

1971 年設立國際油污損害賠償基金公約 1976 年議定書

1976 年 11 月 19 日 訂於倫敦，1994 年 11 月 22 日生效

Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971

London, 19 November 1976 ; Entered into Force on 22 November 1994

FUND 1976

The Parties to the present Protocol,
Having considered the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, done at Brussels on 18 December 1971:
Have agreed as follows:

本議定書各締約國，
考量 1971 年 12 月 18 日於布魯塞爾制定之設立國際油污損害賠償基金國際公約，
茲協議如下：

Article I

第 1 條

For the purpose of the present Protocol:

為本議定書之目的：

1. "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.
2. "liability Convention" has the same meaning as in the Convention.
3. "Organization" has the same meaning as in the Convention,
4. "Secretary-General" means the Secretary-General of the Organization.

1. “公約”係指 1971 年設立國際油污損害賠償基金國際公約。
2. “責任公約”與公約所規定之意義相同。
3. “本組織”與公約所規定之意義相同。
4. “秘書長”係指本組織秘書長。

Article II

第 2 條

Article 1, paragraph 4 of the Convention is replaced by the following text:

下列文字取代公約第 1 條第 4 項：

“Unit of Account” or “Monetary Unit” means the unit of account or monetary unit as the case may be, referred to in Article V of the Liability Convention, as amended by the Protocol thereto adopted on 19 November 1976.

“記帳單位”或“貨幣單位”視其情況係指經 1976 年 11 月 19 日通過之議定書所修正之責任公約第 5 條所述之記帳單位或貨幣單位。

Article III

第 3 條

The amounts referred to in the Convention shall wherever they appear be amended as follows:

本公約所述金額，無論於何處出現，均修正如下：

(a) Article 4:

(a) 第 4 條

- (i) “450 million francs” is replaced by “30 million units of account or 450 million monetary units”;

- (i) 以“30 百萬記帳單位或 450 百萬貨幣單位”取代“450 百萬法郎”；

(ii) "900 million francs" is replaced by "60 million units of account or 900 million monetary units".

(b) In Article 5:

(i) "1,500 francs" is replaced by "100 units of account or 1,500 monetary units";

(ii) "125 million francs" is replaced by "8,333,000 units of account or 125 million monetary units";

(iii) "2,000 francs" is replaced by "133 units of account or 2,000 monetary units";

(iv) "210 million francs" is replaced by "14 million units of account or 210 million monetary units".

(c) In Article 11, "75 million francs" is replaced by "5 million units of account or 75 million monetary units".

(d) In Article 12, "15 million francs" is replaced by "1 million units of account or 15 million monetary units".

(ii)以“60 百萬記帳單位或 900 百萬貨幣單位”取代“900 百萬法郎”。

(b) 於第 5 條：

(i)以“100 記帳單位或 1,500 貨幣單位”取代“1,500 法郎”；

(ii)以“833.3 萬記帳單位或 125 百萬貨幣單位”取代“125 百萬法郎”；

(iii)以“133 記帳單位或 2,000 貨幣單位”取代“2,000 法郎”；

(iv)以“14 百萬計算單位或 210 百萬貨幣單位”取代“210 百萬法郎”；

(c) 於第 11 條，以“5 百萬記帳單位或 75 萬貨幣單位”取代“75 百萬法郎”；

(d) 於第 12 條，以“1 百萬記帳單位或 15 百萬貨幣單位”取代“15 百萬法郎”。

Article IV

1. The present Protocol shall be open for signature by any State which has signed the Convention or acceded thereto and by any State invited to attend the Conference to Revise the Unit of Account Provisions in the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, held in London from 17 to 19 November 1976. The Protocol shall be open for signature from 1 February 1977 to 31 December 1977 at the Headquarters of the Organization.
2. Subject to paragraph 4 of this Article, the present Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.
3. Subject to paragraph 4 of this Article, this Protocol shall be open for accession by States which did not sign it.
4. The present Protocol may be ratified, accepted, approved or acceded to by States Parties to the Convention.

Article V

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General.
2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Protocol with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Parties shall be deemed to apply to the Protocol as modified by the amendment,

Article VI

第 4 條

1. 本議定書開放供任何已簽署或加入公約之國家及任何應邀參加 1976 年 11 月 17 日至 19 日於倫敦召開之修訂 1971 年設立國際油污損害賠償基金國際公約記帳單位會議之國家簽署。本議定書自 1977 年 2 月 1 日起至 1977 年 12 月 31 日止於本組織總部開放，以供簽署。
2. 於適用第 4 項之情況下，本議定書待已簽署本議定書之國家批准、接受或核准。
3. 於適用第 4 項之情況下，本議定書應開放供未簽署本議定書之國家加入。
4. 本議定書可由公約各締約國批准、接受、核准或加入。

第 5 條

1. 批准、接受、核准或加入應向秘書長交存一份相應之正式文件。
2. 於本議定書修正案對所有現有締約國生效後，或於本修正案對所有現有締約國生效所需之各種手續完備後，任何交存之批准、接受、核准或加入文件應視為適用經修正案修正之本議定書。

第 6 條

1. The present Protocol shall enter into force for the States which have ratified, accepted, approved or acceded to it on the ninetieth day following the date on which the following requirements are fulfilled:

- (a) at least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General, and
- (b) the Secretary-General has received information in accordance with Article 39 of the Convention that those persons in such States who would be liable to contribute pursuant to Article 10 of the Convention have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, the present Protocol shall not enter into force before the Convention has entered into force.

3. For each State which subsequently ratifies, accepts, approves or accedes to it, the present Protocol shall enter into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article VII

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.

3. Denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

Article VIII

1. A conference for the purpose of revising or amending the present Protocol may be convened by the Organization.

2. The Organization shall convene a Conference of Parties to the present Protocol for the purpose of revising or amending it at the request of not less than one-third of the Parties.

Article IX

1. The present Protocol shall be deposited with the Secretary-General.

2. The Secretary-General shall:

(a) inform all States which have signed the present Protocol or acceded thereto of:

- (i) each new signature or deposit of an instrument together with the date thereof;
- (ii) the date of entry into force of the present Protocol;
- (iii) the deposit of any instrument of denunciation of the present Protocol together with the date on which the

1. 本議定書在下列條件滿足之日後第 90 天，對批准、接受、核准或加入本議定書之國家生效：

(a) 至少 8 個國家已向秘書長交存批准、接受、核准或加入書，且

(b) 秘書長依公約第 39 條所收到的資料顯示，於這些國家中，依公約第 10 條規定有義務繳納攤款之人，於前一曆年度內接收之攤款油類總量已達到 750 百萬噸。

2. 然本議定書於公約生效前不得生效。

3. 於任一後來批准、接受、核准或加入本議定書之國家，本議定書應自該國家交存相應文件之日起 90 天後生效。

第 7 條

1. 任何締約國可於本議定書對其生效之後，隨時退出本議定書。

2. 退出應向秘書長交存一份文件，方為有效。

3. 退出應在向秘書長交存退出文件一年後或於退出文件所載明之更長期限之後生效。

第 8 條

1. 修訂或修正本議定書之會議，由本組織召開之。

2. 經不少於 3 分之 1 締約國之請求，本組織應召開本議定書締約國會議，對其進行修訂或修正。

第 9 條

1. 本議定書應交秘書長保存。

2. 秘書長應：

(a) 將下列事項通知所有已簽署或加入本議定書之國家：

- (i) 每一新的簽署或新的文件之交存及其日期；
- (ii) 本議定書之生效日期；
- (iii) 任何退出本議定書之文件之交存及退出之生效日期；

- denunciation takes effect;
- (iv) any amendments to the present Protocol;
- (b) transmit certified true copies of the present Protocol to all States which have signed the present Protocol or acceded thereto.

Article X

As soon as this Protocol enters into force, a certified true copy thereof 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 XI

The present Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

DONE AT LONDON this nineteenth day of November one thousand nine hundred and seventy-six.

IN WITNESS WHEREOF the undersigned being duly authorized for that purpose have signed the present Protocol.

- (iv) 本議定書之任何修正案；
- (b) 將本議定書核證無誤之副本送交所有簽署或加入本議定書之國家。

第 10 條

本議定書一經生效，秘書長應依聯合國憲章第 102 條規定，將本議定書核證無誤之副本送交聯合國秘書處，供登記及公佈。

第 11 條

本議定書正本一份，以英文及法文寫成，二種文本具有同等效力。俄文及西班牙文之正式譯本應由本組織秘書處翻譯並與經簽署之正本一併交存。

1976 年 11 月 19 日訂於倫敦

下列署名者，經正式授權，特簽署本議定書，以昭信守。