

## 澳門特別行政區

REGIÃO ADMINISTRATIVA ESPECIAL  
DE MACAU

## 行政長官辦公室

## GABINETE DO CHEFE DO EXECUTIVO

## 第 62/2022 號行政長官批示

## Despacho do Chefe do Executivo n.º 62/2022

行政長官行使《澳門特別行政區基本法》第五十條賦予的職權，並根據第1/2004號法律《承認及喪失難民地位制度》第五條第二款及第四款的規定，作出本批示。

Usando da faculdade conferida pelo artigo 50.º da Lei Básica da Região Administrativa Especial de Macau e nos termos dos n.ºs 2 e 4 do artigo 5.º da Lei n.º 1/2004 (Regime de reconhecimento e perda do estatuto de refugiado), o Chefe do Executivo manda:

一、委任檢察官梁詠詩為難民事務委員會主席，以代替江志。

1. É nomeada como presidente da Comissão para os Refugiados, Leong Weng Si, delegada do Procurador, em substituição de Kong Chi.

二、本批示自公佈翌日起產生效力。

2. O presente despacho produz efeitos a partir do dia seguinte ao da sua publicação.

二零二二年三月二十八日

28 de Março de 2022.

行政長官 賀一誠

O Chefe do Executivo, *Ho Iat Seng*.

## 第 16/2022 號行政長官公告

## Aviso do Chefe do Executivo n.º 16/2022

國際海事組織在二零一三年十二月四日的第二十八屆大會上透過第A.1070 (28) 號決議通過了《國際海事組織文書實施規則》(《文書實施規則》)；

Considerando que a Assembleia da Organização Marítima Internacional (OMI), na sua 28.ª sessão, em 4 de Dezembro de 2013, através da resolução A.1070 (28), adoptou o Código de Implementação dos Instrumentos da OMI (Código III);

國際海事組織在同一屆大會上，分別透過第A.1083 (28) 號、第A.1084 (28) 號和第A.1085 (28) 號決議，通過了《1966年國際船舶載重線公約》修正案、《1969年國際船舶噸位丈量公約》修正案和《1972年國際海上避碰規則公約》修正案，以使《文書實施規則》的使用具有強制性。該等修正案分別於二零一八年二月二十八日、二零一七年二月二十八日和二零一六年一月一日在國際法律秩序上生效，包括對澳門特別行政區生效；

Considerando igualmente que a Assembleia da OMI, na mesma sessão, através das resoluções A.1083 (28), A.1084 (28) e A.1085 (28), adoptou, respectivamente, as emendas à Convenção Internacional das Linhas de Carga, 1966, as emendas à Convenção Internacional sobre a Arqueação de Navios, 1969 e as emendas à Convenção sobre o Regulamento Internacional para Evitar Abalroamentos no Mar, 1972, a fim de tornar a utilização do Código III obrigatória, e que tais emendas entraram em vigor na ordem jurídica internacional, incluindo a Região Administrativa Especial de Macau, respectivamente, em 28 de Fevereiro de 2018, em 28 de Fevereiro de 2017 e em 1 de Janeiro de 2016;

國際海事組織海上環境保護委員會於二零一四年四月四日分別透過第MEPC.246 (66) 號和第MEPC.247 (66) 號決議，通過了《1973年國際防止船舶造成污染公約1978年議定書》附則修正案和《修正〈經1978年議定書修訂的1973年國際防止船舶造成污染公約〉的1997年議定書》附則的修正案，以使《文書實施規則》的使用具有強制性。該等修正案均於二零一六年一月一日在國際法律秩序上生效，包括對澳門特別行政區生效；

Mais considerando que, em 4 de Abril de 2014, o Comité de Protecção do Meio Marinho da OMI, através das resoluções MEPC.246(66) e MEPC.247(66), adoptou, respectivamente, as emendas ao Anexo do Protocolo de 1978 relativo à Convenção Internacional para a Prevenção da Poluição por Navios, 1973 e as emendas ao Anexo do Protocolo de 1997 que altera a Convenção Internacional para a Prevenção da Poluição por Navios, 1973, tal como modificada pelo Protocolo de 1978 a ela relativo, a fim de tornar a utilização do Código III obrigatória, e que tais emendas entraram em vigor na ordem jurídica internacional, incluindo a Região Administrativa Especial de Macau, em 1 de Janeiro de 2016;

國際海事組織海上安全委員會於二零一四年五月二十二日分別透過第MSC.366 (93) 號、第MSC.373 (93) 號和第MSC.375 (93) 號決議，通過了《經修正的〈1974年國際海上人命安全公

Considerando ainda que, em 22 de Maio de 2014, o Comité de Segurança Marítima da OMI, através das resoluções MSC.366(93), MSC.373(93) e MSC.375(93), adoptou, respectivamente, as emendas à Convenção Internacional para a

約》的修正案、《1978年海員培訓、發證和值班標準國際公約》修正案和《經修正的〈1966年國際船舶載重線公約1988年議定書〉》修正案，以使《文書實施規則》的使用具有強制性。該等修正案均於二零一六年一月一日在國際法律秩序上生效，包括對澳門特別行政區生效；

基於此，行政長官根據第3/1999號法律《法規的公佈與格式》第五條（一）項和第六條第一款的規定，命令公佈：

——國際海事組織大會透過第A.1070（28）號決議通過的上指《文書實施規則》的中文和英文正式文本；

——國際海事組織大會透過第A.1083（28）號決議通過的上指《1966年國際船舶載重線公約》修正案的中文和英文正式文本；

——國際海事組織大會透過第A.1084（28）號決議通過的上指《1969年國際船舶噸位丈量公約》修正案的中文和英文正式文本；

——國際海事組織大會透過第A.1085（28）號決議通過的上指《1972年國際海上避碰規則公約》修正案的中文和英文正式文本；

——國際海事組織海上環境保護委員會透過第MEPC.246（66）號決議通過的上指《1973年國際防止船舶造成污染公約1978年議定書》附則修正案的中文和英文正式文本；

——國際海事組織海上環境保護委員會透過第MEPC.247（66）號決議通過的上指《修正〈經1978年議定書修訂的1973年國際防止船舶造成污染公約〉的1997年議定書》附則的修正案的中文和英文正式文本；

——國際海事組織海上安全委員會透過第MSC.366（93）號決議通過的上指《經修正的〈1974年國際海上人命安全公約〉》的修正案的中文和英文正式文本；

——國際海事組織海上安全委員會透過第MSC.373（93）號決議通過的上指《1978年海員培訓、發證和值班標準國際公約》修正案的中文和英文正式文本；

——國際海事組織海上安全委員會透過第MSC.375（93）號決議通過的上指《經修正的〈1966年國際船舶載重線公約1988年議定書〉》修正案的中文和英文正式文本。

二零二二年三月二十五日發佈。

行政長官 賀一誠

Salvaguarda da Vida Humana no Mar, 1974, tal como emendada, as emendas à Convenção Internacional sobre Normas de Formação, de Certificação e de Serviço de Quartos para os Marítimos, 1978 e as emendas ao Protocolo de 1988 relativo à Convenção Internacional das Linhas de Carga, 1966, tal como emendado, a fim de tornar a utilização do Código III obrigatória, e que tais emendas entraram em vigor na ordem jurídica internacional, incluindo a Região Administrativa Especial de Macau, em 1 de Janeiro de 2016;

O Chefe do Executivo manda publicar, nos termos da alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999 (Publicação e formulário dos diplomas):

— o referido Código III adoptado pela Assembleia da OMI através da resolução A.1070 (28), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas à Convenção Internacional das Linhas de Carga, 1966, adoptadas pela Assembleia da OMI através da resolução A.1083 (28), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas à Convenção Internacional sobre a Arqueação de Navios, 1969, adoptadas pela Assembleia da OMI através da resolução A.1084 (28), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas à Convenção sobre o Regulamento Internacional para Evitar Abalroamentos no Mar, 1972, adoptadas pela Assembleia da OMI através da resolução A.1085 (28), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas ao Anexo do Protocolo de 1978 relativo à Convenção Internacional para a Prevenção da Poluição por Navios, 1973, adoptadas pelo Comité de Protecção do Meio Marinho da OMI através da resolução MEPC.246(66), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas ao Anexo do Protocolo de 1997 que altera a Convenção Internacional para a Prevenção da Poluição por Navios, 1973, tal como modificada pelo Protocolo de 1978 a ela relativo, adoptadas pelo Comité de Protecção do Meio Marinho da OMI através da resolução MEPC.247(66), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas à Convenção Internacional para a Salvaguarda da Vida Humana no Mar, 1974, tal como emendada, adoptadas pelo Comité de Segurança Marítima da OMI através da resolução MSC.366(93), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas à Convenção Internacional sobre Normas de Formação, de Certificação e de Serviço de Quartos para os Marítimos, 1978, adoptadas pelo Comité de Segurança Marítima da OMI através da resolução MSC.373(93), nos seus textos autênticos em línguas chinesa e inglesa;

— as referidas emendas ao Protocolo de 1988 relativo à Convenção Internacional das Linhas de Carga, 1966, tal como emendado, adoptadas pelo Comité de Segurança Marítima da OMI através da resolução MSC.375(93), nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 25 de Março de 2022.

O Chefe do Executivo, *Ho Iat Seng*.

**第 A.1070 (28) 號決議****2013 年 12 月 4 日通過****國際海事組織文書實施規則（文書實施規則）**

大會，

憶及《國際海事組織公約》有關大會在海上安全和防止及控制船舶造成海洋污染的有關規則和導則方面的職能的第十五條第（十）款，

又憶及，大會經第 A.1018 (26) 號決議，核准了為審議和引進一個制度化的國際海事組織會員國審核機制所進行的活動的時間框架和進度表，

還憶及，大會以第 A.1054 (27) 號決議通過了《2011 年國際海事組織強制性文書實施規則》，藉此為實施和執行國際海事組織文書提供指導和形成國際海事組織會員國自願審核機制的基礎，特別是在確定審核領域方面，

意識到聯合國可持續發展委員會第七屆會議（CSD 7）的要求，即制訂措施以保證船旗國充分和完全地實施其所加入的國際海事組織和其他相關公約，從而使各船旗國的船舶均符合國際規則和標準，

認識到，有關國際公約的締約國，作為批准程序的一部分，業已同意完全承擔其責任並履行其所加入的各公約和其他文書規定的義務，

重申各國為具備適當和有效的系統對有權懸掛其船旗的船舶進行監督，及確保其船舶符合關於海上安全、保安和海洋環境保護的相關國際

規則和規定，負有首要責任，

**還重申**各國，作為港口國和沿海國，根據有關海上安全、保安和海洋環境保護的適用國際法的規定負有其他義務和責任，

**注意到**，雖然各國可能會認識到，成為旨在促進海上安全、保安和防止船舶造成污染的文書的締約國會有一些好處，但這些好處僅在所有締約國均按照有關文書的要求履行其義務時方可全部實現，

**還注意到**，任何文書的最大效力有賴於，除其他者外，各國均：

- (a) 成為有關海上安全、保安和防止和控制污染的所有文書的締約國；
- (b) 完全和有效地實施和執行此類文書；
- (c) 按照要求向本組織做出報告，

**期望**進一步幫助會員國政府提高能力和改善整體表現以便能夠履行其所加入的國際海事組織文書，

**意識到**一些會員國政府在完全履行其所加入的國際海事組織各種文書的所有規則方面可能面臨的困難，

**注意到**儘可能消除此類困難的必要性；還憶及為此原因和目的，本組織已制訂了一個綜合技術合作方案，

**進一步注意到**海上安全委員會和環境保護委員會已制訂要求，分別供《1974 年國際海上人命安全公約》、《〈1966 年國際載重線公約〉1988 年議定書》、《經 1978 年議定書修訂的〈1973 年國際海上防止船舶造成污染公約〉》、《修正〈經 1978 年議定書修訂的 1973 年國際海上防止船舶造成污染公約〉的 1997 年議定書》和《1978 年船員培訓、發證和值



班標準國際公約》的締約政府通過。這些要求將使第 1 執行款中提及的本規則成為強制性規則。

進一步憶及，它審議了這些要求，供《〈1966 年國際載重線公約〉1988 年議定書》、《1969 年國際船舶噸位丈量公約》和《1972 年國際海上避碰規則公約》的締約政府通過。這些要求將使第 1 執行款中提及的本規則成為強制性規則。

審議了海上環境保護委員會第六十四屆會議和海上安全委員會第九十一屆會議提出的建議，

1. 通過載於本決議附件中的《國際海事組織文書實施規則》（《文書實施規則》）；
2. 要求海上安全委員會和海上環境保護委員會不斷審議該規則，並與理事會協調，向大會提議該規則的修正案；和
3. 廢除關於《2011 年國際海事組織強制性文書實施規則》的第 A.1054（27）號決議。

附 件

國際海事組織文書實施規則（文書實施規則）

目 錄

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## 第 1 部分－共同領域

### 目標

- 1 本規則是以增進全球海上安全和保護海洋環境和幫助各國實施本組織文書為目標。
- 2 不同國家將根據其自身情況審度本規則，且目的應僅為實施其已成為其締約政府或締約國的文書。因地理和環境之故，某些國家作為船旗國的作用可能大於作為港口國或沿海國的作用，而其他國家作為沿海國或港口國的作用可能大於作為船旗國的作用。

### 戰略

- 3 為實現本規則的目標，建議一國：
  - .1 擬訂一個總體戰略以確保履行其作為船旗國、港口國或沿海國的國際義務和責任；
  - .2 建立一套方法以監測和評定此戰略確保有效地實施和執行相關國際強制性文書；和
  - .3 不斷審議此戰略以取得、維持和提高作為船旗國、港口國或沿海國的全面組織績效與能力。

### 通則

- 4 根據條約法和國際海事組織各公約的一般規定，各國應負責頒佈法律 and 規則，並採取以全面和徹底地實施那些文書為目的的所有其他必要步驟，以保證海上人命安全和保護海洋環境。



5 在採取措施防止、減少和控制海洋環境的污染方面，各國應採取行動不得直接或間接地將損害或危險從一個區域轉移到另一個區域，或將一種污染轉變成另一種污染。

### 範圍

6 本規則為締約政府或締約國全面和徹底地實施其所加入的那些適用的國際文書的規定，尋求處理相關諸項必要事宜，包括：

- .1 海上人命安全；
- .2 防止船舶造成污染；
- .3 海員培訓、發證和值班標準；
- .4 載重線；
- .5 船舶噸位丈量；和
- .6 海上避碰規則。

7 為各國履行和執行其義務和責任而在擬訂政策、立法、相關的規則和規定以及行政程序方面，應審議和處理如下諸項：

- .1 管轄權；
- .2 組織與權力；
- .3 立法、規則和規定；
- .4 頒佈適用的國際強制性文書、規則和規定；
- .5 執行措施；
- .6 監督、檢驗、檢查、審核、核證、核准和發證功能；

- .7 對被認可組織和指派的驗船師酌情進行選擇、認可、授權、賦權和監督；
- .8 向本組織報告所要求的調查；和
- .9 向本組織和其他主管機關作出報告。

### 初步行動

8 當一份新的或經修正的本組織文書對一國生效時，該國政府應能夠通過適當的國家立法實施和執行其規定，並提供必要的實施和執行公約的基礎設施。這意味着該國政府應具有：

- .1 頒佈法律的能力，這些法律允許對懸掛其船旗的船舶進行行政、技術和社會事務的有效管轄和監督，尤其是，為適用於這些船舶的登記、船舶檢查、安全和防污法律的一般性要求和制訂相關規則提供法律基礎；
- .2 實施其國家法律和規定的法律基礎，包括相關的調查與懲罰程序；和
- .3 足夠的具備海事專業知識的人員可供使用，以協助頒佈必要的國家法律和擔負國家的責任，包括各公約要求的報告行為。

### 通報資料

9 各國應向所有有關方通報第 3 段提到的戰略，包括其國家立法的信息。

### 記錄

10 應建立和保持適當的記錄，以作為各國遵守要求和有效運作的證

明。記錄應清晰易讀、可隨時確認和提取。應建立文件記錄的步驟，以界定記錄的確認、存儲、保護、提取、保留時間及處理所需的監督。

## 改進

11 各國應不斷改進為實施其已加入的公約和議定書所採取的措施。應通過嚴格和有效地運用和執行適當的國家立法以及跟蹤遵守情況來落實改進工作。

12 各國應激勵一種為人們增進海上安全和環保活動的績效提供機會的文化，尤其可能包括：

- .1 有關安全和防污方面的深造培訓計劃；
- .2 區域和全國性安全和防污演習，藉此引起與海事相關的全國、區域和國際組織、公司以及海員各方面的廣泛參與；和
- .3 為航運公司和海員設立有關改善安全和防污方面的獎賞和激勵機制。

13 此外，各國應採取行動，找到和消除任何不符合規定之因，以防重蹈覆轍，包括：

- .1 檢討和分析不遵守規定現象；
- .2 落實必要的糾正行動；和
- .3 檢討已採取的糾正行動。

14 各國應決定採取消除潛在的不符合規定現象的行動，以防患於未然。

## 第 2 部分－船旗國

## 實施

15 為有效地履行其責任和義務，各船旗國應：

- .1 通過發佈國家立法和導則實施政策，藉此將有助於實施和執行其已加入的所有安全和防污公約及議定書的要求；和
- .2 在其主管機關內劃定職責，以酌情更新和修訂已採用的任何相關政策。

16 各船旗國應確立勝任安全和環保計劃管理的資源和步驟，其構成至少如下：

- .1 旨在實施適用的國際規則和規定以及擬訂和分發可能需要的任何解釋性國家規定的行政指令，包括根據《安全公約》第 XI-1/1 條的規定經該船旗國認可的船級社簽發的證書，並且此證書係該船旗國所要求，以證明符合該船旗國所加入的國際公約有關結構、機械、電器和/或其他要求，或符合該船旗國的國家規定的要求；
- .2 旨在利用審核與檢查計劃以利於遵守適用的國際文書，該計劃獨立於所要求證書及相關證件的任何行政發證機構，和/或經該國授權簽發所要求證書及相關證件的任何實體；
- .3 旨在遵守有關國際海員培訓、發證和值班標準的要求，特別包括：
  - .1 海員的培訓、適任評定和發證；
  - .2 證書和簽註準確地反映出海員的適任能力，使用合適的詞彙以及與簽發給船舶的任何安全配員文件中所用的相



同術語；

- .3 可對所報告的該國所發證書或簽註的持有者因作為或不作為所造成的、會直接威脅海上人命或財產安全或海洋環境的任何過失開展公正調查；
  - .4 在有正當理由和為防欺詐而有必要時，能撤銷、暫時吊銷或取消該國所簽發的證書或簽註的措施；和
  - .5 行政安排，包括涉及在另一國家權限範圍內開展培訓、評定和發證活動的安排在內，均為由船旗國承擔責任，確保在有權懸掛其船旗的船上服務的船長、高級船員和其他海員的適任能力；
- .4 開展事故調查和適當並及時處理有確鑿缺陷的船舶案例；和
  - .5 對在相關的國際文書中找出的令主管機關滿意的有關要求，擬訂、編製和提供指南。

17 船旗國考慮到相關的和現有的措施，諸如本組織通過的《安全配員原則》，應保證有權懸掛其船旗的船舶具備足夠和有效的配員。

## 授權

18 僅就有權懸掛其船旗的船舶而言，一船旗國在授權被認可組織代其進行本組織公約或其國家法規所要求的檢驗、檢查和審核、簽發證書和證明、標誌船舶和其他法定工作時，應按照適用的國際強制性文書要求對授權作出規定，以：

- .1 確定被認可組織具備充足的技術、管理和研究能力方面的資源，以便按照本組織相關文書中列明的、對被認可組織代表主

管機關所要求的標準完成所指派的任務；

- .2 備有一份主管機關與被認可組織之間的正式書面協議作為依據，其中起碼包括本組織相關文書中列明的基本要素，或等效的法律安排，並以授權被認可組織代表主管機關的協議範本為基礎；
- .3 如果發現某艘船舶不適合於在對船舶或船上人員都無危險的狀態下出海，或被發現會對海洋環境構成不合理損害威脅，下達具體指示，詳述隨後採取的行動；
- .4 提供所有適用國家法律文書及其解釋給被認可組織以便實施公約規定，並具體說明，僅就適於有權懸掛其船旗的船舶而言，主管機關的任何附加標準是否在任何方面超出公約要求；和
- .5 要求被認可組織保持將向主管機關提供數據的記錄，以幫助解釋載於適用的國際文書中的要求。

19 船旗國不得強制其被認可組織對除有權懸掛其船旗的船舶外的其他船舶適用超出公約要求和本組織強制性文書的、有關船舶入級規定、要求、程序或其他法定發證步驟的要求。

20 船旗國應制訂或參與一項具備足夠資源以監督和聯絡其被認可組織的監察計劃，以通過以下所列，保證全面履行其國際義務：

- .1 行使其進行補充檢驗的權力，以保證有權懸掛其船旗的船舶有效地遵守適用的國際文書的要求；
- .2 進行其認為有必要的補充檢驗，以保證有權懸掛其船旗的船舶遵守對強制性國際要求作出補充的國家要求；和

- .3 提供熟悉船旗國和被認可組織規則和規定、並可對被認可組織進行有效實地監察的工作人員。

21 船旗國在指定驗船師代其進行檢驗、審核和檢查時，應根據第 18 段特別是第.3 和.4 分段中所載的導則對此種指定作出適當的規定。

## 執行

22 船旗國應採取一切必要措施，以保證有權懸掛其船旗的船舶及其管轄下的實體和人員遵守國際規則與標準，從而保證履行他們的國際義務。這些措施，除其他者外，應包括：

- .1 禁止有權懸掛其船旗的船舶出航，除非它們能遵照國際規則和標準出海；
- .2 定期檢查有權懸掛其船旗的船舶，以證實船舶及其船員的實際狀況與所攜帶的證書相符；
- .3 驗船師在第.2 分段所述定期檢查期間保證分派到船上的海員熟悉：
  - .3.1 其具體職責；和
  - .3.2 船舶佈置、設施、設備和程序；
- .4 保證船舶的整體配員能在緊急情況中和在履行安全或防止或減少污染的關鍵職能中有效地協調其活動；
- .5 在國家法律和規則中規定適當嚴厲的懲罰，以阻止有權懸掛其船旗的船舶違反國際規則和標準；
- .6 在完成調查後，對已違反國際規則和標準的有權懸掛其船旗的

船舶提起訴訟，不管違規行為發生在何處；

- .7 在國家法律和規則中規定適當嚴厲的懲罰，以阻止經其授權獲發證書或簽註的人員違反國際規則和標準；和
- .8 在完成調查後，對已違反國際規則和標準的持有證書或簽註的人員提起訴訟，不管違規行為發生在何處。

23 船旗國應酌情擬訂和實施一項監督和監測計劃，以便：

- .1 為迅速和徹底地進行事故調查，及酌情向本組織報告，作出安排；
- .2 為收集統計數據，從而可以對趨勢進行分析，找出問題所在，作出安排；和
- .3 為對港口或沿海國報告的缺陷和指稱的污染事件的及時反應，作出安排。

24 此外，船旗國應：

- .1 通過國家立法保證遵守適用的國際文書；
- .2 提供適當數目的合格人員，包括進行調查和檢驗的人員，以實施和執行第 15.1 分段所述的國家立法；
- .3 提供足夠數目的、合格的船旗國人員，以調查有權懸掛其船旗的船舶被港口國扣留的事件；
- .4 提供足夠數目的船旗國人員，在港口國質疑根據其授權簽發的證書或簽註的持有人的證書或簽註有效性或適任能力時，對事件進行調查；和



.5 保證對船旗國驗船師和調查官進行培訓，並監察其活動。

25 當一船旗國得知有權懸掛其船旗的某艘船舶被某港口國扣留時，該船旗國應監督其採取適當的改正措施，以使當事船舶立即遵守適用的國際文書。

26 船旗國或代其行事的被認可組織，應在確定船舶滿足全部適用要求時，方可為船舶簽發或簽註國際證書。

27 船旗國應在確定某人滿足全部適用要求時，方可為其簽發國際適任證書或簽註。

### 船旗國驗船師

28 對於從事管理、執行和核實、關係到並影響到安全與防污染工作的所有人員，船旗國應對其責任、權力和相互關係做出定義並形成文件。

29 負責或對相關的國際強制性文書所涵蓋的船舶和公司執行檢驗、檢查和審核的人員，應起碼具備：

- .1 從海洋或航海院校獲得的適當資格和作為持有或曾持有管理級有效適任證書的持證高級船員的相關航海經歷，並自獲得適任證書以來一直保持着對船舶及其操作的技術知識；或
- .2 從高等院校獲得的、船旗國承認的相關工程或科學領域的學位或同等學歷；和
- .3 通過正式培訓計劃達到與驗船師經驗相同的標準和第 29.1、29.2 和 32 段中所要求的適任能力的驗船師的資格認證。

30 根據第 29.1 段獲得資格者應已作為甲板或輪機部高級船員在海上服務不少於三年時間。

- 31 根據第 29.2 段獲得資格者應已在相關任內工作不少於三年。
- 32 另外，這些人員應已具備通過有文件記錄的培訓計劃獲得的、履行船旗國驗船師職責所需的、關於船舶、船舶操作和相關國家和國際文書規定的適當實踐和理論知識。
- 33 協助開展這些工作的其他人員應接受過與其經授權從事的工作相稱的教育、培訓和督導。
- 34 在專業技術領域內的先前相關經歷應被視作有利條件；如果沒有先前的經歷，主管機關應提供適當領域的培訓。
- 35 對工作人員的資格以及與其所授權承擔的工作相適應的不斷知識更新，船旗國應實行文件記錄制度。
- 36 依所履行的職能，資格應包括：
- .1 關於適用於船舶、其公司、其船員、其貨物及其操作的國際和國家規則與規定的知識；
  - .2 關於在檢驗、發證、監督、調查和監察職能中應用的程序的知識；
  - .3 對涉及海上安全和海洋環境保護的國際和國家文書以及有關計劃的目的與目標的了解；
  - .4 對船上和岸上、內部與外部步驟的了解；
  - .5 具備實際有效執行所分配任務所需的專業能力；
  - .6 在所有情況下的全面的安全意識，以及對自身安全的意識；和
  - .7 與要執行的各項任務有關的、以及最好還有要評估的職能方面

的培訓或經驗。

37 船旗國應為驗船師簽發在執行任務時佩帶的身份證件。

### 船旗國調查

38 海上安全調查應由公正和客觀的調查官進行，他們具備合適的資格以及與事故相關的事務方面的知識。根據協議，一國或數國將成為海上安全調查國，在此前提下，不論事故或事件發生於何處，船旗國都應提供合格的調查官。

39 建議船旗國保證各調查官在他們的通常職責的相關學科領域方面具備工作知識和實踐經驗。另外，為幫助各調查官執行其通常任務之外的職責，建議船旗國保證可根據需要隨時獲得下列領域的專業人士的意見：

- .1 航行與避碰規則；
- .2 船旗國關於適任證書的規定；
- .3 海洋污染的原因；
- .4 面談技巧；
- .5 證據收集；和
- .6 人為因素影響的評估。

40 建議對涉及需要離崗三天或以上的任何人身傷害事故，以及工傷事件和船旗國船舶事故引起的任何死亡，都應開展調查，並公佈調查結果。

41 應按照相關國際文書調查和報告船舶事故要求，同時考慮到本組織

擬訂的可能經修正的《事故調查規則》及其導則。應按照上述導則，將報告連同船旗國的意見送交本組織。

### 評價與回顧

42 在落實必要的行政步驟、程序和資源以履行其已加入的國際文書所要求的義務方面，船旗國應定期對其績效進行評估。

43 除其他者外，評價船旗國績效的措施應包括港口國監督扣船率、船旗國檢查結果、事故統計、通信和信息程序、年度滅失統計（推定全損（CTLs）除外）、以及其他可能合適的績效指標，以確定人員配置、資源和行政程序是否足以履行其船旗國義務。

44 除其他者外，建議作定期檢討的領域可包括：

- .1 船隊滅失和事故比例，以確定所選擇時期的趨勢；
- .2 與船隊規模相比的、經核實的扣船案例數目；
- .3 經其船旗國授權簽發的證書或簽註的持有人的不勝任或行為不當的經核實案例數目；
- .4 對港口國缺陷報告或干預的反應；
- .5 對非常嚴重和嚴重事故的調查以及從中汲取的教訓；
- .6 承諾的技術和其他資源；
- .7 船隊中船舶的檢查、檢驗和監督結果；
- .8 對工傷事故的調查；
- .9 經適用的國際海上防污染規則項下的事件和違章數目；及

.10 證書、簽註、認可或相似之類被暫時吊銷或撤銷的數目。

### 第 3 部分－沿海國

#### 實施

45 根據各項國際文書規定，沿海國有某些權利和義務。當行使這些文書規定的權利時，沿海國承擔另外的義務。

46 為有效履行其義務，沿海國應：

- .1 通過頒佈國家立法和導則，實施政策，藉此將有助於實施和執行其已加入的所有安全與防污公約及議定書的要求；和
- .2 劃定職責，以根據需要更新和修訂所通過的任何相關政策。

47 沿海國應保證制定其立法、指南和程序，以便一致履行和核實其已加入的相關國際文書所包含的權利、義務及責任。

48 除其他者外，這些權利、義務及責任可包括：

- .1 無線電通信服務；
- .2 氣象預報和警告；
- .3 搜尋與救助服務；
- .4 水道測量服務；
- .5 船舶定線制；
- .6 船舶交通管制；
- .7 船舶航行服務；及

.8 航標。

## 執行

49 沿海國應採取一切必要措施，保證在行使其權利和履行其義務時遵守國際規則。

50 沿海國應酌情考慮、擬訂和實施一套監督和監測計劃，以便：

- .1 準備分派統計數據，從而開展趨勢分析，確定存在問題的領域；
- .2 建立機制以對其水域中的污染事件作出及時反應；及
- .3 酌情與船旗國和/或港口國合作調查海上事故。

## 評價與回顧

51 沿海國應定期評價其根據適用的國際文書行使權利和履行義務的績效。

## 第 4 部分－港口國

### 實施

52 根據各項國際文書，港口國有某些權利和義務。當行使這些文書規定的權利時，港口國承擔另外的義務。

53 在實現海上安全和包括防污的環境保護方面，港口國可以發揮不可或缺的作用。港口國在海上安全與環境保護方面的作用和責任來自各種國際條約、公約、國家法律、以及在某些情況下的雙邊和多邊協議。

54 為有效地履行其義務，港口國應：

- .1 通過頒佈國家立法和指南實施政策，這將有助於實施和執行所有其已加入的安全和防污公約及議定書的要求；和
- .2 劃定責任以便酌情更新和修訂已通過的任何相關政策。

55 港口國應保證制定其立法、指南和程序，以便一致履行和核實其已加入的相關國際文書所包含的權利、義務及責任。

56 除其他者外，這些權利、義務和責任可包括：

- .1 提供合適的接收設施或能力，以接收本組織文書所規定的所有廢物流；
- .2 港口國監督；及
- .3 備有燃油供應商花名冊。

## 執行

57 港口國應採取一切必要措施，以保證在行使其權利和履行其義務時遵守國際規則。

58 數份有關安全和海上防污的國際海事文書含有允許港口國監督的具體規定。

59 還有數份文書規定港口國承擔義務，不給這些公約的非締約國優於締約國的待遇。這意味着，港口國應將公約的條件施用於締約國以及非締約國。

60 在行使其港口國監督的權利時，港口國應建立程序，以便管理一個符合本組織通過的有關決議的港口國監督計劃。

61 港口國監督應僅由經授權並具備資格的港口國監督官員按照本組織



通過的相關程序進行。

62 在所檢查的港口或所檢驗的船舶、在港口或其他地方的船舶修理設施或任何輔助性服務中，港口國監督官員及其協助人員不應有商業、財政和其他壓力，也沒有商業利益；港口國監督官員也不應受僱於或代表被認可組織或船級社從事工作。應採取進一步步驟以保證港口國之外的個人和組織不能影響港口國檢查和所履行的監督的結果。

### 評價與回顧

63 港口國應定期評價其根據本組織適用文書行使權利和履行義務的績效。

**Resolution A.1070(28)**  
**(adopted on 4 December 2013)**

**IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO that, through resolution A.1018(26), it approved the time frame and schedule of activities for the consideration and introduction of an institutionalized IMO Member State Audit Scheme,

RECALLING ALSO that, by resolution A.1054(27), it adopted the *Code for the Implementation of Mandatory IMO Instruments, 2011*, which provides guidance for the implementation and enforcement of IMO instruments and forms the basis of the Voluntary IMO Member State Audit Scheme, in particular concerning the identification of the auditable areas,

BEING AWARE of the request of the seventh session of the United Nations Commission on Sustainable Development (CSD 7) that measures be developed to ensure that flag States give full and complete effect to the IMO and other relevant conventions to which they are party, so that the ships of all flag States meet international rules and standards,

RECOGNIZING that parties to the relevant international conventions have, as part of the ratification process, accepted to fully meet their responsibilities and to discharge their obligations under the conventions and other instruments to which they are party,

REAFFIRMING that States have the primary responsibility to have in place an adequate and effective system to exercise control over ships entitled to fly their flag, and to ensure that they comply with relevant international rules and regulations in respect of maritime safety, security and protection of the marine environment,

REAFFIRMING ALSO that States, in their capacity as port and coastal States, have other obligations and responsibilities under applicable international law in respect of maritime safety, security and protection of the marine environment,

NOTING that, while States may realize certain benefits by becoming party to instruments aiming at promoting maritime safety, security and the prevention of pollution from ships, these benefits can only be fully realized when all parties carry out their obligations as required by the instruments concerned,

NOTING ALSO that the ultimate effectiveness of any instrument depends, inter alia, upon all States:

- (a) becoming party to all instruments related to maritime safety, security and pollution prevention and control;
- (b) implementing and enforcing such instruments fully and effectively; and
- (c) reporting to the Organization, as required,

BEING DESIROUS to further assist Member Governments to improve their capabilities and overall performance in order to be able to comply with the IMO instruments to which they are party,

CONSCIOUS of the difficulties some Member States may face in complying fully with all the provisions of the various IMO instruments to which they are party,

MINDFUL of the need for any such difficulties to be eliminated to the extent possible; and recalling that the Organization has established an Integrated Technical Cooperation Programme for that reason and purpose,

NOTING FURTHER that the Maritime Safety Committee and the Marine Environment Protection Committee have developed requirements for adoption by Contracting Governments to the International Convention for the Safety of Life at Sea, 1974, the Protocol of 1988 relating to the International Convention on Load Lines, 1966, the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the International Convention on Standards of Training, Certification and Watchkeeping, 1978, respectively, which will make the use of the Code referred to in operative paragraph 1 mandatory,

RECALLING FURTHER its consideration of requirements for adoption by Contracting Governments to the International Convention on Load Lines, 1966, the International Convention on Tonnage Measurement of Ships, 1969 and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, which will also make the use of the Code referred to in operative paragraph 1 mandatory,

HAVING CONSIDERED the recommendations made by the Marine Environment Protection Committee, at its sixty-fourth session, and the Maritime Safety Committee, at its ninety-first session,

1. ADOPTS the IMO Instruments Implementation Code (III Code), set out in the annex to the present resolution;
2. REQUESTS the Maritime Safety Committee and the Marine Environment Protection Committee to keep the Code under review and, in coordination with the Council, to propose amendments thereto to the Assembly; and
3. REVOKES resolution A.1054(27) on the *Code for the Implementation of Mandatory IMO Instruments, 2011*.

## Annex

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## PART 1 – COMMON AREAS

### Objective

1 The objective of this Code is to enhance global maritime safety and protection of the marine environment and assist States in the implementation of instruments of the Organization.

2 Different States will view this Code according to their own circumstances and should be bound only for the implementation of those instruments to which they are Contracting Governments or Parties. By virtue of geography and circumstance, some States may have a greater role as a flag State than as a port State or as a coastal State, whilst others may have a greater role as a coastal State or a port State than as a flag State.

### Strategy

3 In order to meet the objective of this Code, a State is recommended to:

- .1 develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;
- .2 establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and
- .3 continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

### General

4 Under the general provisions of treaty law and of IMO conventions, States should be responsible for promulgating laws and regulations and for taking all other steps which may be necessary to give those instruments full and complete effect so as to ensure safety of life at sea and protection of the marine environment.

5 In taking measures to prevent, reduce and control pollution of the marine environment, States should act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

### Scope

6 The Code seeks to address those aspects necessary for a Contracting Government or Party to give full and complete effect to the provisions of the applicable international instruments to which it is a Contracting Government or Party, pertaining to:

- .1 safety of life at sea;
- .2 prevention of pollution from ships;
- .3 standards of training, certification and watchkeeping for seafarers;
- .4 load lines;

- .5 tonnage measurement of ships; and
- .6 regulations for preventing collisions at sea.

7 The following areas should be considered and addressed in the development of policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of those obligations and responsibilities by the State:

- .1 jurisdiction;
- .2 organization and authority;
- .3 legislation, rules and regulations;
- .4 promulgation of the applicable international mandatory instruments, rules and regulations;
- .5 enforcement arrangements;
- .6 control, survey, inspection, audit, verification, approval and certification functions;
- .7 selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
- .8 investigations required to be reported to the Organization; and
- .9 reporting to the Organization and other Administrations.

#### **Initial actions**

8 When a new or amended instrument of the Organization enters into force for a State, the Government of that State should be in a position to implement and enforce its provisions through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure. This means that the Government of the State should have:

- .1 the ability to promulgate laws, which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag and, in particular, provide the legal basis for general requirements for registries, the inspection of ships, safety and pollution prevention laws applying to such ships and the making of associated regulations;
- .2 a legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes; and
- .3 the availability of sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions.

#### **Communication of information**

9 The State should communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned.

**Records**

10 Records, as appropriate, should be established and maintained to provide evidence of conformity to requirements and of the effective operation of the State. Records should remain legible, readily identifiable and retrievable. A documented procedure should be established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records.

**Improvement**

11 States should continually improve the adequacy of the measures which are taken to give effect to those conventions and protocols which they have accepted. Improvement should be made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance.

12 The State should stimulate a culture which provides opportunities for improvement of performance in maritime safety and environmental protection activities, which may include, inter alia:

- .1 continual training programmes relating to safety and pollution prevention;
- .2 regional and national drills on safety and pollution prevention, which engage a broad spectrum of maritime-related national, regional and international organizations, companies and seafarers; and
- .3 using reward and incentive mechanisms for shipping companies and seafarers regarding improving safety and pollution prevention.

13 Further, the State should take action to identify and eliminate the cause of any non-conformities in order to prevent recurrence, including:

- .1 review and analysis of non-conformities;
- .2 implementation of necessary corrective action; and
- .3 review of the corrective action taken.

14 The State should determine action needed to eliminate the causes of potential non-conformities in order to prevent their occurrence.

**PART 2 – FLAG STATES****Implementation**

15 In order to effectively discharge their responsibilities and obligations, flag States should:

- .1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which they are parties; and
- .2 assign responsibilities within their Administrations to update and revise any relevant policies adopted, as necessary.



16 A flag State should establish resources and processes capable of administering a safety and environmental protection programme, which, as a minimum, should consist of the following:

- .1 administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations;
- .2 compliance with the requirements of the applicable international instruments, using an audit and inspection programme, independent of any administrative bodies issuing the required certificates and relevant documentation and/or of any entity which has been delegated authority by the State to issue the required certificates and relevant documentation;
- .3 compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers. This includes, inter alia:
  - .1 training, assessment of competence and certification of seafarers;
  - .2 certificates and endorsements that accurately reflect the competencies of the seafarers, using the appropriate terminology as well as terms that are identical to those used in any safe manning document issued to the ship;
  - .3 impartial investigation to be held of any reported failure, whether by act or omission that may pose a direct threat to safety of life or property at sea or to the marine environment, by the holders of certificates or endorsements issued by the State;
  - .4 arrangements for the withdrawal, suspension or cancellation of certificates or endorsements issued by the State when warranted and when necessary to prevent fraud; and
  - .5 administrative arrangements, including those involving training, assessment and certification activities conducted under the purview of another State, which are such that the flag State accepts its responsibility for ensuring the competence of masters, officers and other seafarers serving on ships entitled to fly its flag;
- .4 the conduct of investigations into casualties and adequate and timely handling of cases involving ships with identified deficiencies; and
- .5 the development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.

17 A flag State should ensure that ships entitled to fly its flag are sufficiently and efficiently manned, taking into account relevant and existing measures such as the Principles of Safe Manning adopted by the Organization.

**Delegation of authority**

18 With regard only to ships entitled to fly its flag a flag State authorizing a recognized organization to act on its behalf, in conducting the surveys, inspections and audits, issuing of certificates and documents, marking of ships and other statutory work required under the conventions of the Organization or under its national legislation, should regulate such authorization(s) in accordance with the applicable requirements of the international mandatory instruments to:

- .1 determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned, in accordance with the required standards for recognized organizations acting on behalf of the Administration set out in the relevant instruments of the Organization;
- .2 have as its basis a formal written agreement between the Administration and the recognized organization which, as a minimum, includes the elements set out in the relevant instruments of the Organization, or equivalent legal arrangements, and which may be based on the model agreement for the authorization of recognized organizations acting on behalf of the Administration;
- .3 issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;
- .4 provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions and specify, only for application to ships entitled to fly its flag, whether any additional standards of the Administration go beyond convention requirements in any respect; and
- .5 require that the recognized organization maintain records, which will provide the Administration with data to assist in interpretation of requirements contained in the applicable international instruments.

19 No flag State should mandate its recognized organizations to apply to ships, other than those entitled to fly its flag, any requirement pertaining to their classification rules, requirements, procedures or performance of other statutory certification processes, beyond convention requirements and the mandatory instruments of the Organization.

20 The flag State should establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by:

- .1 exercising its authority to conduct supplementary surveys to ensure that ships entitled to fly its flag effectively comply with the requirements of the applicable international instruments;
- .2 conducting supplementary surveys as it deems necessary to ensure that ships entitled to fly its flag comply with national requirements, which supplement the international mandatory requirements; and

- .3 providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.

21 A flag State nominating surveyor(s) for the purpose of carrying out surveys, audits and inspections on its behalf should regulate such nominations, as appropriate, in accordance with the guidance provided in paragraph 18, in particular subparagraphs .3 and .4.

#### Enforcement

22 A flag State should take all necessary measures to secure observance of international rules and standards by ships entitled to fly its flag and by entities and persons under its jurisdiction so as to ensure compliance with its international obligations. Such measures should include, inter alia:

- .1 prohibiting ships entitled to fly its flag from sailing until such ships can proceed to sea in compliance with the requirements of international rules and standards;
- .2 the periodic inspection of ships entitled to fly its flag to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries;
- .3 the surveyor to ensure, during the periodic inspection referred to in subparagraph .2, that seafarers assigned to the ships are familiar with:
  - .1 their specific duties; and
  - .2 ship arrangements, installations, equipment and procedures;
- .4 ensuring that the ship's complement, as a whole, can effectively coordinate activities in an emergency situation and in the performance of functions vital to safety or to the prevention or mitigation of pollution;
- .5 providing, in national laws and regulations, for penalties of adequate severity to discourage violation of international rules and standards by ships entitled to fly its flag;
- .6 instituting proceedings, after an investigation has been conducted, against ships entitled to fly its flag, which have violated international rules and standards, irrespective of where the violation has occurred;
- .7 providing, in national laws and regulations, for penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under its authority; and
- .8 instituting proceedings, after an investigation has been conducted, against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred.

23 A flag State should develop and implement a control and monitoring programme, as appropriate, in order to:

- .1 provide for prompt and thorough casualty investigations, with reporting to the Organization as appropriate;
- .2 provide for the collection of statistical data, so that trend analyses can be conducted to identify problem areas; and
- .3 provide for a timely response to deficiencies and alleged pollution incidents reported by port or coastal States.

24 Furthermore, the flag State should:

- .1 ensure compliance with the applicable international instruments through national legislation;
- .2 provide an appropriate number of qualified personnel to implement and enforce the national legislation referred to in subparagraph 15.1, including personnel for performing investigations and surveys;
- .3 provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly its flag have been detained by port States;
- .4 provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under its authority are questioned by port States; and
- .5 ensure the training and oversight of the activities of flag State surveyors and investigators.

25 When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State should oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.

26 A flag State, or a recognized organization acting on its behalf, should only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.

27 A flag State should only issue an international certificate of competency or endorsement to a person after it has determined that the person meets all applicable requirements.

#### **Flag State surveyors**

28 The flag State should define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

29 Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments should have as a minimum the following:

- .1 appropriate qualifications from a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency and having maintained their technical knowledge of ships and their operation since gaining their certificate of competency; or
- .2 a degree or equivalent from a tertiary institution within a relevant field of engineering or science recognized by the flag State; or
- .3 accreditation as a surveyor through a formalized training programme that leads to the same standard of surveyor's experience and competency as that required in paragraphs 29.1, 29.2 and 32.

30 Personnel qualified under paragraph 29.1 should have served for a period of not less than three years at sea as an officer in the deck or engine department.

31 Personnel qualified under paragraph 29.2 should have worked in a relevant capacity for at least three years.

32 In addition, such personnel should have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes.

33 Other personnel assisting in the performance of such work should have education, training and supervision commensurate with the tasks they are authorized to perform.

34 Previous relevant experience in the field of expertise is recommended to be considered an advantage; in case of no previous experience, the Administration should provide appropriate field training.

35 The flag State should implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake.

36 Depending on the function(s) to be performed, the qualifications should encompass:

- .1 knowledge of applicable, international and national, rules and regulations for ships, their companies, their crew, their cargo and their operation;
- .2 knowledge of the procedures to be applied in survey, certification, control, investigative and oversight functions;
- .3 understanding of the goals and objectives of the international and national instruments dealing with maritime safety and protection of the marine environment, and of related programmes;
- .4 understanding of the processes both on board and ashore, internal as well as external;
- .5 possession of professional competency necessary to perform the given tasks effectively and efficiently;
- .6 full safety awareness in all circumstances, also for one's own safety; and

- .7 training or experience in the various tasks to be performed and preferably also in the functions to be assessed.

37 The flag State should issue an identification document for the surveyor to carry when performing his/her tasks.

#### **Flag State investigations**

38 Marine safety investigations should be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty. Subject to any agreement on which State or States will be the marine safety investigating State(s), the flag State should provide qualified investigators for this purpose, irrespective of the location of the casualty or incident.

39 The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary:

- .1 navigation and the Collision Regulations;
- .2 flag State regulations on certificates of competency;
- .3 causes of marine pollution;
- .4 interviewing techniques;
- .5 evidence gathering; and
- .6 evaluation of the effects of the human element.

40 It is recommended that any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to ships of the flag State should be investigated, and the results of such investigations made public.

41 Ship casualties should be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization. The report on the investigation should be forwarded to the Organization together with the flag State's observations, in accordance with the guidelines referred to above.

#### **Evaluation and review**

42 A flag State should, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments to which it is a party.

43 Measures to evaluate the performance of flag States should include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.



- 44 Areas recommended for regular review may include, inter alia:
- .1 fleet loss and accident ratios to identify trends over selected time periods;
  - .2 the number of verified cases of detained ships in relation to the size of the fleet;
  - .3 the number of verified cases of incompetence or wrongdoing by individuals holding certificates or endorsements issued under the flag State's authority;
  - .4 responses to port State deficiency reports or interventions;
  - .5 investigations into very serious and serious casualties and lessons learned from them;
  - .6 technical and other resources committed;
  - .7 results of inspections, surveys and controls of the ships in the fleet;
  - .8 investigation of occupational accidents;
  - .9 the number of incidents and violations that occur under the applicable international maritime pollution prevention regulations; and
  - .10 the number of suspensions or withdrawals of certificates, endorsements, approvals, or similar.

### **PART 3 – COASTAL STATES**

#### **Implementation**

45 Coastal States have certain rights and obligations under various international instruments. When exercising their rights under those instruments coastal States incur additional obligations.

- 46 In order to effectively meet its obligations, a coastal State should:
- .1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and
  - .2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

47 A coastal State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

- 48 Those rights, obligations and responsibilities may include, inter alia:
- .1 radiocommunication services;
  - .2 meteorological services and warnings;



- .3 search and rescue services;
- .4 hydrographic services;
- .5 ships' routeing;
- .6 ship reporting systems;
- .7 vessel traffic services; and
- .8 aids to navigation.

#### **Enforcement**

49 Coastal States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

50 A coastal State should consider, develop and implement a control and monitoring programme, as appropriate, in order to:

- .1 provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas;
- .2 establish mechanisms for timely response to pollution incidents in its waters; and
- .3 cooperate with flag States and/or port States, as appropriate, in investigations of maritime casualties.

#### **Evaluation and review**

51 A coastal State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments.

### **PART 4 – PORT STATES**

#### **Implementation**

52 Port States have certain rights and obligations under various international instruments. When exercising their rights under those instruments, port States incur additional obligations.

53 Port States can play an integral role in the achievement of maritime safety and environmental protection, including pollution prevention. The role and responsibilities of the port State with respect to maritime safety and environmental protection is derived from a combination of international treaties, conventions and national laws as well as, in some instances, from bilateral and multilateral agreements.

54 In order to effectively meet its obligations, a port State should:

- .1 implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all safety and pollution prevention conventions and protocols to which it is a party; and

- .2 assign responsibilities to update and revise any relevant policies adopted, as necessary.

55 A port State should ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party.

56 Those rights, obligations and responsibilities may include, inter alia:

- .1 provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization;
- .2 port State control; and
- .3 keeping a register of fuel oil suppliers.

#### **Enforcement**

57 Port States should take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations.

58 Several international maritime instruments on safety and maritime pollution prevention contain specific provisions that permit port State control.

59 Also, a number of those instruments obligate port States to treat non-parties to those conventions no more favourably than those that are parties. This means that port States should impose the conditions of those instruments on parties, as well as on non-parties.

60 When exercising its right to carry out port State control, a port State should establish processes to administer a port State control programme consistent with the relevant resolution adopted by the Organization<sup>7</sup>.

61 Port State control should be carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization.

62 Port State control officers and persons assisting them should be free from any commercial, financial, and other pressures and have no commercial interest, either in the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere, nor should the port State control officers be employed by or undertake work on behalf of recognized organizations or classification societies. Further procedures should be implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection and control carried out.

#### **Evaluation and review**

63 A port State should periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization.

**第 A.1083 (28) 號決議****2013 年 12 月 4 日通過****《1966 年國際載重線公約》修正案**

大會，

憶及《國際海事組織公約》有關大會在海上安全的有關規則和導則方面的職能的第十五條第（十）款，

又憶及大會以第 A.1070 (28) 號決議通過了《海事組織文書實施規則》（《文書實施規則》），

注意到為使《文書實施規則》成為強制性規則的《1966 年國際載重線公約》（《1966 年載重線公約》）建議修正案，

又注意到海上安全委員會第九十一屆會議根據《1966 年載重線公約》第 29（3）（a）條通過了該建議修正案，

審議了《1966 年載重線公約》的建議修正案，

1. 根據《1966 年載重線公約》第 29（3）（b）條，通過載於本決議附件中的修正案；
2. 根據附則 IV 新的第 53 條，確定在《文書實施規則》（第 A.1070（28）號決議附件）中除第 29、30、31 和 32 段外，無論何處使用“應（should）”字都等同於“須（shall）”字。
3. 要求秘書長按照《1966 年載重線公約》第 29（3）（b）條，將本

決議及其附件的核證無誤副本發送給上述公約的所有締約政府，以供考慮和接受，以及將此副本發送給所有本組織會員國；

4. 籲請一切有關政府儘早接受該修正案；

5. 決定，在依據本決議要求的接受而生效之前，如上述修正案按照《1966 年載重線公約》第 29（2）條獲得一致接受後生效，本決議將作廢。

## 附 件

### 經修正的《1966 年國際載重線公約》

#### 附則 I 和 IV 的修正案

#### 附則 I

#### 載重線勘定規則

#### 第 1 章

#### 總則

#### 第 3 條—本附則中所用術語的定義

1 在定義（12）後加入下列新的定義：

“（13） 審核係指一套系統的、獨立的和有文件記錄的程序以獲取審核證據，以及客觀地對其評價以確定達到審核標準的程度。

（14） 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

（15） 文書實施規則係指本組織經第 A.1070（28）號決議通過的《海事組織文書實施規則》（《文書實施規則》）。

（16） 審核標準係指《文書實施規則》。”

2 在附則 III 後增加附則 IV 如下：

**“附則 IV****核證對本公約規定的遵守****第 53 條****適用範圍**

締約政府在履行本公約所含的其義務和責任時須採用《文書實施規則》的規定。

**第 54 條****核准遵守**

(1) 每一締約政府均須按照審核標準接受本組織的定期審核，以核證遵守和實施本公約的情況。

(2) 本組織秘書長須依據本組織制訂的各项導則為管理審核機制負有責任。

(3) 每一締約政府均須依據本組織制訂的各项導則為便利開展審核和實施行動計劃以處理發現的問題負有責任。

(4) 對一切締約政府的審核須：

(a) 以本組織秘書長擬訂的總體計劃為基礎，並考慮到本組織制訂的各项導則；和

(b) 按定期間隔開展，並考慮到本組織制訂的各项導則。”

**Resolution A.1083(28)**  
**Adopted on 4 December 2013**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO that, by resolution A.1070(28), it adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the International Convention on Load Lines, 1966 (1966 LL Convention) to make the use of the III Code mandatory,

NOTING ALSO that the Maritime Safety Committee, at its ninety-first session, adopted the proposed amendments in accordance with article 29(3)(a) of the 1966 LL Convention,

HAVING CONSIDERED the proposed amendments to the 1966 LL Convention,

1. ADOPTS, in accordance with article 29(3)(b) of the 1966 LL Convention, the amendments, set out in the annex to the present resolution;
2. DETERMINES that, pursuant to new regulation 53 of annex IV, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;
3. REQUESTS the Secretary-General, in accordance with article 29(3)(b) of the 1966 LL Convention, to transmit certified copies of the present resolution and its annex to all Contracting Governments to the said Convention, for consideration and acceptance, and also to transmit copies to all Members of the Organization;
4. URGES all Governments concerned to accept the amendments at the earliest possible date; and
5. RESOLVES that, should entry into force of the aforementioned amendments take place following their unanimous acceptance in accordance with article 29(2) of the 1966 LL Convention, prior to entry into force based on their acceptance as requested by this resolution, this resolution shall become invalid.



## Annex

**AMENDMENTS TO ANNEXES I AND IV TO  
THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED****ANNEX I  
Regulations for determining load lines****Chapter I  
General****Regulation 3 – Definitions of terms used in the annexes**

- 1 The following new definitions are added after definition (12):

"(13) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(14) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

(15) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

(16) *Audit Standard* means the Code for Implementation."

- 2 A new Annex IV is added after Annex III, to read as follows:

**"ANNEX IV  
Verification of compliance with the provisions of this Convention****Regulation 53***Application*

Contracting Governments shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

**Regulation 54***Verification of compliance*

(1) Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

(2) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

(3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

(4) Audit of all Contracting Governments shall be:

(a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

(b) conducted at periodic intervals, taking into account the guidelines developed by the Organization."

**第 A.1084 (28) 號決議****2013 年 12 月 4 日通過****《1969 年國際船舶噸位丈量公約》修正案**

大會，

憶及《國際海事組織公約》有關大會在海上安全的有關規則和導則方面的職能的第十五條第（十）款，

又憶及大會以第 A.1070 (28) 號決議通過了《國際海事組織文書實施規則》（《文書實施規則》），

注意到為使《文書實施規則》成為強制性規則的《1969 年國際船舶噸位丈量公約》（《1969 年噸位丈量公約》）建議修正案，

又注意到海上安全委員會在其第九十一屆會議上按照《1969 年噸位丈量公約》第 18 (3) (a) 條通過了該建議修正案，

審議了《1969 年噸位丈量公約》建議修正案，

1. 按照《1969 年噸位丈量公約》第 18 (3) (b) 條，通過載於本決議附件中的修正案；
2. 按照附則 III 新的第 8 條，確定在《文書實施規則》（第 A.1070 (28) 號決議附件）中除第 29、30、31 和 32 段外，無論何處使用到“應 (should)”字都等同於“須 (shall)”字。
3. 要求秘書長按照《1969 年噸位丈量公約》第 18 (3) (b) 條，將本

決議及其附件的核證無誤副本發送給上述公約的所有締約政府，以供考慮和接受，以及將此副本發送給所有本組織會員國；

4. 籲請有關的各國政府儘早接受該修正案；

5. 決定，在依據本決議要求的接受而生效之前，如果上述修正案在按照《1969 年噸位丈量公約》第 18（2）條獲得一致接受後生效，本決議將作廢。

## 附 件

## 《1969 年國際船舶噸位丈量公約》

## 附則 I 和附則 III 的修正案

## 附則 I

## 確定船舶總噸位和淨噸位的規則

## 第 2 條—附則中所用術語的定義

1 在定義第（8）項後增加以下定義：

“（9） 審核係指一套系統的、獨立的和有文件記錄的程序以獲取審核證據，以及客觀地對其評價以確定達到審核標準的程度。

（10） 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

（11） 文書實施規則係指本組織以第 A.1070（28）號決議通過的《國際海事組織文書實施規則》（《文書實施規則》）。

（12） 審核標準係指《文書實施規則》。”

2 在附則 II 之後增加新的附則 III 如下：

## “附則 III

## 核證對本公約規定的遵守

## 第 8 條

## 適用範圍

締約政府在履行本公約所含的其義務和責任時須採用《文書實施規則》中的規定。

## 第 9 條

### 核證遵守

(1) 每一締約國均須按照審核標準接受本組織的定期審核，以核證對本公約的遵守和履行情況。

(2) 本組織秘書長須依照本組織制訂各項導則為管理該審核機制負有責任。

(3) 每一締約國均須依照本組織制訂的各項導則為便利開展審核和實施行動計劃以處理所發現的問題負有責任。

(4) 對一切締約國的審核須：

- .1 以本組織秘書長擬訂的總體計劃為基礎，並考慮到本組織制訂的各項導則；和
- .2 按定期間隔開展，並考慮到本組織制訂的各項導則。”

**Resolution A.1084(28)**  
**(adopted on 4 December 2013)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION  
ON TONNAGE MEASUREMENT OF SHIPS, 1969**

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization concerning the functions of the Assembly in relation to regulations and guidelines concerning maritime safety,

RECALLING ALSO that, by resolution A.1070(28), it adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the International Convention on Tonnage Measurement of Ships, 1969 (1969 Tonnage Measurement Convention) to make the use of the III Code mandatory,

NOTING ALSO that the Maritime Safety Committee, at its ninety-first session, adopted the proposed amendments in accordance with article 18(3)(a) of the 1969 Tonnage Measurement Convention,

HAVING CONSIDERED the proposed amendments to the 1969 Tonnage Measurement Convention,

1. ADOPTS, in accordance with article 18(3)(b) of the 1969 Tonnage Measurement Convention, the amendments, set out in the annex to the present resolution;
2. DETERMINES that, pursuant to new regulation 8 of annex III, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;
3. REQUESTS the Secretary-General, in accordance with article 18(3)(b) of the 1969 Tonnage Measurement Convention, to transmit certified copies of the present resolution and its annex to all Contracting Governments to the said Convention, for consideration and acceptance, and also to transmit copies to all Members of the Organization;
4. URGES all Governments concerned to accept the amendments at the earliest possible date; and
5. RESOLVES that, should entry into force of the aforementioned amendments take place following their unanimous acceptance in accordance with article 18(2) of the 1969 Tonnage Measurement Convention, prior to entry into force based on their acceptance as requested by this resolution, this resolution shall become invalid.

## Annex

**AMENDMENTS TO ANNEXES I AND III TO THE INTERNATIONAL CONVENTION  
ON TONNAGE MEASUREMENT OF SHIPS, 1969****ANNEX I****REGULATIONS FOR DETERMINING GROSS AND NET TONNAGES OF SHIPS****Regulation 2 – Definitions of terms used in the annexes**

- 1 The following definitions are added after definition (8):
  - "(9) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
  - (10) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.
  - (11) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).
  - (12) *Audit Standard* means the Code for Implementation.
- 2 A new Annex III is added after Annex II to read as follows:

**"ANNEX III****Verification of compliance with the provisions of this Convention****Regulation 8***Application*

Contracting Governments shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

**Regulation 9***Verification of compliance*

- (1) Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- (2) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.
- (3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.
- (4) Audit of all Contracting Governments shall be:
  - .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
  - .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization



## 第A.1085（28）號決議

2013年12月4日通過

### 《1972年國際海上避碰規則公約》修正案

大會，

憶及《1972年國際海上避碰規則公約》（下文稱“本公約”）關於各規則修正案的第六條，

又憶及大會經第A.1070（28）號決議通過了《國際海事組織文書實施規則》（《文書實施規則》），

注意到為使《文書實施規則》成為強制性規則本公約的建議修正案，

審議了經海安會第九十一屆會議通過的、並按本公約第六條第二款已發送給所有締約國的本公約修正案；還審議了海安會關於該修正案生效的建議案；

1. 根據本公約第六條第三款，通過載於本決議附件中的修正案；
2. 根據本公約第六條第四款，決定該修正案將於2016年1月1日生效，除非在2015年7月1日之前已有超過三分之一的本公約締約國表示反對該修正案；
3. 根據新的F部分新的第40條規定，確定在《文書實施規則》（第A.1070（28）號決議附件）中除第29、30、31和32款外，無論何處使用“應（should）”字都等同於“須（shall）”字。

4.      **要求**秘書長按照本公約第六條第三款向本公約的所有締約國發送該修正案以供接受；和
5.      **請**本公約各締約國在2015年7月1日之前提交其可能有的、對該修正案的任何反對意見，此後該修正案須視為已經被接受，按照本決議的決定生效。

## 附件

## 經修正的《1972年國際海上避碰規則公約》修正案

在現有的E部分（免除）之後增加新的F部分如下：

## “F部分

## 核證對本公約規定的遵守

## 第39條

## 定義

- （a） 審核係指一套系統的、獨立的和有文件記錄的程序以獲取審核證據，以及客觀地對其評價以確定達到審核標準的程度。
- （b） 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。
- （c） 文書實施規則係指本組織經第A.1070（28）號決議通過的《國際海事組織文書實施規則》（《文書實施規則》）。
- （d） 審核標準係指《文書實施規則》。

## 第40條

## 應用範圍

締約國在履行本公約所含的其義務和責任時須採用《文書實施規則》的規定。

## 第41條

### 核證遵守

- (a) 每一締約國均須按照審核標準接受本組織的定期審核，以核證遵守和實施本公約的情況。
- (b) 本組織秘書長須依據本組織制訂的各项導則為管理“審核機制”負有責任。
- (c) 每一締約國均須依據本組織制訂的各项導則為方便開展審核和實施行動計劃以處理發現的問題負有責任。
- (d) 對一切締約國的審核須：
  - (i) 以本組織秘書長擬訂的總體計劃為基礎，並考慮到本組織制訂的各项導則；和
  - (ii) 按定期間隔開展，並考慮到本組織制訂的各项導則。”

**Resolution A.1085(28)**  
**(adopted on 4 December 2013)**

**AMENDMENTS TO THE CONVENTION ON THE  
INTERNATIONAL REGULATIONS FOR PREVENTING COLLISIONS AT SEA, 1972**

THE ASSEMBLY,

RECALLING article VI of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (hereinafter referred to as "the Convention"), on amendments to the Regulations,

RECALLING ALSO that, by resolution A.1070(28), it adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED the amendments to the Convention, adopted by the Maritime Safety Committee at its ninety-first session and communicated to all Contracting Parties in accordance with paragraph 2, article VI of the Convention; and also the recommendations of the Maritime Safety Committee concerning the entry into force of these amendments,

1. ADOPTS, in accordance with paragraph 3, article VI of the Convention, the amendments set out in the annex to the present resolution;
2. DECIDES, in accordance with paragraph 4, article VI of the Convention, that the amendments shall enter into force on 1 January 2016, unless by 1 July 2015 more than one third of Contracting Parties to the Convention have notified their objection to the amendments;
3. DETERMINES that, pursuant to new rule 40 of new part F, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;
4. REQUESTS the Secretary-General, in conformity with paragraph 3, article VI of the Convention, to communicate these amendments to all Contracting Parties to the Convention for acceptance; and
5. INVITES Contracting Parties to the Convention to submit any objections they may have to the amendments not later than 1 July 2015, whereafter the amendments shall be deemed to have been accepted for entry into force as determined in the present resolution.

## Annex

**AMENDMENTS TO THE INTERNATIONAL REGULATIONS  
FOR PREVENTING COLLISIONS AT SEA, 1972, AS AMENDED**

After existing part E (Exemptions), a new part F is added to read as follows:

**"PART F****Verification of compliance with the provisions of the Convention****Rule 39***Definitions*

- (a) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
- (b) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*.
- (c) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).
- (d) *Audit Standard* means the Code for Implementation.

**Rule 40***Application*

Contracting Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

**Rule 41***Verification of compliance*

- (a) Every Contracting Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- (b) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.
- (c) Every Contracting Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.
- (d) Audit of all Contracting Parties shall be:
  - (i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
  - (ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization.

## 第MEPC.246（66）號決議

2014年4月4日通過

### 《1973年國際防止船舶造成污染公約1978年議定書》

#### 附則修正案

（使《文書實施規則》的使用具有強制性的《防污公約》附則I、II、III、IV和V修正案）

海上環境保護委員會，

憶及《國際海事組織公約》第三十八條第（一）款關於防止和控制船舶造成海洋污染的國際公約賦予海上環境保護委員會的職能，

注意到《1973年國際防止船舶造成污染公約》（以下稱《1973年公約》）第16條和《1973年國際防止船舶造成污染公約1978年議定書》（以下稱《1978年議定書》）第VI條共同規定了《1978年議定書》的修正程序和賦予本組織的相關機構審議並通過《經1978年議定書修訂的1973年公約》（《防污公約》）修正案的職能，

憶及大會在其第28屆會議上以第A.1070（28）號決議通過了《國際海事組織文書實施規則》（《文書實施規則》），

審議了使《文書實施規則》的使用具有強制性的《防污公約》附則I、II、III、IV和V的建議修正案，

1. 按照《1973年公約》第16（2）（d）條規定，通過《防污公約》附則I、II、III、IV和V修正案，其文本載於本決議附件；



2. **決定**，根據附則I第44條、附則II第19條、附則III第10條、附則IV第15條和附則V第11條規定，凡《文書實施規則》（第A.1070（28）號決議附件）中使用“應（should）”，均應理解為“須（shall）”，但其第29、30、31和32款除外；
3. 按照《1973年公約》第16（2）（f）（iii）條規定，**決定**該修正案將在2015年7月1日視為被接受，除非在此日期之前，有不少於三分之一的締約國或其合計商船隊佔世界商船總噸位不少於50%的締約國通知本組織其反對該修正案；
4. **請**各締約國注意，按照《1973年公約》第16（2）（g）（ii）條規定，所述修正案在按照上述第3段被接受後，應於2016年1月1日生效；
5. **要求**秘書長按照《1973年公約》第16（2）（e）條規定，將本決議及其附件中修正案文本的核證無誤副本分發給所有《防污公約》締約國；
6. **進一步要求**秘書長將本決議及其附件的副本分發給非《防污公約》締約國的本組織會員國。

## 附件

## 《防污公約》附則I、II、III、IV和V修正案

## 《防污公約》附則I修正案

- 1 第1條末尾新增以下第35至38款：

“35 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

36 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

37 文書實施規則係指本組織以第A.1070（28）號決議通過的《海事組織文書實施規則》（《文書實施規則》）。

38 審核標準係指《文書實施規則》。”

- 2 新增第10章如下：

## “第10章—對符合本公約各項規定的驗證

## 第44條

## 適用範圍

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

## 第45條

## 符合性驗證

- 1 每一締約國均須接受本組織按照審核標準進行的定期審

核，以對符合和實施本附則進行驗證。

2 本組織秘書長基於本組織制訂的導則，有責任管理該審核機制。

3 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。

4 所有締約國審核均須：

.1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和

.2 定期進行，並考慮到本組織制訂的導則。”

### 《防污公約》附則II修正案

3 在第1條末尾新增如下內容：

“18 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

19 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

20 文書實施規則係指本組織以第A.1070(28)號決議通過的《海事組織文書實施規則》（《文書實施規則》）。

21 審核標準係指《文書實施規則》。”

4 新增第9章如下：

### “第9章—對符合本公約各項規定的驗證

## 第19條

### 適用範圍

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

## 第20條

### 符合性驗證

1 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。

2 本組織秘書長應基於本組織制定的導則，負責對審核機制實施管理。

3 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。

4 所有締約國審核均須：

.1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和

.2 定期進行，並考慮到本組織制訂的導則。”

### 《防污公約》附則III修正案

5 在第1條之前新增標題如下：

#### “第1章－總則”

6 新增第1條如下：

**“第1條****定義**

就本附則而言：

1 有害物質係指那些在《國際海運危險貨物規則》（《國際危規》）中確定為海洋污染物的物質或符合本附則附錄所述標準的物質。

2 包裝形式係指《國際危規》中對有害物質所規定的盛裝形式。

3 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

4 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

5 文書實施規則係指本組織以第A.1070（28）號決議通過的《海事組織文書實施規則》（《文書實施規則》）。

6 審核標準係指《文書實施規則》。”

7 其後各條相應重新編號。

8 刪除第2條適用範圍的第1.1和1.2款。

9 新增第2章如下：

**“第2章—對本附則各項規定的驗證****第10條****適用範圍**

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

### 第11條 符合性驗證

- 1 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。
- 2 本組織秘書長基於本組織制定的導則，有責任管理該審核機制。
- 3 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。
- 4 所有締約國審核均須：
  - .1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和
  - .2 定期進行，並考慮到本組織制訂的導則。”

### 《防污公約》附則IV修正案

- 10 在第1條末尾新增如下內容：

“12 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

13 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

14 文書實施規則係指本組織以第A.1070(28)號決議通過

的《海事組織文書實施規則》（《文書實施規則》）。

15 審核標準係指《文書實施規則》。”

11 新增第6章如下：

**“第6章—對符合本附則各項規定的驗證**

**第15條**

**適用範圍**

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

**第16條**

**符合性驗證**

1 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。

2 本組織秘書長基於本組織制定的導則，有責任管理該審核機制。

3 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。

4 所有締約國審核均須：

.1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和

.2 定期進行，並考慮到本組織制訂的導則。”



## 《防污公約》附則V修正案

- 12 在第1條之前新增標題如下：

### “第1章—總則”

- 13 在第1條末尾新增如下內容：

“15 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

16 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

17 文書實施規則係指本組織以第A.1070(28)號決議通過的《海事組織文書實施規則》(《文書實施規則》)。

18 審核標準係指《文書實施規則》。”

- 14 新增第2章如下：

### “第2章—對符合本附則各項規定的驗證

#### 第11條

#### 適用範圍

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

#### 第12條

#### 符合性驗證

1 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。

- 2 本組織秘書長基於本組織制定的導則，有責任管理該審核機制。
- 3 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。
- 4 所有締約國審核均須：
  - .1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和
  - .2 定期進行，並考慮到本組織制訂的導則。”

**RESOLUTION MEPC.246(66)**  
**(adopted on 4 April 2014)**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1978 RELATING TO  
THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF  
POLLUTION FROM SHIPS, 1973**

**(Amendments to MARPOL Annexes I, II, III, IV and V to make the use of the  
III Code mandatory)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention") and article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") which together specify the amendment procedure of the 1978 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 Protocol (MARPOL),

RECALLING that the Assembly, at its twenty-eighth regular session, adopted, by resolution A.1070(28), the *IMO Instruments Implementation Code (III Code)*,

HAVING CONSIDERED proposed amendments to MARPOL Annexes I, II, III, IV and V to make the use of the III Code mandatory,

1 ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to Annexes I, II, III, IV and V of MARPOL, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to regulation 44 of Annex I, regulation 19 of Annex II, regulation 10 of Annex III, regulation 15 of Annex IV and regulation 11 of Annex V, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2015 unless, prior to that date, not less than one third of the Parties or Parties, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

4 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 3 above;

5 REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to MARPOL, certified copies of the present resolution and the text of the amendments contained in the annex;

6 REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to MARPOL, copies of the present resolution and its annex.

## ANNEX

## AMENDMENTS TO MARPOL ANNEXES I, II, III, IV AND V

## Amendments to MARPOL Annex I

- 1 The following paragraphs 35 to 38 are added at the end of regulation 1:

"35 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

36 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

37 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

38 *Audit Standard* means the Code for Implementation.

- 2 A new chapter 10 is added to read as follows:

**"Chapter 10 – Verification of compliance with the provisions of this Convention**

**Regulation 44  
*Application***

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

**Regulation 45  
*Verification of compliance***

1 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

3 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

- 4 Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

#### Amendments to MARPOL Annex II

- 3 The following is added at the end of regulation 1:

"18 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

19 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

20 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

21 *Audit Standard* means the Code for Implementation.

- 4 A new chapter 9 is added to read as follows:

#### "Chapter 9 – Verification of compliance with the provisions of this Convention

##### **Regulation 19**

##### ***Application***

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

##### **Regulation 20**

##### ***Verification of compliance***

1 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

3 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines adopted by the Organization.

- 4 Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and

- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

**Amendments to MARPOL Annex III**

- 5 A new heading is added before regulation 1 to read as follows:

**"Chapter 1 – General"**

- 6 A new regulation 1 is added to read as follows:

**"Regulation 1  
Definitions"**

For the purposes of this Annex:

1 *Harmful substances* are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria in the appendix of this Annex.

2 *Packaged form* is defined as the forms of containment specified for harmful substances in the IMDG Code.

3 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

4 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

5 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

6 *Audit Standard* means the Code for Implementation.

- 7 The subsequent regulations are renumbered accordingly.

- 8 In regulation 2, Application, subparagraphs 1.1 and 1.2 are deleted.

- 9 A new chapter 2 is added to read as follows:

**"Chapter 2 – Verification of compliance with the provisions of this Annex"****Regulation 10  
Application**

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

**Regulation 11  
Verification of compliance**

1 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

3 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

4 Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary General of the Organization, taking into account the guidelines developed by the Organization; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

#### **Amendments to MARPOL Annex IV**

10 The following is added at the end of regulation 1:

"12 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

13 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

14 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

15 *Audit Standard* means the Code for Implementation.

11 A new chapter 6 is added to read as follows:

#### **"Chapter 6 – Verification of compliance with the provisions of this Annex**

##### **Regulation 15 *Application***

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

##### **Regulation 16 *Verification of compliance***

1 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.



3 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

4 Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

#### Amendments to MARPOL Annex V

12 A new heading is added before regulation 1 to read as follows:

##### **"Chapter 1 – General"**

13 The following is added at the end of regulation 1:

"15 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

16 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

17 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

18 *Audit Standard* means the Code for Implementation.

14 A new chapter 2 is added, to read as follows:

##### **"Chapter 2 – Verification of compliance with the provisions of this Annex"**

###### **Regulation 11 *Application***

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

###### **Regulation 12 *Verification of compliance***

1 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

3 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

4 Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

**第 MEPC.247 (66) 號決議****2014 年 4 月 4 日通過****《經 1978 年議定書修訂的 1973 年國際防止船舶造成  
污染公約的 1997 年議定書》附則的修正案****（以使《文書實施規則》的使用具有強制性）**

海上環境保護委員會，

憶及《國際海事組織公約》第三十八條第（一）款關於防止和控制船舶造成海洋污染的國際公約賦予海上環境保護委員會（本委員會）的職能，

注意到《1973 年國際防止船舶造成污染公約》（以下稱《1973 年公約》）第 16 條，《1973 年國際防止船舶造成污染公約 1978 年議定書》（以下稱《1978 年議定書》）第 VI 條，以及《經 1978 年議定書修訂的 1973 年國際防止船舶造成污染公約的 1997 年議定書》（以下稱《1997 年議定書》）第 4 條共同規定了《1997 年議定書》的修正程序和賦予本組織的相關機構審議並通過《經 1978 年和 1997 年議定書修訂的 1973 年公約》修正案的職能，

還注意到《1973 年公約》以《1997 年議定書》納入了題為防止船舶造成空氣污染規則的附則 VI（以下稱“附則 VI”），

憶及大會在其第 28 屆會議上以第 A.1070 (28) 號決議通過的《國際海事組織文書實施規則》（《文書實施規則》），

審議了使《文書實施規則》的使用具有強制性的《防污公約》附則 VI 的建議修正案，

1. 按照《1973 年公約》第 16 (2) (d) 條規定，通過附則 VI 修正案，其文本載於本決議附件；
2. 決定，依據附則 VI 新增的第 24 條規定，凡在《文書實施規則》（第 A.1070 (28) 號決議附件）中使用“應 (should)”，均應理解為“須 (shall)”，但其第 29、30、31 和 32 款除外；
3. 按照《1973 年公約》第 16 (2) (f) (iii) 條規定，決定該修正案將在 2015 年 7 月 1 日視為被接受，除非在此日期之前，有不少於三分之一的締約國或其合計商船隊佔世界商船隊總噸位不少 50% 的締約國通知本組織其反對該修正案；
4. 請各締約國注意，按照《1973 年公約》第 16 (2) (g) (ii) 條規定，所述修正案在按上述第 3 段被接受後，應於 2016 年 1 月 1 日生效；
5. 要求秘書長遵照《1973 年公約》第 16 (2) (e) 條規定，將本決議及其附件中的修正案文本的核證無誤副本分發給所有《經 1978 年和 1997 年議定書修訂的 1973 年公約》締約國；
6. 進一步要求秘書長將本決議及其附件的副本分發給非《經 1978 年和 1997 年議定書修訂的 1973 年公約》締約國的本組織會員國。

## 附件

**《防污公約》附則 VI 修正案**

- 1 在第 2 條末尾新增如下內容：

“就本附則而言：

44 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

45 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

46 文書實施規則係指本組織以第 A.1070 (28) 號決議通過的《海事組織文書實施規則》(《文書實施規則》)。

47 審核標準係指《文書實施規則》。”

- 2 新增第 5 章如下：

**“第 5 章—對符合本附則各項規定的驗證**

**第 24 條**

**適用範圍**

各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

**第 25 條**

**符合性驗證**

(1) 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。

(2) 本組織秘書長基於本組織制訂的導則，有責任管理該審核機制。

(3) 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。

(4) 所有締約國審核均須：

- .1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和
- .2 定期進行，並考慮到本組織制訂的導則。”

**RESOLUTION MEPC.247(66)**  
**(adopted on 4 April 2014)**

**AMENDMENTS TO THE ANNEX OF THE PROTOCOL OF 1997 TO AMEND THE  
INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM  
SHIPS, 1973, AS MODIFIED BY THE PROTOCOL OF 1978 RELATING THERETO**

**(To make the use of the III Code mandatory)**

THE MARINE ENVIRONMENT PROTECTION COMMITTEE,

RECALLING Article 38(a) of the Convention on the International Maritime Organization concerning the functions of the Marine Environment Protection Committee (the Committee) conferred upon it by international conventions for the prevention and control of marine pollution from ships,

NOTING article 16 of the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1973 Convention"), article VI of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (hereinafter referred to as the "1978 Protocol") and article 4 of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as the "1997 Protocol"), which together specify the amendment procedure of the 1997 Protocol and confer upon the appropriate body of the Organization the function of considering and adopting amendments to the 1973 Convention, as modified by the 1978 and 1997 Protocols,

NOTING ALSO that, by the 1997 Protocol, Annex VI entitled Regulations for the Prevention of Air Pollution from Ships was added to the 1973 Convention (hereinafter referred to as "Annex VI"),

RECALLING that the Assembly, at its twenty-eighth regular session, adopted, by resolution A.1070(28), the *IMO Instruments Implementation Code (III Code)*,

HAVING CONSIDERED proposed amendments to MARPOL Annexes VI to make the use of the III Code mandatory,

1 ADOPTS, in accordance with article 16(2)(d) of the 1973 Convention, amendments to Annex VI, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation 24 of Annex VI, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES, in accordance with article 16(2)(f)(iii) of the 1973 Convention, that the amendments shall be deemed to have been accepted on 1 July 2015, unless prior to that date, not less than one third of the Parties or Parties, the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments;

4 INVITES the Parties to note that, in accordance with article 16(2)(g)(ii) of the 1973 Convention, the said amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 3 above;

5 REQUESTS the Secretary-General, in conformity with article 16(2)(e) of the 1973 Convention, to transmit to all Parties to the 1973 Convention, as modified by the 1978 and 1997 Protocols, certified copies of the present resolution and the text of the amendments contained in the annex;

6 REQUESTS FURTHER the Secretary-General to transmit to the Members of the Organization which are not Parties to the 1973 Convention, as modified by the 1978 and 1997 Protocols, copies of the present resolution and its annex.

## ANNEX

## AMENDMENTS TO MARPOL ANNEX VI

- 1 The following is added at the end of regulation 2:

"For the purposes of this annex:

44 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

45 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

46 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

47 *Audit Standard* means the Code for Implementation.

- 2 A new chapter 5 is added to read as follows:

**"Chapter 5 – Verification of compliance with the provisions of this annex**

**Regulation 24**  
***Application***

Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in this Annex.

**Regulation 25**  
***Verification of compliance***

(1) Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of this Annex.

(2) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

(3) Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

(4) Audit of all Parties shall be:

- .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.



## 第 MSC.366 (93) 號決議

(2014 年 5 月 22 日通過)

# 經修正的《1974 年國際海上人命安全公約》的修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第二十八條第（二）款，

還憶及《1974 年國際海上人命安全公約》（《安全公約》）（以下稱“該公約”）關於該公約附則除第 I 章規定外的適用修正程序的第 VIII（b）條，

進一步憶及大會以第 A.1070（28）號決議通過了《國際海事組織文書實施規則》（《文書實施規則》），

注意到使《文書實施規則》的使用具有強制性的該公約建議修正案，

在其第九十三屆會議上，審議了按照該公約第 VIII（b）（i）條提出和分發的該公約修正案，

1. 按照該公約第 VIII（b）（iv）條，通過該公約的修正案，其文本載於本決議之附件；
2. 決定，根據第 XIII 章新的第 2 條，凡《文書實施規則》（第 A.1070（28）號決議附件）中使用“應（Should）”，均應理解為“須

( Shall ) ” ， 但第 29、30、31 和 32 款除外；

3. 按照該公約第 VIII ( b ) ( vi ) ( 2 ) ( bb ) 條，**還決定**所述修正案將在 2015 年 7 月 1 日視為被接受，除非在此日期之前，有三分之一以上的該公約締約國政府或其合計商船隊佔世界商船隊總噸位不少於 50% 的締約國政府表示反對該修正案；
4. **請**《安全公約》締約國政府注意，按照該公約第 VIII ( b ) ( vii ) ( 2 ) 條，該修正案在按照上述第 3 段被接受後，將於 2016 年 1 月 1 日生效；
5. **要求**秘書長遵照該公約第 VIII ( b ) ( v ) 條，將本決議及其附件中的修正案文本的核證無誤副本分發給該公約的所有締約國政府；
6. **還要求**秘書長將本決議及其附件的副本分發給非該公約締約國政府的本組織會員國。

## 附件

# 經修正的《1974 年國際海上人命安全公約》的修正案

## 第 XIII 章

### 符合性驗證

在現有第 XII 章之後，增加如下新的第 XIII 章：

## “第 XIII 章

### 符合性驗證

#### 第 1 條—定義

- 1 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。
- 2 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。
- 3 文書實施規則係指本組織以第 A.1070 (28) 號決議通過的《海事組織文書實施規則》(《文書實施規則》)。
- 4 審核標準係指《文書實施規則》。

#### 第 2 條—適用範圍

各締約國政府在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

#### 第 3 條—符合性驗證

- 1 每一締約國政府均須接受本組織按照審核標準進行的定期審核，以對符合和實施本公約進行驗證。
- 2 本組織秘書長基於本組織制訂的導則，有責任管理該審核機制。
- 3 每一締約國政府基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。
- 4 所有締約國政府審核均須：
  - .1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和
  - .2 定期進行，並考慮到本組織制訂的導則。”

**RESOLUTION MSC.366(93)**  
**(adopted on 22 May 2014)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION  
FOR THE SAFETY OF LIFE AT SEA, 1974, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VIII(b) of the International Convention for the Safety of Life at Sea (SOLAS), 1974 (hereinafter referred to as "the Convention"), concerning the amendment procedure applicable to the annex to the Convention, other than to the provisions of chapter I thereof,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the *IMO Instruments Implementation Code (III Code)*,

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the Convention, proposed and circulated in accordance with article VIII(b)(i) thereof,

1 ADOPTS, in accordance with article VIII(b)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation 2 of chapter XIII, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with article VIII(b)(vi)(2)(bb) of the Convention, that the said amendments shall be deemed to have been accepted on 1 July 2015, unless, prior to that date, more than one third of the Contracting Governments to the Convention or Contracting Governments the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant fleet, have notified their objections to the amendments;

4 INVITES SOLAS Contracting Governments to note that, in accordance with article VIII(b)(vii)(2) of the Convention, the amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 3 above;

5 REQUESTS the Secretary-General, in conformity with article VIII(b)(v) of the Convention, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Contracting Governments to the Convention;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization which are not Contracting Governments to the Convention.

## ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE  
SAFETY OF LIFE AT SEA, 1974, AS AMENDEDCHAPTER XIII  
VERIFICATION OF COMPLIANCE

A new chapter XIII is added after the existing chapter XII, as follows:

"CHAPTER XIII  
VERIFICATION OF COMPLIANCE**Regulation 1 – Definitions**

- 1 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
- 2 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.
- 3 *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).
- 4 *Audit Standard* means the Code for Implementation.

**Regulation 2 – Application**

Contracting Governments shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

**Regulation 3 – Verification of compliance**

- 1 Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
- 2 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.
- 3 Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines adopted by the Organization.
- 4 Audit of all Contracting Governments shall be:
  - .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
  - .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization."

**第 MSC.373 (93) 號決議****(2014 年 5 月 22 日通過)****《1978 年海員培訓、發證和值班標準國際公約》****(《培訓公約》) 修正案**

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第二十八條第(二)款，

還憶及《1978 年海員培訓、發證和值班標準國際公約》(《培訓公約》)(以下稱“該公約”)關於修正該公約的程序的第 XII 條，

進一步憶及大會以第 A.1070 (28) 號決議通過了《國際海事組織文書實施規則》(《文書實施規則》)，

注意到使《文書實施規則》的使用具有強制性的該公約建議修正案，

在其第九十三屆會議上，審議了按照該公約第 XII (1) (a) (i) 條提出和分發的該公約修正案，

1. 按照該公約第 XII (1) (a) (iv) 條，通過該公約的修正案，其文本載於本決議之附件；
2. 決定，根據新的第 I/16 條，凡《文書實施規則》(第 A.1070 (28) 號決議附件)中使用“應 (should)”，均應理解為“須 (shall)”，



但第 29、30、31 和 32 款除外；

3. 按照該公約第 XII (1) (a) (vii) (2) 條，**還決定**該公約修正案將於 2015 年 7 月 1 日視為被接受，除非在此日期之前，有三分之一以上的該公約締約國或其合計商船隊佔 100 總登記噸或以上船舶的世界商船總噸位不少於 50%的締約國表示反對該修正案；

4. **請**締約國注意，按照該公約第 XII (1) (a) (viii) 條，該公約修正案在按照上述第 3 段被接受後，將於 2016 年 1 月 1 日生效；

5. **要求**秘書長遵照該公約第 XII (1) (a) (v) 條，將本決議及其附件中的修正案文本的核證無誤副本分發給該公約的所有締約國；

6. **還要求**秘書長將本決議及其附件的副本分發給非該公約締約國的本組織會員國。

## 附件

經修正的《1978年海員培訓、發證和值班標準國際公約》  
(《培訓公約》)的修正案

## 第 I 章

## 總則

- 1 在第 I/1.36 條末尾增加下列新的定義：
  - “37 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。
  - 38 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。
  - 39 文書實施規則係指本組織以第 A.1070 (28) 號決議通過的《海事組織文書實施規則》(《文書實施規則》)。
  - 40 審核標準係指《文書實施規則》。”
- 2 在現有第 I/15 條之後增加新的第 I/16 條：

“第 I/16 條  
符合性驗證

  - 1 各締約國在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

- 2 每一締約國均須接受本組織按照審核標準進行的定期審核，以對符合和實施本公約進行驗證。
- 3 本組織秘書長基於本組織制訂的導則，有責任管理該審核機制。
- 4 每一締約國基於本組織制定的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。
- 5 所有締約國審核均須：
  - .1 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和
  - .2 定期進行，並考慮到本組織制訂的導則。”

**RESOLUTION MSC.373(93)**  
**(adopted on 22 May 2014)**

**AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS OF  
TRAINING, CERTIFICATION AND WATCHKEEPING FOR SEAFARERS (STCW), 1978**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article XII of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 (hereinafter referred to as "the Convention"), concerning the procedures for amending the Convention,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the IMO Instruments Implementation Code (III Code),

NOTING proposed amendments to the Convention to make the use of the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the Convention proposed and circulated in accordance with article XII(1)(a)(i) of the Convention,

1 ADOPTS, in accordance with article XII(1)(a)(iv) of the Convention, amendments to the Convention, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation I/16, whenever the word "should" is used in the III Code (Annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with article XII(1)(a)(vii)(2) of the Convention, that the amendments to the Convention shall be deemed to have been accepted on 1 July 2015, unless, prior to that date more than one third of Parties or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of the world's merchant shipping of ships of 100 gross register tonnes or more, have notified their objections to the amendments;

4 INVITES Parties to note that, in accordance with article XII(1)(a)(viii) of the Convention, that the amendments to the Convention, shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 3 above;

5 REQUESTS the Secretary-General, in conformity with article XII(1)(a)(v) to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the Convention;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the Convention.

## ANNEX

AMENDMENTS TO THE INTERNATIONAL CONVENTION ON STANDARDS  
OF TRAINING, CERTIFICATION AND WATCHKEEPING FOR  
SEAFARERS (STCW), 1978, AS AMENDED

## CHAPTER I

## GENERAL PROVISIONS

- 1 The following new definitions are added at the end of regulation I/1.36:
  - "37 *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.
  - 38 *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.
  - 39 *Code for Implementation* means the IMO Instruments Implementation Code (IIC Code) adopted by the Organization by resolution A.1070(28).
  - 40 *Audit Standard* means the Code for Implementation.
- 2 A new regulation I/16 is added after the existing regulation I/15:

**"Regulation I/16**

**Verification of compliance**

  - 1 Parties shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.
  - 2 Every Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.
  - 3 The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization\*.
  - 4 Every Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.
  - 5 Audit of all Parties shall be:
    - .1 based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
    - .2 conducted at periodic intervals, taking into account the guidelines developed by the Organization.

## 第 MSC.375 (93) 號決議

(2014 年 5 月 22 日通過)

### 經修正的《1966 年國際載重線公約 1988 年議定書》 修正案

海上安全委員會，

憶及《國際海事組織公約》關於本委員會職能的第二十八條第(二)款，

還憶及《1966 年國際載重線公約 1988 年議定書》(以下稱“《1988 年載重線議定書》”)關於修正程序的第 VI 條，

進一步憶及大會以第 A.1070 (28) 號決議通過了《國際海事組織文書實施規則》(《文書實施規則》)，

注意到使《文書實施規則》具有強制性的《1988 年載重線議定書》的建議修正案，

在其第九十三屆會議上，審議了按照該第 VI 條第 2(a) 款提出和分發的《1988 年載重線議定書》修正案，

1. 按照《1988 年載重線議定書》第 VI 條第 2(d) 款通過《1988 年載重線議定書》修正案，其文本載於本決議之附件；
2. 決定，根據附則 IV 新第 53 條，凡《文書實施規則》(第 A.1070 (28) 號決議附件)中使用“應(should)”均應理解為“須(shall)”，但第 29、30、31 和 32 款除外，

3. 按照《1988 年載重線議定書》第 VI 條第 2 (f) (ii) (bb) 款，  
還決定所述修正案將在 2015 年 7 月 1 日視為被接受，除非在此日期  
之前，有三分之一以上的《1988 年載重線議定書》締約國或其合計商  
船隊佔所有締約國的所有商船隊總噸位不少於 50% 的締約國表示反  
對該修正案，
4. 請相關締約國注意，按照《1988 年載重線議定書》第 VI 條第 2  
(g) (ii) 款，該公約修正案在按照上述第 3 段被接受後，將於 2016  
年 1 月 1 日生效；
5. 要求秘書長遵照《1988 年載重線議定書》第 VI 條第 2 (e) 款，  
將本決議及其附件中的修正案文本的核證無誤副本分發給《1988 年  
載重線議定書》的所有締約國；
6. 還要求秘書長將本決議及其附件的副本分發給非《1988 年載重  
線議定書》締約國的本組織會員國。



## 附件

## 經修正的《1966 年國際載重線公約 1988 年議定書》

## 附件 B 的修正案

## 附件 B

## 經《1988 年議定書》修訂的公約的附則

## 附則 I

## 載重線核定規定

## 第 1 章

## 總則

## 第 3 條

## 本附則中所有各項名詞的定義

## 1 在定義（16）之後增加下列新的定義：

“（17） 審核係指為獲取和客觀地鑑定審核證據以確定審核標準滿足程度的系統、獨立且有文件記錄的一個過程。

（18） 審核機制係指本組織建立的、考慮到本組織制訂的各項導則的國際海事組織會員國審核機制。

（19） 文書實施規則係指本組織以第 A.1070（28）號決議通過的《海事組織文書實施規則》（《文書實施規則》）。

（20） 審核標準係指《文書實施規則》。”

## 附件 B

### 經《1988 年議定書》修訂的公約的附則

- 2 在附則 III 之後增加新的附則 IV 如下：

#### “附則 IV

#### 符合性驗證

##### 第 53 條

##### 適用範圍

各締約國政府在履行本附則所含的其義務和責任時，須使用《實施規則》的規定。

##### 第 54 條

##### 符合性驗證

（1） 每一締約國政府均須接受本組織按照審核標準進行的定期審核，以對符合和實施本附則進行驗證。

（2） 本組織秘書長基於本組織制訂的導則，有責任管理該審核機制。

（3） 每一締約國政府基於本組織制訂的導則，均有責任便利開展審核和實施為處理審核結果的行動計劃。

（4） 所有締約國政府審核均須：

（a） 基於本組織秘書長制定的總體計劃，並考慮到本組織制訂的導則；和

（b） 定期進行，並考慮到本組織制訂的導則。”

**RESOLUTION MSC.375(93)**  
**(adopted on 22 May 2014)**

**AMENDMENTS TO THE PROTOCOL OF 1988 RELATING TO  
THE INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED**

THE MARITIME SAFETY COMMITTEE,

RECALLING Article 28(b) of the Convention on the International Maritime Organization concerning the functions of the Committee,

RECALLING ALSO article VI of the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (hereinafter referred to as the "1988 Load Lines Protocol") concerning amendment procedures,

RECALLING FURTHER that the Assembly, by resolution A.1070(28), adopted the *IMO Instruments implementation Code (III Code)*,

NOTING proposed amendments to the 1988 Load Lines Protocol to make the III Code mandatory,

HAVING CONSIDERED, at its ninety-third session, amendments to the 1988 Load Lines Protocol proposed and circulated in accordance with paragraph 2(a) of article VI thereof,

1 ADOPTS, in accordance with paragraph 2(d) of article VI of the 1988 Load Lines Protocol, amendments to the 1988 Load Lines Protocol, the text of which is set out in the annex to the present resolution;

2 DETERMINES that, pursuant to new regulation 53 of Annex IV, whenever the word "should" is used in the III Code (annex to resolution A.1070(28)), it is to be read as being "shall", except for paragraphs 29, 30, 31 and 32;

3 DETERMINES ALSO, in accordance with paragraph 2(f)(ii)(bb) of article VI of the 1988 Load Lines Protocol, that the said amendments shall be deemed to have been accepted on 1 July 2015, unless, prior to that date, more than one third of the Parties to the 1988 Load Lines Protocol or Parties the combined merchant fleets of which constitute not less than 50% of the gross tonnage of all the merchant fleets of all Parties, have notified their objections to the amendments;

4 INVITES the Parties concerned to note that, in accordance with paragraph 2(g)(ii) of article VI of the 1988 Load Lines Protocol, the amendments shall enter into force on 1 January 2016 upon their acceptance in accordance with paragraph 3 above;

5 REQUESTS the Secretary-General, in conformity with paragraph 2(e) of article VI of the 1988 Load Lines Protocol, to transmit certified copies of the present resolution and the text of the amendments contained in the annex to all Parties to the 1988 Load Lines Protocol;

6 ALSO REQUESTS the Secretary-General to transmit copies of this resolution and its annex to Members of the Organization, which are not Parties to the 1988 Load Lines Protocol.

## ANNEX

AMENDMENTS TO ANNEX B TO THE PROTOCOL OF 1988 RELATING TO THE  
INTERNATIONAL CONVENTION ON LOAD LINES, 1966, AS AMENDED

## ANNEX B

ANNEXES TO THE CONVENTION AS MODIFIED BY  
THE PROTOCOL OF 1988 RELATING THERETO

## Annex I

## Regulations for determining load lines

Chapter I  
General**Regulation 3***Definitions of terms used in the annexes*

- 1 The following new definitions are added after definition (16):

"(17) *Audit* means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(18) *Audit Scheme* means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization.

(19) *Code for Implementation* means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

(20) *Audit Standard* means the Code for Implementation."

## ANNEX B

ANNEXES TO THE CONVENTION AS MODIFIED BY  
THE PROTOCOL OF 1988 RELATING THERETO

- 2 A new annex IV is added after annex III, to read as follows:

## "Annex IV

## Verification of compliance

**Regulation 53***Application*

Contracting Governments shall use the provisions of the Code for Implementation in the execution of their obligations and responsibilities contained in the present Convention.

**Regulation 54***Verification of compliance*

(1) Every Contracting Government shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

(2) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization.

(3) Every Contracting Government shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization.

(4) Audit of all Contracting Governments shall be:

- (a) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization; and
- (b) conducted at periodic intervals, taking into account the guidelines developed by the Organization."

## 第 17/2022 號行政長官公告

## Aviso do Chefe do Executivo n.º 17/2022

鑑於一九四六年六月二十九日訂於西雅圖的國際勞工組織  
第73號《海員體格檢查公約》和第74號《海員合格證書公約》適  
用於澳門特別行政區；

國際勞工大會於二零二一年六月十九日召開的第一百零九屆  
會議上決定廢止八項公約，包括上指兩項公約；

行政長官根據第3/1999號法律《法規的公佈與格式》第五條  
(一)項和第六條第一款的規定，命令公佈國際勞工組織第73號  
《海員體格檢查公約》和第74號《海員合格證書公約》不再適用  
於澳門特別行政區。

Considerando que a Convenção n.º 73 da Organização In-  
ternacional do Trabalho, relativa ao Exame Médico dos Tra-  
balhadores Marítimos, e a Convenção n.º 74 da Organização  
Internacional do Trabalho, relativa aos Diplomas de Aptidão de  
Marinheiro Qualificado, ambas adoptadas em Seattle, em 29 de  
Junho de 1946, são aplicáveis na Região Administrativa Especial  
de Macau;

Considerando ainda que a Conferência Internacional do Tra-  
balho, na sua 109.ª Sessão, realizada em 19 de Junho de 2021,  
decidiu revogar oito convenções, incluindo as supra referidas  
convenções;

O Chefe do Executivo manda tornar público, nos termos da  
alínea 1) do artigo 5.º e do n.º 1 do artigo 6.º da Lei n.º 3/1999  
(Publicação e formulário dos diplomas), que a Convenção n.º 73  
da Organização Internacional do Trabalho, relativa ao Exame  
Médico dos Trabalhadores Marítimos, e a Convenção n.º 74 da  
Organização Internacional do Trabalho, relativa aos Diplomas  
de Aptidão de Marinheiro Qualificado, deixam de ser aplicáveis  
na Região Administrativa Especial de Macau.