

1971年設立油污損害國際賠償基金國際公約 2000年修正議定書

2000年9月27日訂於倫敦，2001年6月27日生效

Protocol of 2000 to amend the International Convention on The Establishment of An International Fund for Compensation for Oil Pollution Damage, 1971

London, 27 September 2000 ; Entered into Force on 27 June 2001

FUND 2000

THE CONTRACTING STATES to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (hereinafter the “1971 Fund Convention”),

RECALLING article 43, paragraph 1, of the 1971 Fund Convention which provides that the Convention shall cease to be in force on the date when the number of Contracting States falls below three,

RECALLING ALSO article 42 of the 1971 Fund Convention which provides for measures to be taken in the event of a denunciation the result of which will significantly increase the level of contributions from contributors in remaining Contracting States,

NOTING that denunciations of the 1971 Fund Convention will result in a significant increase in the level of contributions from contributors in remaining Contracting States,

MINDFUL of the need to ensure that at all times the International Oil Pollution Compensation Fund 1971 (hereinafter the “1971 Fund”) is able to meet in full its obligations to pay compensation to victims of pollution damage arising from incidents covered by the 1971 Fund Convention,

CONCERNED that further reductions in the contribution base of the 1971 Fund will impair the ability of the 1971 Fund to discharge its obligations,

RECOGNIZING that failure of the 1971 Fund to meet its obligations could adversely affect the credibility of the international regime for liability and compensation for oil pollution damage,

DESIRING to facilitate the orderly termination of the 1971 Fund Convention without undue complication for Contracting States or for victims of oil pollution damage,

REAFFIRMING the provisions of article 43, paragraph 2 and article 44 of the 1971 Fund Convention regarding the obligation of Contracting States and the 1971 Fund with respect to incidents

『1971年設立國際油污損害賠償基金國際公約』(此下稱為『1971年基金公約』)各締約國，

回顧『1971年基金公約』第43條1項規定：本公約應在締約國數目降至不足三個之日失效，

又回顧『1971年基金公約』第42條規定在某一退出造成剩餘締約國攤款人的攤款水準顯著增加時所應採取的措施，

注意到『1971年基金公約』的多個退出將造成剩餘締約國攤款人的攤款水準的顯著增加，

考慮到需要確保1971年國際油污賠償基金(此後稱為1971年基金)在任何時候均能完全履行向『1971年基金公約』管轄的事故引起的污染損害的受害者支付賠償的責任，

對1971年基金攤款基礎進一步削弱會損害該基金履行其責任能力一事感到關切，

認識到1971年基金不能履行其責任會對國際油污損害責任及賠償制度的可信度造成不利影響，

希望促進有序地終止『1971年基金公約』而不對各締約國或油污損害的受害人造成不適當的複雜情況，

重申『1971年基金公約』第43條2項及第44條有關各締約國及1971年基金對在『1971年基金公約』失效前發生的事故

occurring before the 1971 Fund Convention ceases to be in force,
HAVE AGREED AS FOLLOWS:

所負責任之規定，
茲協議如下：

Article 1

For the purpose of the present Protocol:

- 1 "Convention" means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.
- 2 "Director" means the Director of the International Oil Pollution Compensation Fund, 1971.
- 3 "Organization" means the International Maritime Organization.
- 4 "Secretary-General" means the Secretary-General of the Organization.

第1條

就本議定書而言：

- 1 "本公約"係指『1971年設立國際油污損害賠償基金國際公約』。
- 2 "幹事"係指1971年國際油污賠償基金幹事。
- 3 "本組織"係指國際海事組織。
- 4 "秘書長"係指本組織秘書長。

Article 2

Article 43, paragraph 1 of the Convention is replaced by the following text:

"This Convention shall cease to be in force:

- (a) on the date when the number of Contracting States falls below twenty-five; or
- (b) twelve months following the date on which the Assembly or any other body acting on its behalf notes that, according to the information provided by the Director on the basis of the latest available oil reports submitted by Contracting States in accordance with article 15, the total quantity of contributing oil received in the remaining Contracting States by those persons who would be liable to contribute pursuant to article 10 of the Convention falls below 100 million tonnes, whichever is the earlier."

第2條

以下述條文取代本公約第43條1項：

"本公約應在下列日期失效：

- (a)在締約國數目降至不足25個之日；
或
- (b)在大會或作為其代表的任何其它機構作出下列通知之日後12個月：依照幹事依據各締約國依第15條提交的最新油類報告所提供的資訊，在剩餘締約國中依據本公約第10條應支付攤款者所收到的攤款油總量降到不足一億噸，

以較早者為準。"

Article 3

- 1 This Protocol shall be subject to acceptance by Contracting States in accordance with this article.
- 2 This Protocol shall be deemed to have been accepted six months from the date of its adoption unless, prior to that date, objections to acceptance have been communicated to the Secretary-General by not less than one-third of the States which are Contracting States on that date.
- 3 An objection to acceptance under paragraph 2 may be withdrawn at any time prior to the date of deemed acceptance in accordance with that paragraph.
- 4 Contracting States may also indicate their consent to be bound by this Protocol by signing it without reservation as to ratification, acceptance or approval, or by depositing the appropriate instrument with the Secretary-General at any time prior to the expiry of the six-month period specified in paragraph 2.

第3條

- 1 本議定書須得到各締約國依本條作出的接受。
- 2 本議定書應在其被通過之日後6個月視為已被接受，除非在此日期之前不少於三分之一的在該日期係締約國的國家向秘書長作出反對接受的通知。
- 3 依據第2項作出的反對接受可在本議定書依該項視為已被接受之日前隨時撤銷。
- 4 各締約國也可通過簽署並對批准、接受或核准無保留或通過在第2項規定的6個月的期限結束前的任何時候向秘書長交存有關文件，表明同意受本議定書約束。

Article 4

- 1 This Protocol shall enter into force three months after the date on which it is deemed to have been accepted in accordance with paragraph 2 of article 3.
- 2 Upon its entry into force this Protocol shall apply to all Contracting States with the exception of those Contracting States which, at least three months before the date of entry into force, have declared that they do not wish to be bound by it.
- 3 A declaration made under paragraph 2 may be withdrawn at any time prior to the entry into force of this Protocol.
- 4 A Contracting State which has made a declaration under paragraph 2 and which does not withdraw the declaration prior to the date of entry into force of this Protocol shall be deemed to have denounced the Convention. Such denunciation shall take effect on the date of entry into force of this Protocol, or such earlier date as may be specified by the Contracting State in a communication to the Secretary-General.

Article 5

- 1 The text of this Protocol shall be communicated by the Secretary-General to all Contracting States immediately after its adoption.
- 2 A declaration or communication referred to in articles 3 and 4 shall be notified in writing to the Secretary-General. The Secretary-General shall bring each such notification and the date of its receipt to the notice of the Contracting States and the Director.

Article 6

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 7

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 twenty-seventh day of September 2000.
IN WITNESS WHEREOF the undersigned being duly authorised for that purpose have signed the present Protocol.

第4條

- 1 本議定書應在其依第3條2項視為已被接受之日後3個月生效。
- 2 本議定書一經生效應適用於所有締約國，但在生效之日前至少3個月聲明不希望受其約束的締約國除外。
- 3 依據第2項作出的聲明，可在本議定書生效前隨時撤銷。
- 4 依據第2項作出聲明並在本議定書生效之日前未撤銷聲明的締約國，應視為已退出本公約。此退出應在本議定書生效之日或該締約國在給秘書長的通知中規定的更早日期生效。

第5條

- 1 秘書長應在本議定書通過後立即將其條文發給所有締約國。
- 2 第3及4條中所述的聲明或通知應以書面通報秘書長。秘書長應提請各締約國及幹事注意每一此種通報及其收到日期。

第6條

本議定書一經生效，秘書長即應依『聯合國憲章』第102條將其核證無誤的副本送交聯合國秘書長供登記及公佈。

第7條

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，每一文本均具同等效力。

2000年9月27訂於倫敦

以下具名者均經正式授權，特簽署本議定書，以昭信守。

1992 年國際油污賠償基金公約議定書 2000 年修正

第 LEG.2(82)號決議採用

2000 年 10 月 18 日 訂於倫敦，2003 年 11 月 1 日生效

2000 Adoption of Amendments of The Limits of Compensation in The Protocol of 1992 to Amend The International Convention on The Establishment of An International Fund for Compensation for Oil Pollution Damage, 1971

RESOLUTION LEG.2(82)

London, 18 Oct. 2000 ; Entered into Force on 1 November 2003

FUND 2000 Amendment

RESOLUTION LEG.2(82)
(adopted on 18 October 2000)

第 LEG.2(82)號決議
(2000年10月18日通過)

Adoption of Amendments of The Limits of Compensation in The Protocol of 1992 to Amend The International Convention on The Establishment of An International Fund for Compensation for Oil Pollution Damage, 1971

修正1971年設立國際油污損害賠償基金國際公約1992年議定書賠償限額修正

THE LEGAL COMMITTEE at its eighty-second session:

法律委員會於其第82屆會議：

RECALLING Article 33(b) of the Convention on the International Maritime Organization (hereinafter referred to as the "IMO Convention") concerning the functions of the Committee, MINDFUL of Article 36 of the IMO Convention concerning rules governing the procedures to be followed when exercising the functions conferred on it by or under any international convention or instrument,

回顧國際海事組織公約（以下稱“海事組織公約”）有關本委員會職責第33(b)條之規定，

注意到海事組織公約有關履行在由或依任何國際公約或文件賦予其職責時需遵循之程序規則之第36條，

RECALLING FURTHER article 33 of the Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (hereinafter referred to as the “1992 Fund Protocol”) concerning the procedures for amending the limits of the amounts of compensation set out in article 6(3) of the 1992 Fund Protocol,

進一步回顧修正1971年設立國際油污損害賠償基金國際公約1992年議定書（以下稱“1992年基金議定書”）有關1992年基金議定書第6(3)條賠償限額修正程序之第33條，

HAVING CONSIDERED amendments to the limits of the amounts of compensation proposed and circulated in accordance with the provisions of article 33(1) and (2) of the 1992 Fund Protocol,

審議依1992年基金議定書第33(1)及(2)條規定提議及發送之賠償限額修正案，

1. ADOPTS, in accordance with article 33(4) of the 1992 Fund Protocol, amendments to the limits of the amounts of compensation set out in article 6(3) of the 1992 Fund Protocol, as set out in the

1. 依1992年基金議定書第33(4)條，通過1992年基金議定書第6(3)條有關限額修正；

Annex to this resolution;

2. DETERMINES, in accordance with article 33(7) of the 1992 Fund Protocol, that these amendments shall be deemed to have been accepted on 1 May 2002 unless, prior to that date, not less than one quarter of the States that were Contracting States on the date of the adoption of these amendments (being 18 October 2000) have communicated to the Organization that they do not accept these amendments;
 3. FURTHER DETERMINES that, in accordance with article 33(8) of the 1992 Fund Protocol, these amendments, deemed to have been accepted in accordance with paragraph 2 above, shall enter into force on 1 November 2003;
 4. REQUESTS the Secretary-General, in accordance with articles 33(7) and 38(2)(vi) of the 1992 Fund Protocol, to transmit certified copies of the present resolution and the amendments contained in the Annex thereto to all States which have signed or acceded to the 1992 Fund Protocol; and
 5. FURTHER REQUESTS the Secretary-General to transmit copies of the present resolution and its Annex to the Members of the Organization which have not signed or acceded to the 1992 Fund Protocol.
2. 決定依1992年基金議定書第33(7)條，除於2002年5月1日前，有不少於4分之1於修正案通過日(2000年10月18日)為締約國之國家，通知本組織其不接受本修正，本修正應於2002年5月1日視為已被接受；
 3. 進一步決定依1992年基金議定書第33(8)條，本修正案於依前述第2段視為已被接受後，應於2003年11月1日生效；
 4. 要求秘書長依1992年基金議定書第33(7)條及第38(2)(vi)條，向業已簽署或加入1992年基金議定書之所有國家發送本決議及其附件中所載之修正核證副本；及
 5. 進一步要求秘書長向尚未簽署或加入1992年基金議定書之本組織會員國發送本決議及其附件。

Annex

Amendments of The Limits of Compensation in The Protocol of 1992 to Amend The International Convention on The Establishment of An International Fund for Compensation for Oil Pollution Damage, 1971

Article 6(3) of the 1992 Fund Protocol is amended as follows:

the reference in paragraph 4(a) to "135 million units of account" shall read "203,000,000 units of account";

the reference in paragraph 4(b) to "135 million units of account" shall read "203,000,000 nits of account"; and

the reference in paragraph 4(c) to "200 million units of account" shall read "300,740,000 nits of account".

附件

修正1971年設立國際油污損害賠償基金國際公約1992年議定書賠償限額之修正

1992年基金議定書第6(3)條修正如下：

第 4(a)條提及“135,000,000 記帳單位”應修正為“203,000,000 記帳單位”；

第 4(b)條提及“135,000,000 記帳單位”應修正為“203,000,000 記帳單位”；及

第 4(c)條提及“200,000,000 記帳單位”應修正為“300,740,000 記帳單位”。