

1972 年防止傾倒廢物及其他物質污染海洋公約 1996 年修正議定書

1996 年議定書綜合文本 (1996~2013)

含	1972 年公約之 1996 年議定書	1996.11.07 / 2006.03.24
	2006 年(附則 I)修正	2006.11.02 / 2007.02.10
	2009 年(第 6 條)修正	2009.10.30 / 尚未生效
	2013 年修正	2013.10.13 / 尚未生效

1996 Protocol to CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

1996 Prot Consolidated Texts (1996~2013)

Including:	1996 Protocol to the 1972 Convention	1996.11.07 / 2006.03.24
	2006 (Annex I) Amendment	2006.11.02 / 2007.02.10
	2009 (Article 6) Amendment	2009.10.30 / not yet in force
	2013 Amendment	2013.10.13 / not yet in force

LC 1996 Prot 綜合文本

生效門檻：26 國 (15 國 LC 締約國) + 30 天
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簡介：1972年倫敦傾廢公約雖已生效，且歷經數次修正，但為求公約現代化(從正面表列→負面表列(亦即原則禁止傾廢，例外許可))，公約於1996年進行大幅修正，稱1996年倫敦公約議定書，該議定書最終目的係為取代1972年倫敦公約。1996年倫敦議定書目前有2006/2009/2013年三修正，但目前僅2006年修正生效。針對2009/2013年未生效部分，本綜合文本以淺色字體顯示。

1972 年防止傾倒廢物及其他物質污染海洋公約 1996 年修正議定書

1996 年 11 月 07 日 通過，2006 年 03 月 24 日生效

1996 年議定書綜合文本 (1996~2013)

1996 Protocol to CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

Adopted on 7 November, 1996, entered into force on 24 March 2006

1996 Prot Consolidated Texts (1996~2013)

THE CONTRACTING PARTIES TO THIS PROTOCOL,
STRESSING the need to protect the marine environment and to promote the sustainable use and conservation of marine resources,
NOTING in this regard the achievements within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and especially the evolution towards approaches based on precaution and prevention,
NOTING FURTHER the contribution in this regard by complementary regional and national instruments which aim to protect the marine environment and which take account of specific circumstances and needs of those regions and States,
REAFFIRMING the value of a global approach to these matters and in particular the importance of continuing cooperation and collaboration between Contracting Parties in implementing the Convention and the Protocol,
RECOGNIZING that it may be desirable to adopt, on a national or regional level, more stringent measures with respect to prevention and elimination of pollution of the marine environment from dumping at sea than are provided for in international conventions or other types of agreements with a global scope,
TAKING INTO ACCOUNT relevant international agreements and actions, especially the United Nations Convention on the Law of the Sea, 1982, the Rio Declaration on Environment and Development and Agenda 21,
RECOGNIZING ALSO the interests and capacities of developing States and in particular small island developing States,
BEING CONVINCED that further international action to prevent, reduce and where practicable eliminate pollution of the sea caused by dumping can and must be taken without delay to protect and preserve the marine environment and to manage human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations,
HAVE AGREED as follows:

本議定書締約國：

強調需要保護海洋環境及促進對海洋資源的可持續利用及養護。

注意到在『1972 年防止傾倒廢物及其他物質污染海洋的公約』的框架內在此方面所取得的成就，特別是向以預防及防止為基礎的處理方法的演進。

另注意到以保護海洋環境為宗旨並考慮到區域及國家的具體情況及需求的補充性區域及國家文書在此方面作出的貢獻。

重申對這些物質的某種全球性處理方法的價值，特別是在實施本公約及本議定書的問題上締約國間繼續進行合作及協作的重要性。

認識到在防止及消除海上傾倒造成的海洋污染方面可能需要在國家或區域水準上採用比國際公約或其他類型的全球協議中規定者更為嚴格的措施。

考慮到有關的國際協定及行動，特別是『1982 年聯合國海洋法公約』、『里約環境及發展宣言』及『21 世紀議程』。

另認識到發展中國家特別是小島發展中國家的利益及能力，

確信：為保護及保全海洋環境，為對人類活動加以管理從而使海洋生態系統可以繼續承受對海洋的各種合法利用並繼續滿足当代人及後代人的需求，能夠且必須不遲延地採取新的國際行動來防止、減輕並在切實可行時消除傾倒造成的海洋污染。

茲協議如下：

Article 1 Definitions

For the purposes of this Protocol:

- 1 "Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended.
- 2 "Organization" means the International Maritime Organization.
- 3 "Secretary-General" means the Secretary-General of the Organization.

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.1 "Dumping" means:

- .1 any deliberate disposal into the sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
- .2 any deliberate disposal into the sea of vessels, aircraft, platforms or other man-made structures at sea;
- .3 any storage of wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea; and
- .4 any abandonment or toppling at site of platforms or other man-made structures at sea, for the sole purpose of deliberate disposal.

.2 "Dumping" does not include:

- .1 the disposal into the sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or other man-made structures;
- .2 placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol; and
- .3 notwithstanding paragraph 4.1.4, abandonment in the sea of matter (eg, cables, pipelines and marine research devices) placed for a purpose other than the mere disposal thereof.
- .3 The disposal or storage of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of seabed mineral resources is not covered by the provisions of this Protocol.

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- .1 "Incineration at sea" means the combustion on board a vessel, platform or other man-made structure at sea of wastes or

第 1 條 定義

就本議定書而言：

- 1.“本公約”係指經修正的『1972 年防止傾倒廢物及其他物質污染海洋的公約』。
- 2.“本組織”係指國際海事組織。
- 3.“秘書長”係指本組織秘書長。

4.

(1)“傾倒”係指：

- .1 從船舶、航空器、平臺或其他海上人造結構物將廢物或其他物質在海洋中作的任何故意處置。
- .2 將船舶、航空器、平臺或其他海上人造結構物在海洋中作的任何故意處置。
- .3 從船舶、航空器、平臺或其他海上人造結構物將廢物或其他物質在海床及其底土中作的任何貯藏。
- .4 僅為故意處置目的在現場對平臺或其他海上人造結構物之任何棄置或任何傾覆。

(2)“傾倒”不包括：

- .1 將船舶、航空器、平臺或其他海上人工構造物及其設備的正常運作所伴生或產生的廢物或其他物質處置到海洋中，但為處置此種物質而運作的船舶、航空器、平臺或其他海上人造結構物所運輸或向其運輸的廢物或其他物質或在此種船舶、航空器、平臺或其他人造結構物上處理此種廢物或其他物質所產生的廢物或其他物質除外。
- .2 並非為單純物質處置的物質放置，但此種放置不應違背本議定書的宗旨。
- .3 不論第 4.1.4 款規定為何，在海洋中棄置並非為單純物質處置而放置的物質(如電纜、管道及海洋調查裝置)。

(3)處置或貯藏直接產生於海床礦物資源的勘探、開發及相關近海加工或與此有關的廢物或其他物質，不受本議定書規定的管轄。

5.

- (1)“海上焚燒”係指在船舶、平臺或其他海上人造結構物上焚燒廢物

other matter for the purpose of their deliberate disposal by thermal destruction.

- 2 "Incineration at sea" does not include the incineration of wastes or other matter on board a vessel, platform, or other man-made structure at sea if such wastes or other matter were generated during the normal operation of that vessel, platform or other man-made structure at sea.
- 5bis "Marine geoengineering" means a deliberate intervention in the marine environment to manipulate natural processes, including to counteract anthropogenic climate change and/or its impacts, and that has the potential to result in deleterious effects, especially where those effects may be widespread, long lasting or severe. [2013 Amendment, not in force]
- 6 "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not.
- 7 "Sea" means all marine waters other than the internal waters of States, as well as the seabed and the subsoil thereof; it does not include sub-seabed repositories accessed only from land.
- 8 "Wastes or other matter" means material and substance of any kind, form or description.
- 9 "Permit" means permission granted in advance and in accordance with relevant measures adopted pursuant to Article 4.1.2[, 6bis] or 8.2.
- 10 "Pollution" means the introduction, directly or indirectly, by human activity, of wastes or other matter into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

Article 2 Objectives

Contracting Parties shall individually and collectively protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter. Where appropriate, they shall harmonize their policies in this regard.

Article 3 General obligations

- 1 In implementing this Protocol, Contracting Parties shall apply a precautionary approach to environmental protection from dumping of wastes or other matter whereby appropriate preventative measures are taken when there is reason to believe

或其他物質，以便通過熱銷毀方式對其作出故意處置。

- (2)“海上焚燒”不包括在船舶、平臺或其他海上人造結構物上焚燒在該船舶、平臺或其他海上人造結構物的正常運作期間產生的廢物或其他物質。
- 5-1“海洋地質工程”係指是在海上環境為操縱自然程序的有意干預，包括消除人類活動造成的氣候變化及/或其影響，且其可能引起有害影響，特別是在那些影響可能是廣泛的，持久的或嚴重的地方。
- 6.“船舶及航空器”係指任何類型的水上或空中航行器。該表述包括氣墊船及浮動航行器，不論是否為自推進式。
- 7.“海洋”係指除各國內水之外的所有其他海洋水域以及海床及其底土；其不包括僅從陸地通往海床下的貯藏所。
- 8.“廢物或其他物質”係指任何種類、形態或形式的材料及物質。
- 9.“許可證”係指依照依據第 4.1.2、[6bis 或]8.2 條採用的有關措施事先給予的許可。
- 10.“污染”係指人類活動將廢物或其他物質直接或間接地引入海洋中，造成或可能造成諸如損害生物資源及海洋生態系統、危害人體健康、妨礙包括捕魚及對海洋的其他合法利用在內的海上活動、影響海水使用品質及降低環境舒適性之類的有害影響。

第 2 條 目標

締約國應單獨及集體地保護及保全海洋環境，使其不受一切污染源的危害，應依其科學、技術及經濟能力採取有效措施防止、減少並在切實可行時消除傾倒或海上焚燒廢物或其他物質造成的海洋污染。於適當時，其應對該方面的政策作出協調。

第 3 條 一般義務

- 1.於實施本議定書時，各締約國應應用保護環境不受傾倒及海上焚燒廢物或其他物質[或可依照附則 4 考慮許可證的海洋地質工程活動的物質放

that wastes or other matter [or from placement of matter for marine geoenvironmental activities which may be considered for permits according to annex 4] introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects.

- 2 Taking into account the approach that the polluter should, in principle, bear the cost of pollution, each Contracting Party shall endeavour to promote practices whereby those it has authorized to engage in dumping or incineration at sea bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.
- 3 In implementing the provisions of this Protocol, Contracting Parties shall act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another.
- 4 No provision of this Protocol shall be interpreted as preventing Contracting Parties from taking, individually or jointly, more stringent measures in accordance with international law with respect to the prevention, reduction and where practicable elimination of pollution.

Article 4 Dumping of wastes or other matter

- 1
 - .1 Contracting Parties shall prohibit the dumping of any wastes or other matter with the exception of those listed in Annex 1.
 - .2 The dumping of wastes or other matter listed in Annex 1 shall require a permit. Contracting Parties shall adopt administrative or legislative measures to ensure that issuance of permits and permit conditions comply with provisions of Annex 2. Particular attention shall be paid to opportunities to avoid dumping in favour of environmentally preferable alternatives.
- 2 No provision of this Protocol shall be interpreted as preventing a Contracting Party from prohibiting, insofar as that Contracting Party is concerned, the dumping of wastes or other matter mentioned in Annex 1. That Contracting Party shall notify the Organization of such measures.

Article 5 Incineration at sea

Contracting Parties shall prohibit incineration at sea of wastes or other matter.

Article 6 Export of wastes or other matter

- 1 Contracting Parties shall not allow the export of wastes or other

置]的危害的預防方法，即在有理由認為進入海洋環境中的廢物或其他物質可能造成損害時採取適當預防措施，即使在沒有確鑿的證據證明在輸入物與其影響間有因果關係時亦然。

2. 依據原則上應由污染者承擔防污費用的辦法，每一締約國應充分考慮到公眾利益，努力推行由經其批准進行傾倒或海上焚燒者承擔為達到對經批准的活動的防止及控制污染的要求而引起的費用的做法。
3. 在實施本議定書的規定時，各締約國採取的行動不應使損害或損害的可能性直接或間接地從環境的一個部分轉移到另一個部分或從一種污染轉變為另一種污染。
4. 本議定書的任何規定不得解釋成阻止締約國依照國際法單獨或共同採取更嚴格的措施，防止、減輕及在切實可行時消除污染。

第 4 條 傾倒廢物或其他物質

1.
 - (1) 締約國應禁止傾倒任何廢物或其他物質，但附則 I 所列者除外。
 - (2) 傾倒附則 I 中所列廢物或其他物質需有許可證。締約國應採取行政或立法措施，確保許可證的頒發及許可證的條件符合附則 II。特別應注意使用對環境更可取的替代辦法來避免傾倒的機會。
2. 本議定書的任何規定不得解釋成阻止締約國在該締約國的範圍內禁止傾倒附則 I 所列廢物或其他物質。該締約國應將此種措施通知本組織。

第 5 條 海上焚燒

締約國應禁止海上焚燒廢物或其他物質。

第 6 條 廢物或其他物質的出口

- 1 締約國不應允許將廢物或其他物質