

## 1972 年國際貨櫃安全公約 綜合文本(1972~2013)

1972 年 12 月 2 日 訂於日內瓦，1977 年 9 月 6 日生效

1981 年 4 月 2 日 修正，1981 年 12 月 1 日生效

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### The International Convention for Safe Containers, 1972

Geneva 2 December 1972; Entered into Force 6 September 1977

2 April 1981 Amendment; Entered into Force 1 December 1981

13 June 1983; Entered into Force 1 January 1984

December 2010; Entered into Force 1 January 2012

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### CSC 1972~2013 綜合文本

生效門檻：10 國 + 12 個月

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簡介：1960 年代貨櫃運輸興起，1967 年 IMO 開始進行貨櫃安全性之研究。1972 年 IMO 在歐盟的協助下，制訂通過 1972 年貨櫃安全國際公約(簡稱 CSC)，公約目的除便利海上貨物運送外，另一即在提高貨櫃作業安全等事項，以維護人員安全。該公約僅 16 條文，惟重點在於其二附件：附件一為貨櫃試驗、檢查、批准及維修規則；附件二貨櫃結構安全要求及檢驗。CSC 公約迄今有 1981, 1983, 1991, 1993、2010 及 2013 年六次修正，其中 1993 年修正並未生效，其餘均生效，本綜合文本納入所有生效的修正。

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## The International Convention for Safe Containers, 1972

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(Including 1981, 1983, 1991, 2010 and 2013 Amendments)

### CSC 1972~2013 綜合文本

#### PREAMBLE

##### THE CONTRACTING PARTIES,

RECOGNIZING the need to maintain a high level of safety of human life in the handling, stacking and transporting of containers,

MINDFUL of the need to facilitate international container transport,

RECOGNIZING, in this context, the advantages of formalizing common international safety requirements,

CONSIDERING that this end may best be achieved by the conclusion of a Convention,

HAVE DECIDED to formalize structural requirements to ensure safety in the handling, stacking and transporting of containers in the course of normal operations, and to this end

HAVE AGREED as follows:

#### 前言

##### 各締約國

體認到貨櫃裝卸、堆放及運輸過程應高度保障人身安全的需求。

注意到便利貨櫃國際運輸的必要性。

承認在此方面制定國際共同安全要求之益處。

認為達到以上目的最好是締結一公約。

決定正式提出有關貨櫃結構要求，以保護在正常營運中貨櫃的裝卸、堆載及運輸的安全。為此目的，

謹達成如下協定：

#### Article I General obligation under the present Convention

#### 第 1 條 本公約一般義務

The Contracting Parties undertake to give effect to the provisions of the present Convention and the Annexes hereto, which shall constitute an integral part of the present Convention.

各締約國應確保實施本公約及其附件規定，該附件應為本公約不可分割的一部分。

#### Article II Definitions

#### 第 2 條 定義

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

除另有明確規定者外，於本公約內，下列名詞定義如下：

1. "Container" means an article of transport equipment:

1. "貨櫃"係指一運輸設備：

(a) of a permanent character and accordingly strong enough to be suitable for repeated use;

(a) 具有耐久性，因而其相應的強度足能適合於重複使用；

(b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;

(b) 專門設計便於以一種或多種運輸方式運輸貨物，而無需中途重裝；

(c) designed to be secured and/or readily handled, having corner fittings for these purposes;

(c) 為繫固及(或)便於裝卸，設有角配件；

- (d) of a size such that the area enclosed by the four outer bottom corners is either:
- (i) at least 14 sq. m. (150 sq. ft.) or
  - (ii) at least 7 sq. m. (75 sq. ft.) if it is fitted with top corner fittings;
- the term "container" includes neither vehicles nor packaging; however, containers when carried on chassis are included.
2. "Corner fittings" means an arrangement of apertures and faces at the top and/or bottom of a container for the purposes of handling, stacking and/or securing.
  3. "Administration" means the Government of a Contracting Party under whose authority containers are approved.
  4. "Approved" means approved by the Administration.
  5. "Approval" means the decision by an Administration that a design type or a container is safe within the terms of the present Convention.
  6. "International transport" means transport between points of departure and destination situated in the territory of two countries to at least one of which the present Convention applies. The present Convention shall also apply when part of a transport operation between two countries takes place in the territory of a country to which the present Convention applies.
  7. "Cargo" means any goods, wares, merchandise and articles of every kind whatsoever carried in the containers.
  8. "New container" means a container the construction of which was commenced on or after the date of entry into force of the present Convention.
  9. "Existing container" means a container which is not a new container.
  10. "Owner" means the owner as provided for under the national law of the Contracting Party or the lessee or bailee, if an agreement between the parties provides for the exercise of the owner's responsibility for maintenance and examination of the container by lessee or bailee.
  11. "Type of container" means the design type approved by the Administration.
  12. "Type-series container" means any container manufactured in accordance with the approved design type.
  13. "Prototype" means a container representative of those manufactured or to be manufactured in a design type series.
  14. "Maximum Operating Gross Weight or Rating" or "R" means the maximum allowable combined weight of the container and its cargo.
  15. "Tare Weight" means the weight of the empty container including permanently affixed ancillary equipment.
  16. "Maximum Permissible Payload" or "P" means the difference between maximum operating gross weight or rating and tare weight.
- (d)四個外底角所圍閉的面積應為下列二者之一：
- (i)至少為 14 平方米(150 平方英尺)，或
  - (ii)如裝有頂角配件，則至少為 7 平方米(75 平方英尺)：
- “貨櫃”一詞不包括車輛，也不包括包裝；但是貨櫃在拖板車上運輸時，則連同拖板車包括在內。
- 2.“角配件”係指為裝卸；堆載和(或)繫固目的而在貨櫃頂部和(或)底部上安裝的一種表面有孔的支撐配件。
  - 3.“主管機關”係指有權批准貨櫃的締約國政府。
  - 4.“獲得批准”係指被主管機關批准。
  - 5.“批准”係指主管機關所作出的決定，即某種定型設計或某個貨櫃在本公約條款範圍內是安全的。
  - 6.“國際運輸”係指位於兩個國家領土的起運地及目的地間之運輸。而本公約至少適用其中一國。兩國間運輸業務的一部分在一個適用本公約的國家領土內進行時，本公約也應適用。
  - 7.“貨物”係指物品、器皿、商品及使用貨櫃裝運的各種物件。
  - 8.“新貨櫃”係指在本公約生效時或生效後開始製造的貨櫃。
  - 9.“現有貨櫃”係指不屬於新貨櫃的貨櫃。
  - 10.“櫃主”係指各締約國國家法律規定的所有人或承租人或委託人，如雙方有協議，該承租人或受託人將承擔對貨櫃的維修及檢驗之責任者。
  - 11.“貨櫃的定型設計”係指經主管機關批准的定型設計。
  - 12.“定型系列貨櫃”係指按照批准的定型設計製造的任何貨櫃。
  - 13.“樣櫃”係指按定型設計系列製成或準備製造的具有代表性的貨櫃。
  - 14.“最大營運總重量或額定重量”或“R”是指貨櫃及所裝貨物最大的允許總重量。
  - 15.“空重”是指貨櫃空載的重量，包括裝置的永久性設備。
  - 16.“最大允許載貨重量”或“P”是指最大營運總重量或額定重量與空重之間的差數。

### Article III Application

1. The present Convention applies to new and existing containers used in international transport, excluding containers specially designed for

### 第 3 條 適用範圍

1. 本公約適用於國際運輸中所使用的現有或新貨櫃，但不包括為空運專門

air transport.

2. Each new container shall be approved either in accordance with the provisions for type-testing or for individual testing as contained in Annex I.
3. Every existing container shall be approved in accordance with the relevant provisions for approval or existing containers set out in Annex I within 5 years from the date of entry into force of the present Convention.

設計的貨櫃。

2. 應依據附件一所要求或是做定型試驗或是做單個試驗的規定來批准每一個新貨櫃。
3. 每一現有貨櫃應在本公約生效之日起五年內，依附件一所做出的有關現有貨櫃批准的規定獲得批准。

#### **Article IV Testing, inspection, approval and maintenance**

#### **第 4 條 試驗、檢查、批准及維修**

1. For the enforcement of the provisions in Annex I every Administration shall establish an effective procedure for the testing, inspection and approval of containers in accordance with the criteria established in the present Convention, provided however that an Administration may entrust such testing, inspection and approval to organizations duly authorized by it.
2. An Administration which entrusts such testing, inspecting and approval to an organization shall inform the Secretary-General of the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as "the Organization") for communication to Contracting Parties.
3. Application for approval may be made to the Administration of any Contracting Party.
4. Every container shall be maintained in a safe condition in accordance with the provisions of Annex I.
5. If an approved container does not in fact comply with the requirements of Annexes I and II the Administration concerned shall take such steps as it deems necessary to bring the container into compliance with such requirements or to withdraw the approval.

1. 為使附件一中各項規定能付諸實施，各主管機關應依本公約規定的標準，建立有效的貨櫃試驗、檢查及批准程序。但主管機關可委託給其正式授權的機構以進行這些試驗、檢查及批准工作。
2. 主管機關將試驗、檢查及批准工作委託給一個機構時，應通知政府間海事協商組織秘書長(以下簡稱“海協”)以便轉知各締約國。
3. 可向任何締約國的主管機關申請批准。
4. 貨櫃應依照附件一中的各項規定，保持在安全狀態。
5. 如獲得批准的貨櫃實際上達不到附件一及附件二要求者，有關主管機關應採取必要的措施，使其達到上述要求，或撤銷批准。

#### **Article V Acceptance of approval**

#### **第 5 條 接受批准**

1. Approved under the authority of a Contracting Party, granted under the terms of the present Convention, shall be accepted by the other Contracting Parties for all purposes covered by the present Convention. It shall be regarded by the other Contracting Parties as having the same force as an approval issued by them.
2. A Contracting Party shall not impose any other structural safety requirements or tests on containers covered by the present Convention, provided however that nothing in the present Convention shall preclude the application of provisions of national regulations or legislation or of international agreements, prescribing additional structural safety requirements or tests for containers specially designed for the transport of dangerous goods, or for those features unique to containers carrying bulk liquids or for containers when carried by air. The term "dangerous goods" shall have that meaning assigned to it by international agreements.

1. 依據本公約規定，於某一締約國授權下的批准，應被其他締約國在本公約所包括的範圍內為接受。同時也應被認為與其自己作出的批准具同樣有效。
2. 本公約中規定的貨櫃，締約國不得擅自對此提出任何其他安全結構及試驗的要求。但本公約任何規定不得妨礙適用國家規章或法律或國際協定中條款，針對專門設計運輸危險品或具有獨特裝置的運輸散裝液體貨物的貨櫃或空運的貨櫃，在安全結構或試驗方面所提出補充要求。“危險品”一詞應具有各國際協定所賦予其之意義。

#### **Article VI Control**

#### **第 6 條 監管**

1. Every container which has been approved under Article III shall be subject to control in the territory of the Contracting Parties by officers duly authorized by such Contracting Parties. This control shall be limited to verifying that the container carries a valid Safety Approval Plate as required by the present Convention, unless there is significant evidence for believing that the condition of the container is such as to create an obvious risk to safety. In that case the officer carrying out the control shall only exercise it in so far as it may be necessary to ensure that the container is restored to a safe condition before it continues in service.
  2. Where the container appears to have become unsafe as a result of a defect which may have existed when the container was approved, the Administration responsible for that approval shall be informed by the Contracting Party which detected the defect.
1. 依據第 3 條獲得批准的每個貨櫃，應在締約國領土內受該締約國正式授權的官員的監管。該監管僅限於證實貨櫃上裝有依照本公約要求的有效的安全合格牌照，但有重要證據證明該貨櫃的現狀對安全有明顯危險者除外，於此情況下，執行監管工作的官員所採取的必要行動，也僅限於保證貨櫃在繼續投入營運之前恢復到安全狀態。
  2. 當貨櫃因某種缺陷可能危及安全，而此項缺陷在該貨櫃獲得批准時可能業已存在，應由發現該缺陷的締約國通知負責批准該貨櫃的主管機關。

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

## 第 7 條 簽字、批准、接受、核准及加入

1. The present Convention shall be open for signature until 15 January 1973 at the Office of the United Nations at Geneva and subsequently from 1 February 1973 until 31 December 1973 inclusive at the Headquarters of the Organization at London by all States Members of the United Nations or Members of any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a Party to the present Convention.
  2. The present Convention is subject to ratification, acceptance or approval by States which have signed it.
  3. The present Convention shall remain open for accession by any State referred to in paragraph 1.
  4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the Organization (hereinafter referred to as "the Secretary-General").
1. 本公約於 1973 年 1 月 15 日以前在日內瓦聯合國辦事處開放，以供簽字。自此以後自 1973 年 2 月 1 日至 1973 年 12 月 31 日止在倫敦本組織總部，對聯合國所有會員國、任一專門機構的會員國或國際原子能機構的會員國，國際法院規約當事國及聯合國大會邀請其成為本公約締約國的任何其他國家開放，以供簽字。
  2. 本公約需經其簽字國的批准、接受或核准。
  3. 本公約應對本條第 1 項規定的國家繼續開放，以便加入。
  4. 批准、接受、核准或加入的文書應交存於本組織秘書長(以下簡稱“秘書長”)。

## Article VIII Entry into force

## 第 8 條 生效

1. The present Convention shall enter into force twelve months from the date of the deposit of the tenth instrument of ratification, acceptance, approval or accession.
  2. For each State ratifying, accepting, approving or acceding to the present Convention after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force twelve months after the date of the deposit by such State of its instrument of ratification, acceptance, approval or accession.
  3. Any State which becomes a Party to the present Convention after the entry into force of an amendment shall, failing an expression of a different intention by that State,
    - (a) be considered as a Party to the Convention as amended; and
    - (b) be considered as a Party to the unamended Convention in relation to any Party to the Convention not bound by the amendment.
1. 本公約應自第 10 份批准、接受、核准或加入文書交存之日起 12 個月後生效。
  2. 凡在第 10 份批准、接受、核准或加入文書交存後批准、接受、核准或加入本公約的國家，本公約應自該國的批准、接受、核准或加入文書交存之日起 12 個月後生效。
  3. 於任一修正案生效後成為本公約締約國的國家，如未提出異議，應當：
    - (a) 被視為是修改後的本公約的締約國。
    - (b) 被視為是未經修改的本公約的締約國，相當於不受修正案約束的公