

# 國際移動(海事)衛星組織公約業務協定

1976年9月3日 訂於倫敦，1979年7月16日生效

## 衛星業務協定綜合文本(1976~1998)

(含已生效的 1985、1989、1998 年修正)

(不含未生效的 1994 年修正)

### Operating Agreement on the Convention on the International Maritime Satellite Organization

London 3 September 1976; Entered into Force on 16 July 1979

#### Consolidated Text 1976~1998

(Included effected Amendments of 1985, 1989, 1998)

(not included unaffected Amendments of 1994)

## INMARSAT OA 綜合文本(1976~1998)

INMARSAT OA 1976:

公約生效門檻：與 IMSO C 1976 同日生效日

修正生效門檻：2/3 締約國 + 120 日

(2019.3)締約國數：89 國

簡介：1960 年初全球第一顆通訊衛星被安置後，IMO 意識到衛星通訊將是協助海上遇險最快之通訊方式。經過多年研擬，IMO 於 1973 年決定以當時衛星科技設立一全新的海事通訊系統。1976 年通過國際海事衛星組織公約(簡稱 IMSO C)及相關作業協議(INMARSAT Operating Agreement 簡稱 INMARSAT OA)。INMARSAT OA 協定條文總計 19 條，主要針對資本額、資本分攤及股份、財務調整、使用費支付、收入、結算、貸款等為規定。協定迄今已有多次修正，其中 1985(主要修正投資股份及地球站批准)、1989(亦針對投資股份及地球站批准為修正)及 1998 年修正(針對協定終止為修正)達生效門檻，1994 年修正(更名為『國際移動衛星組織』)則未生效。

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### INMARSAT OA 綜合文本(1976~1998)

#### The Signatories to this Operating Agreement,

Considering that the States Parties to the Convention on the International Maritime Satellite Organization (INMARSAT) have undertaken therein to sign, or to designate a competent entity to sign, this Operating Agreement,

Agree as follows:

本業務協定締約國，

鑒於國際海事衛星組織公約的各締約國已簽署本業務協定，或已指定一個有資格的實體簽署業務協定。

茲同意如下協定：

#### Article I Definitions

1. For the purposes of this Agreement:

- (a) "Convention" means the Convention on the International Maritime Satellite Organization (INMARSAT) including its annex.
- (b) "Organization" means the International Maritime Satellite Organization (INMARSAT) established by the Convention.
- (c) "Amortization" includes depreciation; it does not include compensation for use of capital.

2. The definitions in article 1 of the Convention shall apply to this Agreement.

#### 第 1 條 定義

(1) 在本協定中：

- (a) “公約”係指國際海事衛星組織公約，包括其附件。
- (b) “組織”係指依該公約建立的國際海事衛星組織。
- (c) “攤銷”包括折舊，但不包括對資本使用的補償。

(2) 公約第 1 條中的定義適用於本協定。

#### Article II Rights and obligations of Signatories

1. Each Signatory acquires the rights provided for Signatories in the Convention and this Agreement and undertakes to fulfil the obligations placed upon it by these two instruments.

2. Each Signatory shall act consistently with all provisions of the Convention and this Agreement.

#### 第 2 條 簽字國的權利及義務

(1) 各簽字國享有公約及本協定對簽字國所規定的權利，並承擔履行這兩個文書對簽字國所賦予的義務。

(2) 各簽字國應依公約及本協定的一切規定行事。

#### Article III Capital contributions

1. In proportion to its investment share, each Signatory shall make contributions to the capital requirements of the Organization and shall receive capital repayment and compensation for use of

#### 第 3 條 資本分攤

(1) 依照理事會依據公約及本協定的決定，每一簽字國應依其投資股份比例分攤本組織的資本需求額，並接受資

capital, as determined by the Council in accordance with the Convention and this Agreement.

2. Capital requirements shall include:

- (a) All direct and indirect costs of the design, development, acquisition, construction and establishment of the INMARSAT space segment, of the acquisition of contractual rights by means of lease, and of other property of the Organization.
- (b) Funds required for operating, maintenance and administrative costs of the Organization pending availability of revenues to meet such costs, and pursuant to article VIII(3).

(c) Payments by Signatories pursuant to article XI.

3. Interest at a rate to be determined by the Council shall be added to any amount unpaid after the scheduled date for payment determined by the Council.

4. If, during the period up to the first determination of investment shares on the basis of utilization pursuant to article V, the total amount of capital contributions which Signatories are required to pay in any financial year exceeds 50 per cent of the capital ceiling established by or pursuant to article IV, the Council shall consider the adoption of other arrangements, including temporary debt financing, to permit those Signatories which so desire to pay the additional contributions in subsequent years by instalments. The Council shall determine the rate of interest to apply in such cases, reflecting the additional costs to the Organization.

## Article IV Capital ceiling

The sum of the net capital contributions of Signatories and of the outstanding contractual capital commitments of the Organization shall be subject to a ceiling. This sum shall consist of the cumulative capital contributions made by Signatories pursuant to article III, less the cumulative capital repaid to them pursuant to this Agreement, plus the outstanding amount of contractual capital commitments of the Organization. The initial capital ceiling shall be 200 million US dollars. The Council shall have authority to adjust the capital ceiling.

## Article V Investment shares

1. Investment shares of Signatories shall be determined on the basis of utilization of the INMARSAT space segment. Each Signatory shall have an investment share equal to its percentage of all utilization of the INMARSAT space segment by all Signatories. Utilization of the INMARSAT space segment shall be measured in terms of the charges levied by the Organization for use of the INMARSAT space segment pursuant to article 19 of the Convention and article VIII of this Agreement.

2. For the purpose of determining investment shares, utilization in both directions shall be divided into two equal parts, a mobile earth station part and a land part. The part associated with the ship or aircraft or mobile earth station on land where the traffic originates

本償還及資本使用報酬金。

(2)資本需求額包括：

(a)國際海事衛星組織空間段的設計、研製、獲取、建造及建立，以租用辦法獲得契約權利以及本組織其它財產的一切直接及間接費用。

(b)在獲得支付這些費用的收入之前，依照第 8 條第 3 項的規定，本組織的經營維護及管理費用所需要的基金。

(c)依照第 11 條的規定，簽字國應付的金額。

(3)在理事會所規定的付項日期之後，對任何未付款項，應依理事會決定的利率加付利息。

(4)如依照第 5 條規定，依據使用量在首次確定投資股份之前，在任何財政年度要求各簽字國交納的資本分攤總額超過第 4 條規定的資本最高額的 50%，則理事會應考慮採取其他措施，包括臨時債務資助，以允許那些希望在以後年份內分期交付額外分攤額的簽字國交納附加款項。理事會應確定出適用於這種情況並能反映此種對本組織附加費用的利率。

## 第 4 條 資本最高額

簽字國的投資及本組織未付清的契約上的資金債務的總額不得超過一最高限額。此總額要從簽字國依照第 3 條所交付的累積資本投資中，減去依本協定償還給締約方的累積資本，再加上本組織未付清的契約上的資本債務額後所得出的項額。初期資本最高額為 2 億美元。理事會有權調整資本最高限額。

## 第 5 條 投資股份

(1)簽字國的投資股份應依據國際海事衛星組織空間段的使用量來確定。每一簽字國所擁有的投資股份數應等於該簽字國在所有簽字國對國際海事衛星組織空間段的整個使用量中所占的百分數。空間段的使用量，應依本組織依據公約第 19 條及本協定第 8 條所徵收的使用費計算。

(2)為確定投資股份，兩個方面的使用量應分為兩個相等的部分：船上或航空器部分及陸上部分。船上或航空器部分收、發信的使用量應歸管轄這些船

or terminates shall be attributed to the Signatory of the Party under whose authority the ship or aircraft or mobile earth station on land is operating. The part associated with the land territory where the traffic originates or terminates shall be attributed to the Signatory of the Party in whose territory the traffic originates or terminates. However, where, for any Signatory, the ratio of the mobile earth station parts to the land parts exceeds 20:1, that Signatory shall, upon application to the Council, be attributed a utilization equivalent to twice the land part or an investment share of 0.1 per cent, whichever is higher. Structures operating in the marine environment, for which access to the **INMARSAT** space segment has been permitted by the Council, shall be considered as ships for the purpose of this paragraph. <sup>1985</sup><sup>1989</sup>

3. Prior to determination of investment shares on the basis of utilization pursuant to paragraphs (1), (2) and (4), the investment share of each Signatory shall be established in accordance with the annex to this Agreement.
  4. The first determination of investment shares based on utilization pursuant to paragraphs (1) and (2) shall be made not less than two nor more than three years from the commencement of operational use of the INMARSAT space segment in the Atlantic, Pacific and Indian Ocean areas, the specific date of determination to be decided by the Council. For the purposes of this first determination, utilization shall be measured over the one-year period prior to such determination.
  5. Subsequent to the first determination on the basis of utilization, investment shares shall be redetermined to be effective:
    - (a) Upon one-year intervals after the first determination of investment shares on the basis of utilization, based on the utilization of all Signatories during the previous year.
    - (b) Upon the date of entry into force of this Agreement for a new Signatory.
    - (c) Upon the effective date of withdrawal or termination of membership of a Signatory.
  6. The investment share of a Signatory which becomes a Signatory after the first determination of investment shares on the basis of utilization, shall be determined by the Council.
  7. To the extent that an investment share is determined pursuant to paragraph (5)(b) or (c) or paragraph (8), the investment shares of all other Signatories shall be adjusted in the proportion that their respective investment shares, held prior to this adjustment, bear to each other. On the withdrawal or termination of membership of a Signatory, investment shares of 0.05 per cent determined in accordance with paragraph (8) shall not be increased.
  8. Notwithstanding any provisions of this article, no Signatory shall have an investment share of less than 0.05 per cent of the total investment shares.
  9. In any new determination of investment shares the share of any Signatory shall not be increased in one step by more than 50 per cent of its initial share, or decreased by more than 50 per cent of its current share.
  10. Any unallocated investment shares, after application of paragraphs (2) and (9) shall be made available and apportioned by the Council among Signatories wishing to increase their
- 船或航空器的締約國的簽字者。陸上部分收發信的使用量應歸在其領土上收發信的締約國的簽字者。但如任一簽字者的船上及航空器上部分的使用量與陸上部分使用量之比超過 20:1, 則該簽字者經向理事會申請, 應得到相當於其陸上部分兩倍的使用量或 0.1% 的投資股份, 兩者以較高者為準。在海上環境作業的構築物, 凡經理事會批准接入國際海事衛星組織空間段者, 依本項應依船舶對待。 <sup>1985</sup><sup>1989</sup>
- (3) 依據第(1)、(2)及(4)項的規定, 依使用量而確定投資股份以前, 應依本協定的附件確定每一簽字國的投資股份。
  - (4) 依據第(1)及第(2)項的規定, 依使用量首次確定的投資股份應在太平洋、大西洋及印度洋區域內的國際海事衛星組織空間段開始工作時起, 兩年以後, 3 年以內作出。具體的確定日期應由理事會決定。為首次確定這種投資股份, 應計算出在做出此項確定之前的為期 1 年的使用量。
  - (5) 依據使用量做出第一次確定之後, 投資股份應:
    - (a) 在依據首次使用量首次投資股份之後, 每年再依據所有簽字國前 1 年的使用量重新確定並生效。
    - (b) 在自本協定對新簽定者生效之日起, 重新確定並生效。
    - (c) 在簽者退出或終止其成員資格的生效之日起重新確定並生效。
  - (6) 在依據使用量首次確定投資股份之後加入本組織的簽字國, 其投資股份應由理事會確定。
  - (7) 在依第(5)項(b)或(c)款, 或第(8)項確定投資股份方面, 所有其他簽字國的投資股份應依照調整以前他們各自的投資股份的比例進行調整。在某一簽字國退出或終止其成員資格時, 依第(8)項所確定的 0.05% 的投資股份不得增長。
  - (8) 無論本條任何規定, 任一簽字國的投資股份都不得少於投資股份總額的 0.05%。
  - (9) 在確定新投資股份時, 任何簽字國的股份, 不得一次使其增長額大於其初期股份的 50%, 或使其減少額大於現有股份的 50%。
  - (10) 理事會在執行第(2)及第(9)項之後, 應提供任何沒有分配的投資股份, 並在希望增加其投資股份的簽字國間

investment shares. Such additional allocation shall not increase any share by more than 50 per cent of a Signatory's current investment share.

11. Any residual unallocated investment shares, after application of paragraph (10), shall be distributed among the Signatories in proportion to the investment shares which would otherwise have applied after any new determination, subject to paragraphs (8) and (9).
12. Upon application from a Signatory, the Council may allocate to it an investment share reduced from its share determined pursuant to paragraphs (1) to (7) and (9) to (11), if the reduction is entirely taken up by the voluntary acceptance by other Signatories of increased investment shares. The Council shall adopt procedures for the equitable distribution of the released share or shares among Signatories wishing to increase their shares.

進行分配。任一簽字國的此種附加分配額不得超過其現有投資股份額的50%。

- (11)執行第10項之後，對於任何多餘的未分配的投資股份，均應依據第(8)及(9)項的規定，在簽字國之間，依新確定並已執行的投資股份的比例進行分配。
- (12)經簽字國申請，理事會可以分配給其低於依第(1)至第(7)項及第(9)至第(11)項所確定的投資股份，如該減少部分完全由已增加投資股份的其它簽字國自願接受的話。理事會應制訂程序，以便將該減少部分在希望增加股份的各簽字國之間進行公平分配。

## Article VI Financial adjustments between Signatories

1. At each determination of investment shares after the initial determination upon entry into force of this Agreement, financial adjustments between Signatories shall be carried out through the Organization on the basis of a valuation effected pursuant to paragraph (2). The amounts of these financial adjustments shall be determined with respect to each Signatory by applying to the valuation the difference, if any, between the new investment share of each Signatory and its investment share prior to the determination.
2. The valuation shall be effected as follows:
  - (a) Deduct from the original acquisition cost of all property as recorded in the Organization's accounts as at the date of the adjustment, including all capitalized return and capitalized expenses, the sum of:
    - (i) The accumulated amortization as recorded in the Organization's accounts as at the date of adjustment.
    - (ii) Loans and other accounts payable by the Organization as at the date of adjustment.
  - (b) Adjust the results obtained pursuant to sub-paragraph (a) by adding or deducting a further amount representing any deficiency or excess, respectively, in the payment by the Organization of compensation for use of capital from the entry into force of this Agreement to the effective date of valuation relative to the cumulative amount due pursuant to this Agreement at the rate or rates of compensation for use of capital in effect during the periods in which the relevant rates were applicable, as established by the Council pursuant to article VIII. For the purpose of assessing the amount representing any deficiency or excess in payment, compensation due shall be calculated on a monthly basis and relate to the net amount of the elements described in sub-paragraph (a).
3. Payments due from and to Signatories pursuant to this article shall be effected by a date decided by the Council. Interest at a rate to be determined by the Council shall be added to any amount unpaid after that date.

## 第6條 簽字國間的財務調整

- (1)本協定一旦生效，在初期確定投資股份後的每次投資股份的確定，本組織應依據第(2)項規定產生的評定額在各簽字國之間進行財務調整。在決定每一簽字國的財務調整額時應將每一簽字國新投資股份與其確定新投資股份之前的原投資股份的差額(如有這種差額時)計算在評定額內。
- (2)評定額用下列方法產生：
  - (a)從調整之日的本組織帳面上記載的全部財產的原始購置費用(包括全部已變成資本的收入及支出)中扣除：
    - (i)在調整之日，本組織帳面上記載的累計攤銷額。
    - (ii)在調整之日，本組織應付的貸款及其它帳目。
  - (b)調整依(a)款規定所得出的結果，即分別加上或減去本組織自本協定生效之日起到評定額生效之日止，支付資本使用報酬金的累計應付項的任何虧欠或盈餘額。該項累計應付的項額，應依據本協定規定，依理事會依據第8條所規定的現行資本使用報酬金率，在該有關補償率適用期內的累計額。為估計付項方面顯示出來的任何虧欠或盈餘額，應付報酬金，應與(a)項所述各項的淨值相對照，依月計算。
- (3)依據本條的規定，簽字國應納入及應支付的款項須在理事會確定的日期內結清。在此日期之後未支付的款項，應依理事會所確定的利率加收利