防措施更小。

8. 締約國應鼓勵懸掛其國旗之船舶，於適用本公約之情況下，盡可能地避免加裝可能含有有害水生物及病原體之壓艙水及沉積物，並促成本組織制定之建議案得到充分有效之實施。
9. 各締約國應於本組織倡議下對壓艙水管理進行通力合作，該合作不應侷限於國家管轄許可權，以解決敏感的、脆弱的或受到威脅之海洋生態系統及生物多樣性資源之威脅及風險。

第3條 適用範圍

1. 除本公約另行明文規定外，本公約適用於：
 - (a) 有權懸掛締約國國旗之船舶；及
 - (b) 無權懸掛締約國國旗，然於該締約國權力下為營運之船舶。
2. 本公約不適用於：
 - (a) 設計及建造不攜帶壓艙水之船舶；
 - (b) 僅於一締約國管轄水域內操作之該締約國船舶，然該締約國確定該船壓艙水排放將影響及損害鄰近國家或其他國家之環境、人類健康、財產及資源者除外；
 - (c) 任一締約國之船舶僅在另一締約國管轄水域操作，經後一締約國授權予以免除。如授權將會影響或損害該國、鄰近國家或其他國家之環境、人類健康、財產及資源，締約國即不能進行前述授權。未授權之國家應通知船舶主管機關前述船舶適用於本公約；
 - (d) 依據第(c)款未經授權之船舶，且僅於一締約國管轄水域外或公海操作，然該締約國確定從該船舶的壓艙水排放將影響或損害鄰近國家或其他國家環境、人類健康、財產及資源者除外。
 - (e) 軍艦、軍用輔助船舶或國家擁有或營運專為政府非商業服務目的使用之其他船舶。然各締約國須透過採取不妨礙其所擁有及營運此類船舶操作性能之適當措施，確保此類船舶於合理可行時能符合本公約之規定。
 - (f) 裝載於封閉壓艙中之永久性壓艙水，且不排放壓艙水的船舶。