

1990 年國際油污防備、因應及合作公約

1990 年 11 月 30 日 倫敦，1995 年 5 月 13 日生效實施

International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990

London, 30 November, 1990 ; Entered into Force on 13 May, 1995

OPRC 1990

生效門檻：15 國 + 12 月
(2019.3)締約國數：112 國

簡介：1989 年主要工業國家於巴黎集會，建請 IMO 應進一步發展油污防制措施，為此理由，IMO 便於 1990 年通過油污防備、因應及合作國際公約。公約規定，船舶及各國應備有油污緊急應變計畫、整合國內系統立即且有效地因應油污事故。另要求船舶發生事故時應立即通報沿海國，沿海國應提供必要協助及國際合作機制。

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THE PARTIES TO THE PRESENT CONVENTION,
CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,
RECOGNIZING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities,
MINDFUL of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units,
MINDFUL ALSO that, in the event of an oil pollution incident, prompt and effective action is essential in order to minimize the damage which may result from such an incident,
EMPHASIZING the importance of effective preparation for combating oil pollution incidents and the important role which the oil and shipping industries have in this regard,
RECOGNIZING FURTHER the importance of mutual assistance and international co-operation relating to matters including the exchange of information respecting the capabilities of States to respond to oil pollution incidents, the preparation of oil pollution contingency plans, the exchange of reports of incidents of significance which may affect the marine environment or the coastline and related interests of States, and research and development respecting means of combating oil pollution in the marine environment,
TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law,
TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage, including the 1969 International Convention on Civil Liability for Oil

本公約締約國，
意識到人類環境之保護，特別是對海洋環境保護，
承認船舶、近海設施、海港及油料裝卸設施之油污事故對海洋環境所構成之嚴重威脅，
注意到預防措施及防止工作對於事故開始時避免油污的重要性，嚴格實施有關海上安全及防止海洋污染之現有國際文件，特別是經修正「1974 年國際海上人命安全公約」及經修正「經 1978 年議定書修訂之 1973 年國際防止船舶造成污染公約」之必要性，及提高運油船舶及近海設施之設計、操作及保養標準之迅速發展，

另注意到於發生油污事故時，迅速有效作為對於減少該事故可能造成之損害是必要的，
強調為防治油污事故做好有效準備之重要性及石油及航運界於此方面具有之重要作用，
進一步認識到於諸多事項能相互支援及國際合作之重要性，其中包括交換各國對油污事故因應能力之資料、制定油污應急計畫、交換對海洋環境或各國海岸線及有關利益可能造成影響的重要事故之報告及研究與開發海洋環境中防治油污的手段等，

考慮到「污染者付費」原則為國際環境法之普遍原則，
另考慮到包括「1969 年國際油污損害民事責任公約」、「油污責任公約」、「1971 年建立國際油污賠償基金國際

Pollution Damage (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND); and the compelling need for early entry into force of the 1984 Protocols to the CLC and FUND Conventions,

TAKING ACCOUNT FURTHER of the importance of bilateral and multilateral agreements and arrangements including regional conventions and agreements,

BEARING IN MIND the relevant provisions of the United Nations Convention on the Law of the Sea, in particular of its part XII,

BEING AWARE of the need to promote international co-operation and to enhance existing national, regional and global capabilities concerning oil pollution preparedness and response, taking into account the special needs of the developing countries and particularly small island States,

CONSIDERING that these objectives may best be achieved by the conclusion of an International Convention on Oil Pollution Preparedness, Response and Co-operation,

HAVE AGREED as follows:

Article 1 General provisions

- (1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Convention and the Annex thereto to prepare for and respond to an oil pollution incident.
- (2) The Annex to this Convention shall constitute an integral part of the Convention and a reference to this Convention constitutes at the same time a reference to the Annex.
- (3) This Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Convention.

Article 2 Definitions

For the purposes of this Convention:

- (1) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.
- (2) "Oil pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.
- (3) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion

公約) (「基金公約」) 在內之有關國際油污損害賠償責任國際文件之重要性, 及「油污責任公約」及「基金公約」1984年議定書儘早生效之迫切需要,

進一步考慮到包括區域性公約及協定在內之雙邊及多邊協定及安排的重要性,

注意到「聯合國海洋法公約」, 特別是其第十二部分有關規定,

認識到依據發展中國家, 特別是較小島嶼國家之特別需要, 促進國際合作, 提高國家、區域及全球油污防備及因應能力之需求,

考慮到締結「國際油污防備、因應及合作公約」可達致前述目的,

茲協議如下:

第 1 條 通則

- (1) 各締約國承諾, 依本公約及其附件規定, 各自或聯合對油污事故採取一切適當防備及因應措施。
- (2) 本公約附件為本公約組成部分, 凡述及本公約者, 同時亦構成述及該附件。
- (3) 本公約不適用於任何軍艦、軍用輔助船或由國家擁有或使用並於當時專用於政府非商業性服務之其他船舶。然每一締約國應採取不影響由其擁有或使用的此類船舶之作業或作業能力之適當措施, 確保此類船舶於合理及可行時, 以符合本公約方式為活動。

第 2 條 定義

為本公約之目的:

- (1) "油" 係指任何形式之石油, 包括原油、燃油、油泥、油渣及煉製產品。
- (2) "油污事故" 係指同一事故或一系列事故所造成或可能造成油之排放, 對海洋環境或對一或多個國家之海岸線或有關利益構成或可能構成威脅, 而需要採取應急措施或其他迅速因應措施。
- (3) "船舶" 係指於海洋環境中營運之任何類型之船舶, 包括水翼船、氣墊