

## 第 12/2016 號行政長官公告

行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款及第8/2014號行政法規《設立澳門基本電視頻道股份有限公司》第五條第一款的規定，命令公佈經修改的澳門基本電視頻道股份有限公司章程第三條的規定。

二零一六年三月十五日發佈。

行政長官 崔世安

## 澳門基本電視頻道股份有限公司章程

## 第三條

## 存續期

公司的存續期為四年。

## 第 13/2016 號行政長官公告

中華人民共和國於二零零五年六月十七日以照會通知國際海事組織秘書長，一九九二年十一月二十七日訂於倫敦的修正《1969年國際油污損害民事責任公約》的1992年議定書（下稱“1992年議定書”）適用於澳門特別行政區；

國際海事組織秘書長於二零零五年六月三十日以照會確認1992年議定書自二零零五年六月二十四日起適用於澳門特別行政區；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第六條第一款的規定，命令公佈1992年議定書的中文及英文文本。

二零一六年三月十日發佈。

行政長官 崔世安

## Aviso do Chefe do Executivo n.º 12/2016

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas) e do n.º 1 do artigo 5.º do Regulamento Administrativo n.º 8/2014 (Constituição da Canais de Televisão Básicos de Macau, S.A.), as alterações efectuadas ao artigo 3.º dos Estatutos da «Canais de Televisão Básicos de Macau, S.A.».

Promulgado em 15 de Março de 2016.

O Chefe do Executivo, *Chui Sai On*.

## ESTATUTOS DA «CANAIS DE TELEVISÃO BÁSICOS DE MACAU, S.A.»

## Artigo 3.º

## Duração

A sociedade tem a duração de quatro anos.

## Aviso do Chefe do Executivo n.º 13/2016

Considerando que a República Popular da China, por nota datada de 17 de Junho de 2005, notificou o Secretário-Geral da Organização Marítima Internacional sobre a aplicação na Região Administrativa Especial de Macau do Protocolo de 1992 que Emenda a Convenção Internacional sobre a Responsabilidade Civil pelos Prejuízos Devidos à Poluição por Hidrocarbonetos de 1969, concluído em Londres, em 27 de Novembro de 1992, adiante designado por Protocolo de 1992;

Considerando ainda que o Secretário-Geral da Organização Marítima Internacional, por nota datada de 30 de Junho de 2005, confirmou que o Protocolo de 1992 é aplicável na Região Administrativa Especial de Macau desde 24 de Junho de 2005;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas), o Protocolo de 1992 nos seus textos em línguas chinesa e inglesa.

Promulgado em 10 de Março de 2016.

O Chefe do Executivo, *Chui Sai On*.

## 修正《1969年國際油污損害民事責任公約》的 1992年議定書

本議定書當事國，

審議了《1969年國際油污損害民事責任公約》及其《1984年議定書》，

注意到對改進範圍、增加賠償作出規定的該公約《1984年議定書》仍未生效，

確認保持國際油污責任和賠償系統生命力的重要性，

注意到確保《1984年議定書》的內容得以儘快生效的需要，

認識到為了採用《1971年設立國際油污損害基金國際公約》的相應修正案，必須有一些特別的規定，

茲達成協議如下：

### 第 1 條

本議定書的規定所修正的公約是《1969年國際油污損害民事責任公約》，此後稱為“《1969年責任公約》”。就《1969年責任公約》的《1976年議定書》的當事國而言，提及《1969年責任公約》應視為包括由該議定書修正的《1969年責任公約》。

## 第 2 條

對《1969 年責任公約》第 I 條作如下修正：

1. 以下列條文代替第 1 款：

1. “船舶”係指為運輸散裝油貨而建造或改建的任何類型的海船和海上航行器；但是，能夠運輸油類和其他貨物的船舶，僅在其實際運輸散裝油貨時，以及在此種運輸之後的任何航行（已證明船上沒有此種散裝油類運輸的殘餘物者除外）期間，才應視作船舶。

2. 以下列條文取代第 5 款：

5. “油類”係指任何持久性烴類礦物油，如原油、燃料油、重柴油和潤滑油，不論是在船上作為貨物運輸還是在此種船舶的燃料艙中。

3. 以下列條文取代第 6 款：

6. “污染損害”係指：

- (a) 油類從船上的溢出或排放引起的污染在該船之外所造成的損失或損害，不論此種溢出或排放發生於何處；但是，對環境損害（不包括此種損害的利潤損失）的賠償，應限於已實際採取或準備採取的合理恢復措施的費用；

- (b) 預防措施的費用及預防措施造成的新的損失或損害。

4. 以下列條文取代第 8 款：

8. “事故”係指造成污染損害或形成造成此種損害的嚴重和緊迫威脅、具有同一起源的任何一個或一系列事故。

5. 以下列條文取代第 9 款：

9. “本組織”係指國際海事組織。

6. 在第 9 款後加上一個新款，條文如下：

10. “《1969 年責任公約》”係指《1969 年國際油污損害民事責任公約》。就該公約的《1976 年議定書》的當事國而言，該詞應視為包括經該議定書修正的《1969 年責任公約》。

### 第 3 條

以下列條文取代《1969 年責任公約》的第 II 條：

本公約僅適用於：

（a）在下列區域內造成的污染損害：

（i）締約國的領土，包括領海；和

（ii）締約國按照國際法設立的專屬經濟區；或者，如果締約國未設立此種區域，則為該國按照國際法確立的、在其領海之外並與其領海毗連的、從測量其領海寬度的基線向外延伸不超過 200 海里的區域；

(b) 用以防止或減少此種損害的預防措施，不論在何處採取。

#### 第 4 條

對《1969 年責任公約》第 III 條作下列修正：

1. 以下列條文取代第 1 款：

1. 除本條第 2 款和第 3 款規定者外，在事故發生時的船舶所有人，或者，如果該事故係由一系列事故構成，則第一個此種事故發生時的船舶所有人，應對船舶因該事故而造成的任何污染損害負責。

2. 以下列條文取代第 4 款：

4. 除非符合本公約，否則不得向所有人提出污染損害的賠償要求。以本條第 5 款為準，不得根據本公約或其他規定向下述人員提出污染損害賠償要求：

- (a) 船舶所有人的僱員或代理人，或船員；
- (b) 引航員或為船舶提供服務但非屬船員的其他任何人；
- (c) 船舶的任何租賃人（不論種類，包括光船租賃人）、管理人或營運人；
- (d) 經船舶所有人同意或根據主管公共當局指示進行救助作業的任何人；
- (e) 採取預防措施的任何人；

(f) 第(c)、(d)和(e)項中所述人員的所有僱員或代理人；

除非該損害係由這些人員為有意造成這種損害或明知可能造成此種損害而毫不在意的個人所為或不為所致。

### 第 5 條

《1969 年責任公約》第 IV 條由下列條文取代：

當發生涉及兩艘或更多船舶的事故並造成污染損害時，所有有關船舶的所有人，除按第 III 條被豁免者外，應對所有無法合理分開的此種損害負個別和連帶責任。

### 第 6 條

對《1969 年責任公約》第 V 條作如下修正：

1. 以下列條文取代第 1 款：

1. 對於任何一次事故，船舶所有人應有權將本公約對其規定的賠償責任限制在以下列方式計算得出的合計金額：

(a) 對於不超過 5,000 噸位的船舶：3 百萬計算單位；

(b) 對於超過 5,000 噸位的船舶：除 (a) 項所述金額外，對每一額外噸位另加 420 計算單位。

但該合計金額在任何情況下不應超過 59.7 百萬計算單位。

2. 以下列條文取代第 2 款：

2. 如證明該污染損害係由所有人為有意造成此種損害或明知可能造成此種損害而毫不在意的個人行為或不為所致，則該所有人無權根據本公約限制其賠償責任。

3. 以下列條文取代第 3 款：

3. 為了利用本條第 1 款規定的限制其賠償責任的權益，所有人應在按第 IX 條於任一締約國提起訴訟的法院或其他主管當局設立總金額相當於其賠償責任限額的基金；如未提起訴訟，則應在能按第 IX 條於任一締約國提起訴訟的任何法院或其他主管當局設立此種基金。設立該基金的方式，可以是交存該金額，也可以是提交根據基金設立地締約國的立法的規定可予接受、法院或其他當局認為適當的銀行擔保或其他擔保。

4. 以下列條文取代第 9 款：

- 9 (a). 本條第 1 款所指“計算單位”，係指國際貨幣基金組織規定的特別提款權。第 1 款中所述金額，應折算成國內貨幣；折算應以在第 3 款所述基金的設立之日該國貨幣相對於特別提款權的價值為據。如該締約國為國際貨幣基金組織的會員，則其國內貨幣相對於特別提款權的價值，應按照在上述日期中國際貨幣基金組織在營業和交易中使用的現行定值方法計算。如該締約國不是國際貨幣基金組織的會員，則其國內貨幣相對於特別提款權的價值，應以該國確定的方式計算。

9 (b) . 但是，如果締約國不是國際貨幣基金組織的會員，且其法律不允許應用第 9 (a) 款的規定，則該國可以在批准、接受、核准或加入本公約時，或在其後的任何時間宣佈：第 9 (a) 款所述計算單位等於 15 個金法郎。本款所述的金法郎相當於六十五點五毫克千分之九百純度的黃金。將金法郎折算為國內貨幣，應按有關國家的法律。

9 (c) . 第 9 (a) 款最後一句中所述的計算和第 9 (b) 款中所述的折算，應儘量做到以該締約國的國內貨幣表示的第 1 款金額與應用第 9 (a) 款前三句所得金額具有真正相同的價值。締約國在交存批准、接受、核准或加入本公約的文件時，應將按第 9 (a) 款進行計算的方法，或第 9 (b) 款中所述的折算結果通知本組織秘書長；每當上述計算方法或折算結果有變化時，也應向本組織秘書長作出這種通知。

5. 以下列條文取代第 10 款：

10. 在本條中，船舶噸位應為按照《1969 年國際船舶噸位丈量公約》附件 I 中的噸位丈量規則計算的總噸位。

6. 以下列條文取代第 11 款的第 2 句：

即使根據第 2 款規定船舶所有人無權限制其賠償責任，仍可設立此種基金，但在這種情況下，基金的設立不應影響任何索賠人對所有人的索賠權。

## 第 7 條

對《1969 年責任公約》第 VII 條作如下修正：

1. 以下列條文取代第 2 款第 1、2 句：

締約國的有關當局在確信第 1 款的要求已獲得滿足之後，應向每艘船舶頒發一份證書，證明保險或其他財務擔保根據本公約的規定確屬有效。對於在締約國登記的船舶，這種證書應由船舶登記國的有關當局頒發或認證；對於不在締約國登記的船舶，證書可由任何一個締約國的有關當局頒發或認證。

2. 以下列條文取代第 4 款：

4. 證書應攜帶在船上，其副本一份應存放於保管該船登記記錄的當局，或如該船不在締約國登記，則應存放於頒發或認證此證書的國家當局。

3. 以下列條文取代第 7 款第 1 句：

締約國按照第 2 款授權頒發或認證的證書，即使是對於不在締約國登記的船舶所頒發或認證的證書，就本公約而言，應為其他締約國所接受並視為與其頒發或認證的證書具有同等效力。

4. 在第 7 款第 2 句中，用“頒發或認證國”取代“船舶登記國”。

5. 以下列條文取代第 8 款第 2 句：

在這種情況下，即使船舶所有人無權按照第 V 條第 2 款限制其賠償責任，被告人仍可利用第 V 條第 1 款中規定的責任限制。

## 第 8 條

對《1969 年責任公約》第 IX 條作如下修正：

以下列條文取代第 1 款：

1. 當某一事故在一個或多個締約國的領土（包括領海）或第 II 條所述的區域中造成了污染損害時，或在這種領土（包括領海）或區域中採取了防止或減少污染損害的預防措施時，索賠訴訟僅可在任何此種一個或多個締約國的法院提起。應將任何此種訴訟向被告人作出合理通知。

## 第 9 條

在《1969 年責任公約》第 XII 條後，增加如下兩個新條文：

### 第 XII 條之二

#### 過渡規定

下列過渡規定，應適用於在事故發生時，既是本公約又是《1969 年責任公約》的當事國的國家。

- （a）對於已造成本公約範圍內的污染損害的事故，如按《1969 年責任公約》也產生賠償責任，則在此範圍內，本公約的賠償責任應視為已被履行；

- (b) 對於造成了本公約範圍內的污染損害的事故，如該國既是本公約又是《1971 年設立國際油污賠償基金國際公約》的當事國，則僅在應用所述《1971 年公約》之後污染損害仍未得到賠償的範圍內，在本公約中才產生在應用本條第 (a) 項後仍待履行的賠償責任；
- (c) 在應用本公約第 III 條第 4 款時，“本公約”一詞應酌情解釋為係指本公約或《1969 年責任公約》；
- (d) 在應用本公約第 V 條第 3 款時，應從有待建立的基金總額中減去按本條第 (a) 項視為已被履行的賠償責任的數額。

### 第 XII 條之三

#### 最後條款

本公約的最後條款應為修正《1969 年責任公約》的《1992 年議定書》的第 12 至 18 條。本公約提到締約國處，應視為係指該議定書的締約國。

### 第 10 條

《1969 年責任公約》所附的證書範本，由本議定書所附的證書範本取代。

## 第 11 條

1. 在本議定書當事國之間，《1969 年責任公約》和本議定書應作為一份單一文件一起理解和解釋。

2. 經本議定書修正的《1969 年責任公約》的第 I 條至第 XII 條之三，包括證書範本，應被稱為《1992 年國際油污損害民事責任公約》（《1992 年責任公約》）。

## 最後條款

## 第 12 條

### 簽署、批准、接受、核准和加入

1. 本議定書應自 1993 年 1 月 15 日起至 1994 年 1 月 14 日止在倫敦開放供各國簽署。

2. 在符合第 4 款規定的情況下，任何一個國家均可按下列方式成為本議定書的當事國：

（a）簽署而有待批准、接受或核准，隨後予以批准、接受或核准；或

（b）加入。

3. 批准、接受、核准或加入本議定書，應向本組織秘書長交存相應的正式文件。

4. 《1971 年設立國際油污損害賠償基金國際公約》（以下稱為《1971 年基金公約》）的任何締約國，僅在其同時也批准、接受、核准或加入修正該公約的《1992 年議定書》時，方可批准、接受、核准或加入本議定書，除非該國退出《1971 年基金公約》，並使之在本議定書對該國生效之日生效。

5. 屬本議定書的當事國但非屬《1969 年責任公約》當事國的國家，對經本議定書修正的《1969 年責任公約》的其他當事國而言，受經本議定書修正的《1969 年責任公約》的規定的約束，但對《1969 年責任公約》的當事國而言，則不受《1969 年責任公約》的規定的約束。

6. 在經本議定書修正的《1969 年責任公約》的某一修正案生效之後交存的任何批准、接受、核准或加入文件，應視為適用於由此項修正案修改的經本議定書修正的公約。

### 第 13 條

#### 生效

1. 本議定書應自包括四個各擁有不少於一百萬油輪總噸位的國家在內的十個國家向本組織秘書長交存了批准、接受、核准或加入文件之日後十二個月生效。

2. 但是，《1971 年基金公約》的任何締約國，可在其交存本議定書的批准、接受、核准或加入文件時聲明：在修正《1971 年基金公約》的《1992 年議定書》第 31 條所規定的六個月期限終止之前，就本條而言，該文件無效。非《1971 年基金公約》的締約國的國家，如交存了修正《1971 年基金公約》的《1992 年議定書》的批准、接受、核准或加入文件，也可同時按本款規定作出聲明。

3. 按上一款作出聲明的任何國家，可在任何時候向本組織秘書長發出通知，將其聲明撤回。任何這種撤回將在通知收到之日起生效，但在該日期，此種國家應視為已交存了本議定書的批准、接受、核准或加入文件。

4. 對於在第 1 款規定的生效條件已獲滿足後批准、接受、核准或加入本議定書的國家，本議定書應自該國交存適當文件之日後十二個月生效。

## 第 14 條

### 修訂與修正

1. 本組織可召開修訂或修正《1992 年責任公約》的會議。

2. 經不少於三分之一的締約國的要求，本組織應召開修訂或修正《1992 年責任公約》的締約國會議。

## 第 15 條

### 有關限額的修正案

1. 經不少於四分之一締約國的要求，秘書長應向本組織的所有會員國和所有締約國分發有關修正經本議定書修正的《1969 年責任公約》第 V 條第 1 款中規定的責任限額的任何提案。

2. 提出並按上述方式分發的任何修正案，應提交本組織法律委員會，供在分發之日後至少六個月的某一日期審議。

3. 經本議定書修正的《1969 年責任公約》的所有締約國，不論是否為本組織的會員國，均有權參加法律委員會審議和通過修正案的工作。

4. 修正案應在按第 3 款規定加以擴大的法律委員會上，由出席並參加表決的締約國的三分之二多數通過，但表決時至少應有半數締約國出席。

5. 對修正限額的提案採取行動時，法律委員會應考慮到事故的經驗，特別是其造成的損害金額、幣值的變化以及所提修正案對保險費用的影響。委員會還應考慮經本議定書修正的《1969 年責任公約》第 V 條第 1 款的限額與《1992 年設立國際油污損害賠償基金國際公約》第 4 條第 4 款的限額之間的關係。

6(a). 如在 1998 年 1 月 15 日前，或自按本條作出的前一修正案的生效之日起算不足五年，則不得審議本條規定的有關責任限額的任何修正案。本條規定的任何修正案不得在本議定書生效之前予以審議。

(b). 限額的增長，不得超過按照經本議定書修正的《1969 年責任公約》所規定的限額，從 1993 年 1 月 15 日起，以年複合增長率為百分之六計算而達到的數額。

(c). 限額的增長，不得超過經本議定書修正的《1969 年責任公約》所規定的限額的三倍。

7. 根據第 4 款通過的任何修正案，應由本組織通知所有締約國。該修正案在通知之日後的十八個月的期限結束時，應視為已獲接受，除非在此期限內，有不少於四分之一的在委員會通過該修正案時為締約國的國家通知本組織不接受該修正案，在此情況下，該修正案即被拒絕，並屬無效。

8. 根據第 7 款視為已獲得接受的修正案，應在獲得接受後十八個月開始生效。

9. 所有締約國均應受該修正案的約束，除非它們根據第 16 條第 1 款和第 2 款，在該修正案生效之前至少六個月退出本議定書。而此種退出，應在該修正案生效時生效。

10. 當一項修正案已被委員會通過，但十八個月的接受期限尚未結束，如該修正案生效，則在此期限內成為締約國的國家應受其約束。在此期限之後成為締約國的國家，應受根據第 7 款獲得接受的修正案的約束。在本款所述的情況下，締約國應在修正案生效時，或在本議定書對該國生效時（如遲於前者），受該修正案的約束。

## 第 16 條

### 退出

1. 任何當事國在本議定書對其生效之日以後，可隨時退出本議定書。
2. 退出本議定書，應向本組織秘書長交存一份文件。
3. 退出本議定書，應在向本組織秘書長交存文件後十二個月或在退出文件中載明的更長期限生效。
4. 在本議定書的當事國之間，任何締約國根據《1969 年責任公約》第 XVI 條退出《1969 年責任公約》，不應以任何方式解釋為退出經本議定書修正的《1969 年責任公約》。
5. 對於仍為《1971 年基金公約》當事國的國家，退出修正《1971 年基金公約》的《1992 年議定書》應視為退出本議定書。這種退出應在按修正《1971 年基金公約》的《1992 年議定書》第 34 條規定的退出該議定書的生效之日生效。

## 第 17 條

### 保存人

1. 本議定書以及按照第 15 條被接受的任何修正案，應交由本組織秘書長保存。

2. 本組織秘書長應：

(a) 將下列事項通知所有已簽署或加入本議定書的所有國家：

- (i) 每一新的簽署或文件的交存及其日期；
- (ii) 第 13 條規定的每一聲明和通知和《1992 年責任公約》第 V 條第 9 款規定的每一聲明和通知；
- (iii) 本議定書的生效日期；
- (iv) 按第 15 條第 1 款提出的任何修改賠償責任限額的提案；
- (v) 按第 15 條第 4 款被通過的任何修正案；
- (vi) 根據第 15 條第 7 款視為已獲得接受的任何修正案及按照該條第 8 款和第 9 款，該修正案應生效的日期；
- (vii) 交存退出本議定書的任何文件及其交存日期和生效日期；
- (viii) 根據第 16 條第 5 款視為已作出的任何退出；
- (ix) 本議定書任何條款所要求的通知。

(b) 將本議定書核證無誤的副本分送本議定書的所有簽署國和所有加入國。

3. 本議定書一經生效，本組織秘書長即應按照聯合國憲章第 102 條的規定將其文本送交聯合國秘書處，以供登記和公佈。

## 第 18 條

### 語文

本議定書正本一份，用阿拉伯文、中文、英文、法文、俄文和西班牙文寫成，各種文本具有同等效力。

一九九二年十一月二十七日訂於倫敦。

下列署名者，均經各自政府正式授權，特簽署本議定書，以昭信守。

## 附件

## 油污損害民事責任的保險證書或其他財務擔保證書

按照《1992 年國際油污損害民事責任公約》第 VII 條的規定頒發。

船名	特有編號或字符	登記港	所有人名稱和地址

茲證明，上述船舶具有滿足《1992 年國際油污損害民事責任公約》第 VII 條要求的有效保險單或其他財務擔保。

擔保類別 .....

.....

擔保期限 .....

.....

保險人和/或保證人的名稱和地址

名稱 .....

地址 .....

本證書的有效期至.....止

由.....

(國家全稱)

.....政府頒發或認證。

年      月      日於 .....

(地點)

.....

頒發或認證官員的簽字和職別

說明：

1. 如果需要，國家名稱中可包括發證國家主管當局的名稱。
2. 如擔保總額由多個來源提供，應列明每一來源的數額。
3. 如擔保是以多種方式提供，應將各種方式一一列舉。
4. 填寫“擔保期限”時必須註明擔保生效日期。

PROTOCOL OF 1992 TO AMEND THE INTERNATIONAL CONVENTION  
ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969

THE PARTIES TO THE PRESENT PROTOCOL,

HAVING CONSIDERED the International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1984 Protocol thereto,

HAVING NOTED that the 1984 Protocol to that Convention, which provides for improved scope and enhanced compensation, has not entered into force,

AFFIRMING the importance of maintaining the viability of the international oil pollution liability and compensation system,

AWARE OF the need to ensure the entry into force of the content of the 1984 Protocol as soon as possible,

RECOGNIZING that special provisions are necessary in connection with the introduction of corresponding amendments to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971,

HAVE AGREED as follows:

Article 1

The Convention which the provisions of this Protocol amend is the International Convention on Civil Liability for Oil Pollution Damage, 1969, hereinafter referred to as the "1969 Liability Convention". For States Parties to the Protocol of 1976 to the 1969 Liability Convention, such reference shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

Article I of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. "Ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.
2. Paragraph 5 is replaced by the following text:
  5. "Oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.
3. Paragraph 6 is replaced by the following text:
  6. "Pollution damage" means:
    - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;
    - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
4. Paragraph 8 is replaced by the following text:
  8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.
5. Paragraph 9 is replaced by the following text:
  9. "Organization" means the International Maritime Organization.
6. After paragraph 9 a new paragraph is inserted reading as follows:
  10. "1969 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

#### Article 3

Article II of the 1969 Liability Convention is replaced by the following text:

This Convention shall apply exclusively:

- (a) to pollution damage caused:
  - (i) in the territory, including the territorial sea, of a Contracting State, and

(ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;

(b) to preventive measures, wherever taken, to prevent or minimize such damage.

#### Article 4

Article III of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.

2. Paragraph 4 is replaced by the following text:

4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:

- (a) the servants or agents of the owner or the members of the crew;
- (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
- (c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;
- (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
- (e) any person taking preventive measures;
- (f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

Article 5

Article IV of the 1969 Liability Convention is replaced by the following text:

When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under Article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

Article 6

Article V of the 1969 Liability Convention is amended as follows:

1. Paragraph 1 is replaced by the following text:

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:

- (a) 3 million units of account for a ship not exceeding 5,000 units of tonnage;
- (b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 420 units of account in addition to the amount mentioned in subparagraph (a);

provided, however, that this aggregate amount shall not in any event exceed 59.7 million units of account.

2. Paragraph 2 is replaced by the following text:

2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

3. Paragraph 3 is replaced by the following text:

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.

4. Paragraph 9 is replaced by the following text:

9(a). The "unit of account" referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund

referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

9(b). Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9(a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.

9(c). The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.

5. Paragraph 10 is replaced by the following text:

10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

6. The second sentence of paragraph 11 is replaced by the following text:

Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

#### Article 7

Article VII of the 1969 Liability Convention is amended as follows:

1. The first two sentences of paragraph 2 are replaced by the following text:

A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting

State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State.

2. Paragraph 4 is replaced by the following text:

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.

3. The first sentence of paragraph 7 is replaced by the following text:

Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State.

4. In the second sentence of paragraph 7 the words "with the State of a ship's registry" are replaced by the words "with the issuing or certifying State".

5. The second sentence of paragraph 8 is replaced by the following text:

In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1.

#### Article 8

Article IX of the 1969 Liability Convention is amended as follows:

Paragraph 1 is replaced by the following text:

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

#### Article 9

After Article XII of the 1969 Liability Convention two new Articles are inserted as follows:

Article XII bisTransitional provisions

The following transitional provisions shall apply in the case of a State which at the time of an incident is a Party both to this Convention and to the 1969 Liability Convention:

- (a) where an incident has caused pollution damage within the scope of this Convention, liability under this Convention shall be deemed to be discharged if, and to the extent that, it also arises under the 1969 Liability Convention;
- (b) where an incident has caused pollution damage within the scope of this Convention, and the State is a Party both to this Convention and to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, liability remaining to be discharged after the application of subparagraph (a) of this Article shall arise under this Convention only to the extent that pollution damage remains uncompensated after application of the said 1971 Convention;
- (c) in the application of Article III, paragraph 4, of this Convention the expression "this Convention" shall be interpreted as referring to this Convention or the 1969 Liability Convention, as appropriate;
- (d) in the application of Article V, paragraph 3, of this Convention the total sum of the fund to be constituted shall be reduced by the amount by which liability has been deemed to be discharged in accordance with subparagraph (a) of this Article.

Article XII terFinal clauses

The final clauses of this Convention shall be Articles 12 to 18 of the Protocol of 1992 to amend the 1969 Liability Convention. References in this Convention to Contracting States shall be taken to mean references to the Contracting States of that Protocol.

Article 10

The model of a certificate annexed to the 1969 Liability Convention is replaced by the model annexed to this Protocol.

Article 11

1. The 1969 Liability Convention and this Protocol shall, as between the Parties to this Protocol, be read and interpreted together as one single instrument.
2. Articles I to XII ter, including the model certificate, of the 1969 Liability Convention as amended by this Protocol shall be known as the International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Liability Convention).

## FINAL CLAUSES

Article 12Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994 by all States.
2. Subject to paragraph 4, any State may become a Party to this Protocol by:
  - (a) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
  - (b) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.
4. Any Contracting State to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971, hereinafter referred to as the 1971 Fund Convention, may ratify, accept, approve or accede to this Protocol only if it ratifies, accepts, approves or accedes to the Protocol of 1992 to amend that Convention at the same time, unless it denounces the 1971 Fund Convention to take effect on the date when this Protocol enters into force for that State.
5. A State which is a Party to this Protocol but not a Party to the 1969 Liability Convention shall be bound by the provisions of the 1969 Liability Convention as amended by this Protocol in relation to other States Parties hereto, but shall not be bound by the provisions of the 1969 Liability Convention in relation to States Parties thereto.
6. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the 1969 Liability Convention as amended by this Protocol shall be deemed to apply to the Convention so amended, as modified by such amendment.

Article 13Entry into force

1. This Protocol shall enter into force twelve months following the date on which ten States including four States each with not less than one million units of gross tanker tonnage have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.
2. However, any Contracting State to the 1971 Fund Convention may, at the time of the deposit of its instrument of ratification, acceptance, approval or accession in respect of this Protocol, declare that such instrument shall be deemed not to be effective for the purposes of this Article until the end of the six-month period in Article 31 of the Protocol of 1992 to amend the 1971 Fund Convention. A State which is not a Contracting State to the 1971 Fund Convention but which deposits an instrument of ratification,

acceptance, approval or accession in respect of the Protocol of 1992 to amend the 1971 Fund Convention may also make a declaration in accordance with this paragraph at the same time.

3. Any State which has made a declaration in accordance with the preceding paragraph may withdraw it at any time by means of a notification addressed to the Secretary-General of the Organization. Any such withdrawal shall take effect on the date the notification is received, provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

4. For any State which ratifies, accepts, approves or accedes to it after the conditions in paragraph 1 for entry into force have been met, this Protocol shall enter into force twelve months following the date of deposit by such State of the appropriate instrument.

#### Article 14

##### Revision and amendment

1. A Conference for the purpose of revising or amending the 1992 Liability Convention may be convened by the Organization.

2. The Organization shall convene a Conference of Contracting States for the purpose of revising or amending the 1992 Liability Convention at the request of not less than one third of the Contracting States.

#### Article 15

##### Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.

2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.

3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.

4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.

5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the

1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.

6(a). No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous amendment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

(b). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.

(c). No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.

7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.

8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.

9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.

10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

#### Article 16

##### Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.

5. Denunciation of the Protocol of 1992 to amend the 1971 Fund Convention by a State which remains a Party to the 1971 Fund Convention shall be deemed to be a denunciation of this Protocol. Such denunciation shall take effect on the date on which denunciation of the Protocol of 1992 to amend the 1971 Fund Convention takes effect according to Article 34 of that Protocol.

#### Article 17

##### Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to this Protocol of:

- (i) each new signature or deposit of an instrument together with the date thereof;
- (ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;
- (iii) the date of entry into force of this Protocol;
- (iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;
- (v) any amendment which has been adopted in accordance with Article 15, paragraph 4;
- (vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
- (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
- (viii) any denunciation deemed to have been made under Article 16, paragraph 5;
- (ix) any communication called for by any Article of this Protocol;

(b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.

3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18

Languages

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 November one thousand nine hundred and ninety-two.

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

## ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL  
SECURITY IN RESPECT OF CIVIL LIABILITY FOR  
OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Name of ship	Distinctive number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1992.

Type of Security .....

.....

Duration of Security .....

.....

Name and Address of the Insurer(s) and/or Guarantor(s)

Name .....

Address .....

This certificate is valid until .....

Issued or certified by the Government of .....

.....

(Full designation of the State)

At ..... On .....  
(Place) (Date)

.....  
Signature and Title of issuing or  
certifying official

**Explanatory Notes:**

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of Security" must stipulate the date on which such security takes effect.

**第 14/2016 號行政長官公告****公佈《中華人民共和國澳門特別行政區政府  
與摩洛哥王國政府互免簽證協定》**

行政長官根據澳門特別行政區第3/1999號法律第五條（二）項和第六條第一款的規定，命令公佈《中華人民共和國澳門特別行政區政府與摩洛哥王國政府互免簽證協定》的中文、阿拉伯文及英文正式文本，以及相應的葡文譯本。

二零一六年三月十六日發佈。

行政長官 崔世安

**Aviso do Chefe do Executivo n.º 14/2016****Publicação do Acordo entre o Governo da Região  
Administrativa Especial de Macau da República Popular da  
China e o Governo do Reino de Marrocos  
sobre a Dispensa Mútua de Vistos**

O Chefe do Executivo manda publicar, nos termos da alínea 2) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau, o Acordo entre o Governo da Região Administrativa Especial de Macau da República Popular da China e o Governo do Reino de Marrocos sobre a Dispensa Mútua de Vistos, nas suas versões autênticas nas línguas chinesa, árabe e inglesa, acompanhado da respectiva tradução para a língua portuguesa.

Promulgado em 16 de Março de 2016.

O Chefe do Executivo, *Chui Sai On*.