

1993 年海事優先權及抵押權國際公約

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International Convention on Maritime Liens and Mortgages

Geneva 6 May 1993

1993 Maritime Lien

The States Parties to this Convention,
Conscious of the need to improve conditions for ship financing and the development of national merchant fleets,
Recognizing the desirability of international uniformity in the field of maritime liens and mortgages, and therefore convinced of the necessity for an international legal instrument governing maritime liens and mortgages, have decided to conclude a Convention for this purpose and have therefore agreed as follows:

本公約各締約國，
慮及改善船舶融資條件及發展各國商業船隊之必要性，
認為於海事優先權及抵押權領域宜予以國際統一，因此確信需制訂一有關海事優先權及抵押權之國際法律公約，爰決定為此締結公約，並經協議如下，

Article 1 - Recognition and enforcement of mortgages, "hypotheques" and charges

Mortgages, "hypotheques" and registrable charges of the same nature, which registrable charges of the same nature will be referred to hereinafter as "charges" effected on seagoing vessels shall be recognized and enforceable in States Parties provided that:

- (a) such mortgages, "hypotheques" and charges have been effected and registered in accordance with the law of the State in which the vessel is registered;
- (b) the register and any instruments required to be deposited with the registrar in accordance with the law of the State in which the vessel is registered are open to public inspection, and that extracts from the register and copies of such instruments are obtainable from the registrar; and
- (c) either the register or any instruments referred to in subparagraph (b) specifies at least the name and address of the person in whose favour the mortgage, "hypotheque" or charge has been effected or that it has been issued to bearer, the maximum amount secured, if that is a requirement of the law of the State of registration or if that amount is specified in the instrument creating the mortgage, "hypotheque" or charge, and the date and other particulars which, according to the law of the State of registration, determine the ranking in relation to other registered mortgages, "hypotheques" and charges.

第 1 條 抵押權、「質權」及擔保物權之承認及執行

對於海船之抵押權、「質權」及類似性質可登記之擔保物權(以下簡稱擔保物權)，如符合下列條件，各締約國應予承認並執行：

- (a) 該抵押權、「質權」及擔保物權業依船舶登記國法律設立並登記者；
- (b) 登記簿及依船舶登記國法律需存放於登記處之任何文書係公開供大眾查閱，且登記簿之節本及此等文書之影本皆可自登記處取得者；
- (c) 登記簿或(b)款所述任何文書中至少載明在其名下設定抵押權、「質權」或擔保物權者或已簽發予持有人之姓名與地址、登記國法律要求之最大擔保金額、或該金額如已在設立抵押權、「質權」、或擔保物權之文書內載明者、及依登記國法律用以確定與其他已登記抵押權、「質權」、擔保物權有關位次之日期與其他事項。

Article 2 - Ranking and effects of mortgages, "hypotheques" and charges

The ranking of registered mortgages, "hypotheques" or charges as

第 2 條 抵押權、「質權」及擔保物權之位次與效力

業已登記之抵押權、「質權」或擔保物

between themselves and, without prejudice to the provisions of this Convention, their effect in regard to third parties shall be determined by the law of the State of registration; however, without prejudice to the provisions of this Convention, all matters relating to the procedure of enforcement shall be regulated by the law of the State where enforcement takes place.

Article 3 - Change of ownership or registration

1. With the exception of the cases provided for in articles 11 and 12, in all other cases that entail the deregistration of the vessel from the register of a State Party, such State Party shall not permit the owner to deregister the vessel unless all registered mortgages, "hypotheques" or charges are previously deleted or the written consent of all holders of such mortgages, "hypotheques" or charges is obtained. However, where the deregistration of the vessel is obligatory in accordance with the law of a State Party, otherwise than as a result of a voluntary sale, the holders of registered mortgages, "hypotheques" or charges shall be notified of the pending deregistration in order to enable such holders to take appropriate action to protect their interests; unless the holders consent, the deregistration shall not be implemented earlier than after a lapse of a reasonable period of time which shall be not less than three months after the relevant notification to such holders.
2. Without prejudice to article 12, paragraph 5, a vessel which is or has been registered in a State Party shall not be eligible for registration in another State Party unless either:
 - (a) a certificate has been issued by the former State to the effect that the vessel has been deregistered; or
 - (b) a certificate has been issued by the former State to the effect that the vessel will be deregistered with immediate effect, at such time as the new registration is effected. The date of deregistration shall be the date of the new registration of the vessel.

Article 4 - Maritime liens

1. Each of the following claims against the owner, demise charterer, manager or operator of the vessel shall be secured by a maritime lien on the vessel:
 - (a) claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;
 - (b) claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the vessel;
 - (c) claims for reward for the salvage of the vessel;
 - (d) claims for port, canal, and other waterway dues and pilotage dues;
 - (e) claims based on tort arising out of physical loss or damage caused by the operation of the vessel other than loss of or damage to cargo, containers and passengers' effects

權，其相互間之位次及其在不損及本公約規定之條件下對第三者之效力應依登記國法律定之；另於不損及本公約規定之條件下，所有與實施程序有關事項應遵守已實施本公約之國家之法律規定。

第 3 條 所有權或登記之變更

1. 除第 11 條及第 12 條規定情況外，於船舶自某締約國登記簿塗銷登記之所有其他情況，除所有已登記之抵押權、「質權」或擔保物權事先已塗銷或已取得所有該抵押權、「質權」或擔保物權之權利人書面同意，否則該締約國不應允許所有人塗銷船舶之登記。然船舶之塗銷登記如係依締約國法律之強制規定並非因自願讓售，則應將即將塗銷登記之情事通知已登記抵押權、「質權」或擔保物權之權利人，俾使此等權利人能採取適當措施保護其利益；除經權利人同意，否則該塗銷登記之執行不應早於一合理期間經過後施行之，此段期間不應少於對此等權利人發出有關通知後三個月。
2. 於不損及第 12 條第 5 項情況下，已在某締約國登記之船舶不得在他締約國合法登記，然有下列情況之一者不在此限：
 - (a) 已由原登記國簽發證書載明該船業已塗銷登記；或
 - (b) 已由原登記國簽發證書指明該船在完成新登記之同時將立即塗銷原登記。塗銷登記之日期應為該船重新登記之日期。

第 4 條 海事優先權

1. 對船舶所有人、光船租船人、經理人或營運人之下列各項請求應可對船舶之優先權予以保障：
 - (a) 船長、甲級船員及其他船上編制人員就其受僱於船上之薪資與其他款項之請求，包括遣返費及應為其支付之社會保險費；
 - (b) 直接與船舶營運有關不論係在陸上或水上所致人身傷亡所提出之求償；
 - (c) 船舶救助報酬之請求；
 - (d) 港口、運河及其他水道規費與引水費所提出之請求；
 - (e) 因船舶營運所致實體滅失或損毀基於侵權行為之賠償，然不包括船舶所載運貨物、貨櫃與

- carried on the vessel.
2. No maritime lien shall attach to a vessel to secure claims as set out in subparagraphs (b) and (e) of paragraph 1 which arise out of or result from:
 - (a) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimants pursuant to international conventions or national law providing for strict liability and compulsory insurance or other means of securing the claims; or
 - (b) the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or of radioactive products or waste.

Article 5 - Priority of maritime liens

1. The maritime liens set out in article 4 shall take priority over registered mortgages, "hypothèques" and charges, and no other claim shall take priority over such maritime liens or over such mortgages, "hypothèques" or charges which comply with the requirements of article 1, except as provided in paragraphs 3 and 4 of article 12.
2. The maritime liens set out in article 4 shall rank in the order listed, provided however that maritime liens securing claims for reward for the salvage of the vessel shall take priority over all other maritime liens which have attached to the vessel prior to the time when the operations giving rise to the said liens were performed.
3. The maritime liens set out in each of subparagraphs (a), (b), (d) and (e) of paragraph 1 of article 4 shall rank *pari passu* as between themselves.
4. The maritime liens securing claims for reward for the salvage of the vessel shall rank in the inverse order of the time when the claims secured thereby accrued. Such claims shall be deemed to have accrued on the date on which each salvage operation was terminated.

Article 6 – Other maritime liens

Each State Party may, under its law, grant other maritime liens on a vessel to secure claims other than those referred to in article 4, against the owner, demise charterer, manager or operator of the vessel, provided that such liens:

- (a) shall be subject to the provisions of articles 8, 10 and 12;
- (b) shall be extinguished
 - (i) after a period of 6 months, from the time when the claims secured thereby arose unless, prior to the expiry of such period, the vessel has been arrested or seized, such arrest or seizure leading to a forced sale; or
 - (ii) at the end of a period of 60 days following a sale to a bona fide purchaser of the vessel, such period to commence on the date on which the sale is registered in accordance with the law of the State in

- 旅客物品之滅失或毀損。
2. 第 1 項(b)及(e)款所規定之求償係因下列事項所致或造成者，不得以船舶優先權擔保之：
 - (a) 有關海上載運油料或其他危險或有毒物質之損害，其賠償可依國際公約或國內法規定之嚴格責任與強制保險或其他擔保該求償；或
 - (b) 具有放射性或具放射性與毒性、爆炸性或其他危險特性之核能燃料或放射性產品或廢料。

第 5 條 海事優先權之優先順序

1. 第 4 條所述海事優先權應優先於已登記之抵押權、「質權」及擔保物權，且其他請求均不應優先於此等海事優先權或優於符合第 1 條規定之抵押權、「質權」或擔保物權，然第 12 條第 3 項與第 4 項之規定除外。
2. 第 4 條所述海事優先權之順位依各款順序，然就海事優先權所擔保之船舶救助報酬請求，不論如何應優先於所有其他造成該海事優先權作業前已附於該船舶之海事優先權。
3. 第 4 條第 1 項(a)、(b)、(c)、(d)及(e)款所列之海事優先權，其彼此間位次不分先後。
4. 擔保船舶救助報酬請求之海事優先權，應依所擔保請求發生之時間逆序排列。此請求應視為於每次救助作業結束之日即已產生。

第 6 條 其他海事優先權

各締約國得依其法律賦予船舶之其他海事優先權，以擔保第 4 條以外對船舶所有人、光船租船人、經理人或營運人之請求，然以此等優先權符合下列情況為限：

- (a) 遵守第 8 條、第 10 條及第 12 條之規定；
- (b) 應在下列時間較先屆滿之時消滅：
 - (i) 自其擔保請求發生之時起屆滿六個月後，此期間屆滿前該船舶已被假扣押或扣押，且此假扣押或扣押並筆致強制出售者除外；或
 - (ii) 該船出售予善意購船人屆滿六十日之時，此期間之係自出售後依船舶登記國法律完成出售登記之日起算；

which the vessel is registered following the sale;
whichever period expires first; and

- (c) shall rank after the maritime liens set out in article 4 and also after registered mortgages, "hypothèques" or charges which comply with the provisions of article 1.

Article 7 - Rights of retention

1. Each State Party may grant under its law a right of retention in respect of a vessel in the possession of either:
 - (a) a shipbuilder, to secure claims for the building of the vessel; or
 - (b) a shiprepairer, to secure claims for repair, including reconstruction of the vessel, effected during such possession.
2. Such right of retention shall be extinguished when the vessel ceases to be in the possession of the shipbuilder or shiprepairer, otherwise than in consequence of an arrest or seizure.

Article 8 - Characteristics of maritime liens

Subject to the provisions of article 12, the maritime liens follow the vessel, notwithstanding any change of ownership or of registration or of flag.

Article 9 - Extinction of maritime liens because of time

1. The maritime liens set out in article 4 shall be extinguished after a period of one year unless, prior to the expiry of such period, the vessel has been arrested or seized, such arrest or seizure leading to a forced sale.
2. The one-year period referred to in paragraph 1 shall commence:
 - (a) with respect to the maritime lien set out in article 4, paragraph 1(a), upon the claimant's discharge from the vessel;
 - (b) with respect to the maritime liens set out in article 4, paragraph 1 (b) to (e), when the claims secured thereby arise;and shall not be subject to suspension or interruption, provided, however, that time shall not run during the period that the arrest or seizure of the vessel is not permitted by law.

Article 10 - Assignment and subrogation

1. The assignment of or subrogation to a claim secured by a maritime lien entails the simultaneous assignment of or subrogation to such a maritime lien.
2. Claimants holding maritime liens may not be subrogated to the compensation payable to the owner of the vessel under an insurance contract.

Article 11 - Notice of forced sale

以何期間先屆至者為優先，及

- (c) 應排列於第 4 條所述海事優先權及依第 1 條規定已登記抵押權、「質權」或擔保物權之後。

第 7 條 留置權

1. 任一締約國得依其法律將有關船舶留置權賦予下列船舶之占有人：
 - (a) 造船廠，以擔保建造船舶之請求；或
 - (b) 修船廠，以擔保修船之請求；包括在其占有期間所進行之船舶改建。
2. 當船舶不再為造船廠或修船廠所佔有時，此留置權應予消滅，然因船舶被假扣押或扣押者除外。

第 8 條 海事優先權之性質

除第 12 條規定外，海事優先權隨船舶存在而存在，並不因船舶所有權或登記或船旗變更而有任何變更。

第 9 條 海事優先權因時間經過而消滅

1. 第 4 條所述海事優先權應於一年後消滅，然於此期間屆滿前，該船已被假扣押或扣押，而此假扣押或扣押將肇致強制出售者除外。
2. 第 1 項所述一年期間應自下述時間起算：
 - (a) 第 4 條第 1 項(a)款所述海事優先權，以求償人自船上離職時起算；
 - (b) 第 4 條第 1 項(b)款至(e)款所述海事優先權，以所擔保請求發生時起算；且此期限不應被中止或中斷，然法律所不許之船舶假扣押或扣押期間，該時間不應計入。

第 10 條 轉讓與代位

1. 海事優先權所擔保之請求被轉讓或代位，應同時導致該海事優先權之轉讓或代位。
2. 擁有海事優先權之求償人得不向依保險契約可請求支付賠償金之船舶所有人取得代位求償。

第 11 條 強制出售通知

1. Prior to the forced sale of a vessel in a State Party, the competent authority in such State Party shall ensure that notice in accordance with this article is provided to:
 - (a) the authority in charge of the register in the State of registration;
 - (b) all holders of registered mortgages, "hypothèques" or charges which have not been issued to bearer;
 - (c) all holders of registered mortgages, "hypothèques" or charges issued to bearer and all holders of the maritime liens set out in article 4, provided that the competent authority conducting the forced sale receives notice of their respective claims; and
 - (d) the registered owner of the vessel
 2. Such notice shall be provided at least 30 days prior to the forced sale and shall contain either:
 - (a) the time and place of the forced sale and such particulars concerning the forced sale or the proceedings leading to the forced sale as the authority in a State Party conducting the proceedings shall determine is sufficient to protect the interests of persons entitled to notice; or,
 - (b) if the time and place of the forced sale cannot be determined with certainty, the approximate time and anticipated place of the forced sale and such particulars concerning the forced sale as the authority in a State Party conducting the proceedings shall determine is sufficient to protect the interests of persons entitled to notice.

If notice is provided in accordance with subparagraph (b), additional notice of the actual time and place of the forced sale shall be provided when known but, in any event, not less than seven days prior to the forced sale.
 3. The notice specified in paragraph 2 of this article shall be in writing and either given by registered mail, or given by any electronic or other appropriate means which provide confirmation of receipt, to the persons interested as specified in paragraph 1, if known. In addition, the notice shall be given by press announcement in the State where the forced sale is conducted and, if deemed appropriate by the authority conducting the forced sale, in other publications.
1. 於某締約國強制出售船舶前，該締約國之主管當局應確保依本條規定對下列各方發出通知：
 - (a) 登記國負責登記之登記機關；
 - (b) 尚未簽發予擁有人業已登記抵押權、「質權」或擔保物權之所有權利人；
 - (c) 已簽發於擁有人業已登記抵押權、「質權」或擔保物權之所有權利人及第4條所述所有海事優先權之請求權人，然以進行強制出售之主管官署接獲其各自之求償通知為準，及
 - (d) 經登記之船舶所有人；
 2. 此項通知應至少於強制出售三十日前發出，並應包含下列二者之一：
 - (a) 強制出售之時間與地點及締約國有關當局為進行強制出售程序所決定足以保護有權獲得通知者利益有關之強制出售細節或造成出售之程序；或
 - (b) 如強制出售之時間與地點無法確切決定之情況下，則為強制出售之大約時間與預期地點及締約國有關當局為進行強制出售程序所決定足以保護有權獲得通知者利益有關之強制出售細節或造成出售之程序。

如通知係依(2)款發出，則在強制出售之實際時間與地點已知之後應再發通知，但無論如何該通知不得遲於強制出售前七天。
 3. 本條第2項所述通知應採書面方式並以掛號或能確認收悉之任何電子或其他適當措施遞交已知之第1項所述之利害關係人。此外，該通知之發出應在進行強制出售國之報刊上予以公布，或如進行強制出售當局認為適當之時應在其他刊物上予以公布。

Article 12 - Effects of forced sale

1. In the event of the forced sale of the vessel in a State Party, all registered mortgages, "hypothèques" or charges, except those assumed by the purchaser with the consent of the holders, and all liens and other encumbrances of whatsoever nature, shall cease to attach to the vessel, provided that:
 - (a) at the time of the sale, the vessel is in the area of the jurisdiction of such State; and
 - (b) the sale has been effected in accordance with the law of the said State and the provisions of article 11 and this article.
 2. The costs and expenses arising out of the arrest or seizure and subsequent sale of the vessel shall be paid first out of the
1. 船舶於某締約國被強制出售時，所有已登記之抵押權、質權或擔保物權，除經權利人同意由購入承擔外，其與所有優先權及不論任何性質之其他請求，均不再附於該船舶，然以符合下列情況者為限：
 - (a) 出售時船舶係在該締約國之管轄領域；及
 - (b) 出售係依該國法律及第11條與本條之規定為之。
 2. 為假扣押或扣押及嗣後出售船舶所生之費用及開支應由出售所得款項

proceeds of sale. Such costs and expenses include, inter alia, the costs for the upkeep of the vessel and the crew as well as wages, other sums and costs referred to in article 4, paragraph 1 (a), incurred from the time of arrest or seizure. The balance of the proceeds shall be distributed in accordance with the provisions of this Convention, to the extent necessary to satisfy the respective claims. Upon satisfaction of all claimants the residue of the proceeds, if any, shall be paid to the owner and it shall be freely transferable.

3. A State Party may provide in its law that in the event of the forced, sale of a stranded or sunken vessel following its removal by a public authority in the interest of safe navigation or the protection of the marine environment, the costs of such removal shall be paid out of the proceeds of the sales, before all other claims secured by a maritime lien on the vessel.
4. If at the time of the forced sale the vessel is in the possession of a shipbuilder or of a shiprepairer who under the law of the State Party in which the sale takes place enjoys a right of retention, such shipbuilder or shiprepairer must surrender possession of the vessel to the purchaser but is entitled to obtain satisfaction of his claim out of the proceeds of sale after the satisfaction of the claims of holders of maritime liens mentioned in article 4.
5. When a vessel registered in a State Party has been the object of a forced sale in any State Party, the competent authority shall, at the request of the purchaser, issue a certificate to the effect that the vessel is sold free of all registered mortgages, "hypotheques" or charges, except those assumed by the purchaser, and of all liens and other encumbrances, provided that the requirements set out in paragraph 1 (a) and (b) have been complied with. Upon production of such certificate, the registrar shall be bound to delete all registered mortgages, "hypotheques" or charges except those assumed by the purchaser, and to register the vessel in the name of the purchaser or to issue a certificate of deregistration for the purpose of new registration, as the case may be.
6. States Parties shall ensure that any proceeds of a forced sale are actually available and freely transferable.

Article 13 - Scope of application

1. Unless otherwise provided in this Convention, its provisions shall apply to all seagoing vessels registered in a State Party or in a State which is not a State Party, provided that the latter's vessels are subject to the jurisdiction of the State Party.
2. Nothing in this Convention shall create any rights in, or enable any rights to be enforced against, any vessel owned or operated by a State and used only on Government non-commercial service.

Article 14 - Communication between States Parties

For the purpose of articles 3, 11 and 12, the competent authorities of the States Parties shall be authorized to correspond directly between themselves.

優先受償。此項費用與開支尤應包括假扣押或扣押時維持船舶與船員生活之費用及第4條第1項(a)款所述之薪資、其他款項與費用。出售所得之剩餘部分應依本公約規定予以分配，以滿足各項求償之需要。所有求償人均滿足後，該出售所得款項尚有任何剩餘者，則應交付船舶所有人，且該剩餘款項應可自由轉移。

3. 締約國得以其本國法律規定，當公務機關為助於航行安全或海洋環境保護而將予以清除之擱淺或沈沒船舶強制出售時，此清除費用應由出售所得中較為該船舶海事優先權所擔保之其他所有請求優先受償。
4. 於強制出售時，船舶係由造船廠或修船廠依締約國法律而佔有因而在該出售發生時享有留置權，此造船廠或修船廠必須向買方交出其所佔有之船舶，然有權於第4條所述海事優先權請求權人滿足賠償後自出售所得中獲得其滿足之賠償。
5. 於某締約國登記之船舶成為他締約國強制出售之標的時，經購船人請求，主管當局應簽發證明以證明除該購船人承擔者外，出售之船舶不再附有任何已登記之抵押權、「質權」或擔保物權及所有之船舶優先權與其他請求權，然必須符合第1項(a)款與(b)款規定。於出示此項證書後，登記處應將除購船人所承擔外之所有已登記之抵押權、「質權」或擔保物權予以塗銷，並將船舶登記於購船人名下，或依情況為此新登記之目的簽發塗銷登記證書。
6. 締約國應確保該強制出售所得之任何款項能實際取得並能自由轉移。

第 13 條 適用範圍

1. 除本公約另有明文規定外，本公約規定適用於所有在締約國或非締約國登記之海船，但後載船舶係受締約國之管轄。
2. 本公約之任何規定均不得對由國家所有或經營且僅供政府作非商業性服務之任何船舶產生任何權利或對其行使任何權利。

第 14 條 締約國間之聯繫

為第3條、第11條及第12條之目的，締約國主管官署應被授權以進行彼此間之直接聯繫。

Article 15 - Conflict of conventions

Nothing in this Convention shall affect the application of any international convention providing for limitation of liability or of national legislation giving effect thereto.

Article 16 - Temporary change of flag

If a seagoing vessel registered in one State is permitted to fly temporarily the flag of another State, the following shall apply:

- (a) For the purposes of this article, references in this Convention to the "State in which the vessel is registered" or to the "State of registration" shall be deemed to be references to the State in which the vessel was registered immediately prior to the change of flag, and references to "the authority in charge of the register" shall be deemed to be references to the authority in charge of the register in that State.
- (b) The law of the State of registration shall be determinative for the purpose of recognition of registered mortgages, "hypothèques" and charges.
- (c) The State of registration shall require a cross-reference entry in its register specifying the State whose flag the vessel is permitted to fly temporarily; likewise, the State whose flag the vessel is permitted to fly temporarily shall require that the authority in charge of the vessel's record specifies by a cross-reference in the record the State of registration.
- (d) No State Party shall permit a vessel registered in that State to fly temporarily the flag of another State unless all registered mortgages, "hypothèques" or charges on that vessel have been previously satisfied or the written consent of the holders of all such mortgages, "hypothèques" or charges has been obtained.
- (e) The notice referred to in article 11 shall be given also to the competent authority in charge of the vessel's record in the State whose flag the vessel is permitted to fly temporarily.
- (f) Upon production of the certificate of deregistration referred to in article 12 paragraph 5, the competent authority in charge of the vessel's record in the State whose flag the vessel is permitted to fly temporarily shall, at the request of the purchaser, issue a certificate to the effect that the right to fly the flag of that State is revoked.
- (g) Nothing in this Convention is to be understood to impose any obligation on States Parties to permit foreign vessels to fly temporarily their flag or national vessels to fly temporarily a foreign flag.

Article 17 - Depositary

This Convention shall be deposited with the Secretary-General of the United Nations.

Article 18 - Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature by any State at the Headquarters of the United Nations, New York, from 1

第 15 條 公約間之衝突

本公約任何規定不應影響規範責任限制之任何國際公約或已生效之國內法之適用。

第 16 條 暫行換旗

如於某國登記之海船准予暫懸他國國旗時，應適用下列規定：

- (a) 就本條目的言，本公約中所述之「船舶登記國」或「登記國」應視為剛換旗前船舶業已登記之國家。而所述之「負責登記之官署」應視為在該國負責登記之當局。
- (b) 就已登記之抵押權、「質權」及擔保物權之承認而言，登記國之法律應具有決定性。
- (c) 登記國應要求於其登記簿中載有能相互參照之項目，敘明船舶准予暫懸其國旗之國家；同樣的，准予暫懸其國旗之國家亦應要求負責船舶記錄之官署於其記錄簿中以相互參照之項目指明該登記國。
- (d) 除船舶所有已登記之抵押權、「質權」或擔保物權業經所有抵押權、「質權」或擔保物權之權利人同意或事前獲得賠償外，締約國不應准許在該國登記之船舶暫懸他國國旗。
- (e) 有關第 11 條所述通知亦應提供予准許船舶暫懸其國旗國家負責船舶登記之主管官署。
- (f) 依第 12 條第 5 項所述出示塗銷登記證書者，准許暫懸其國旗之國家負責船舶登記之主管當局應購船者之請求，應簽發證明以證明懸掛該國旗之權業已被取消。
- (g) 本公約任何規定不應被解釋為對締約國強加任何義務，以准許外國船暫懸其國旗或本國船舶暫懸他國國旗。

第 17 條 存放

本公約應存放於聯合國秘書長處。

第 18 條 簽署、批准、接受、核准及加入

1. 本公約應自 1993 年 9 月 1 日起至 1994 年 8 月 31 日止於紐約聯合國總

September 1993 to 31 August 1994 and shall thereafter remain open for accession.

2. States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval; or
 - (b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the depositary.

Article 19 - Entry into force

1. This Convention shall enter into force 6 months following the date on which 10 States have expressed their consent to be bound by it.
2. For a State which expresses its consent to be bound by this Convention after the conditions for entry into force thereof have been met, such consent shall take effect 3 months after the date of expression of such consent.

Article 20 - Revision and amendment

1. A conference of States Parties for the purpose of revising or amending this Convention shall be convened by the Secretary-General of the United Nations at the request of one-third of the States Parties.
2. Any consent to be bound by this Convention, expressed after the date of entry into force of an amendment to this Convention, shall be deemed to apply to the Convention, as amended

Article 21 - Denunciation

1. This Convention may be denounced by any State Party at any time after the date on which this Convention enters into force for that State.
2. Denunciation shall be effected by the deposit of an instrument of denunciation with the depositary.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after the receipt of the instrument of denunciation by the depositary.

Article 22 - Languages

This Convention is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

DONE AT Geneva this sixth day of May, one thousand nine hundred and ninety-three.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Convention.

部聽任簽署，此後應聽任加入。

2. 各國得以下列方式表示同意成為本公約締約國：
 - (a) 簽署而不保留批准、接受或核准；或
 - (b) 簽署然保留批准、接受或核准，爾後再批准、接受或核准；或
 - (c) 加入。
3. 批准、接受、認可或加入應以向存放處存放有效文件後始為有效。

第 19 條 生效

1. 本公約應於十個國家表示同意成為本公約締約國之日起屆滿六個月生效。
2. 對於在本公約生效條件滿足後才表示同意接受本公約拘束之國家，此同意應自其表示同意之日起屆滿三個月後生效。

第 20 條 修訂與修正

1. 經締約國三分之一之請求，聯合國秘書長應召開締約國會議以修訂與修正本公約。
2. 在本公約修正案生效日後同意接受本公約拘束者，該同意應視為適用經修正之公約。

第 21 條 退出

1. 任何締約國得在本公約對其生效後隨時退出。
2. 退出應將退出文件存放於存放處始生效力。
3. 退出應於存放處收到退出文件一年後或該退出文件所述較長之期間經過後始生效力。

第 22 條 文字

本公約以阿拉伯文、中文、英文、法文、俄文及西班牙文作成單一原本，各文字均具有同一效力。

1993 年 5 月 6 日訂於日內瓦。

為此各國政府正式授權之下列具名代表簽署本公約，以昭信守。