

監察員辦公室的其他任務

18. 除上面規定的任務外，監察員應：

(a) 散發可以公開的關於委員會程序的信息，包括委員會的準則、概況介紹和委員會編寫的其他文件；

(b) 如知道其地址，在秘書處已按照本決議第17段規定正式通知有關國家的常駐代表團後，通知有關個人或實體他們已被列入名單；和

(c) 一年兩次向安全理事會提交報告，概述監察員的活動。

第 13/2013 號行政長官公告

中華人民共和國就二零零零年三月十五日訂於倫敦的《2000年有毒有害物質污染事故防備、反應與合作議定書》（下稱“議定書”），於二零零九年十一月十三日向作為保管實體的國際海事組織秘書長交存加入書；

中華人民共和國於交存加入書之日以照會通知議定書適用於澳門特別行政區；

根據議定書第十五條的規定，議定書自二零一零年二月十九日起在國際上對中華人民共和國生效，包括對澳門特別行政區生效。

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈：

——中華人民共和國送交保管實體關於議定書適用於澳門特別行政區的通知書中文文本的適用部分；及

——議定書的中文及英文正式文本。

二零一三年四月二十三日發佈。

行政長官 崔世安

Other Office of the Ombudsperson Tasks

18. In addition to the tasks specified above, the Ombudsperson shall:

(a) Distribute publicly releasable information about Committee procedures, including Committee Guidelines, fact sheets and other Committee-prepared documents;

(b) Where address is known, notify individuals or entities about the status of their listing, after the Secretariat has officially notified the Permanent Mission of the State or States, pursuant to paragraph 17 of this resolution; and

(c) Submit biannual reports summarizing the activities of the Ombudsperson to the Security Council.

Aviso do Chefe do Executivo n.º 13/2013

Considerando que a República Popular da China efectuou, em 13 de Novembro de 2009, junto do Secretário-Geral da Organização Marítima Internacional, na sua qualidade de depositário, o depósito do seu instrumento de adesão ao Protocolo sobre a Prevenção, Actuação e Cooperação no Combate à Poluição por Substâncias Nocivas e Potencialmente Perigosas de 2000, adoptado em Londres, em 15 de Março de 2000 (doravante designado por Protocolo);

Considerando igualmente que, à data do depósito do seu instrumento de adesão, a República Popular da China notificou, por notas, que o Protocolo se aplica à Região Administrativa Especial de Macau;

Mais considerando que o Protocolo, em conformidade com o seu artigo 15.º, entrou internacionalmente em vigor para a República Popular da China, incluindo a Região Administrativa Especial de Macau, em 19 de Fevereiro de 2010;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da Região Administrativa Especial de Macau:

— a parte útil da notificação efectuada pela República Popular da China relativa à aplicação do Protocolo na Região Administrativa Especial de Macau, em língua chinesa, tal como enviada ao depositário; e

— o texto autêntico em línguas chinesa e inglesa do Protocolo.

Promulgado em 23 de Abril de 2013.

O Chefe do Executivo, *Chui Sai On*.

通知書

(二零零九年十一月十三日第D152/09號文件)

“.....

奉政府指示，我謹向閣下交存中華人民共和國加入《2000年有毒有害物質污染事故防備、反應與合作議定書》的加入書，並代表中華人民共和國政府陳述如下：

根據《中華人民共和國香港特別行政區基本法》和《中華人民共和國澳門特別行政區基本法》，中華人民共和國政府決定，本議定書適用於中華人民共和國澳門特別行政區。在中華人民共和國另行通知前，本議定書不適用於中華人民共和國香港特別行政區。

.....”

2000 年有毒有害物質污染事故防備、反應與合作議定書

本議定書當事國，

作為一九九〇年十一月三十日在倫敦簽訂的《國際油污防備、反應與合作公約》的當事國，

考慮到 1990 年油污防備和反應國際合作會議通過的關於擴大《1990 年國際油污防備、反應與合作公約》的範圍以包括有毒有害物質的第 10 號決議，

還考慮到根據 1990 年油污防備和反應國際合作會議的第 10 號決議，國際海事組織與所有有關國際組織合作，加強了其在有毒有害物質污染事故防備、反應與合作的所有問題上的工作，

考慮到“污染者付費”原則是國際環境法的普遍原則，

注意到將風險預防原則引入國際海事組織各項政策的戰略的發展，

還注意到，一旦發生有毒有害物質污染事故，必須採取迅速和有效的行動將此種事故可能造成的損害減至最低程度，

茲協議如下：

第一條
總則

一、各當事國承諾，按照本議定書及其附件的規定，獨自或聯合採取一切適當措施對有毒有害物質污染事故做出防備和反應。

二、本議定書的附件為本議定書的組成部分，凡提及本議定書，同時構成提及其附件。

三、本議定書不適用於任何軍艦、軍用輔助船或由國家擁有或使用並在當時僅用於政府非商業服務的其他船舶。但各當事國應採取不影響其擁有或使用的這類船舶的作業或作業能力的適當措施，確保此類船舶的活動儘可能合理和可行地符合本議定書。

**PROTOCOL ON PREPAREDNESS, RESPONSE AND
CO-OPERATION
TO POLLUTION INCIDENTS BY HAZARDOUS
AND NOXIOUS SUBSTANCES, 2000**

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the International Convention on Oil Pollution Preparedness, Response and Co-operation, done at London on 30 November 1990,

TAKING INTO ACCOUNT Resolution 10, on the expansion of the scope of the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990, to include hazardous and noxious substances, adopted by the Conference on International Co-operation on Oil Pollution Preparedness and Response 1990,

FURTHER TAKING INTO ACCOUNT that pursuant to Resolution 10 of the Conference on International Co-operation on Oil Pollution Preparedness and Response 1990, the International Maritime Organization has intensified its work, in collaboration with all interested international organizations, on all aspects of preparedness, response and co-operation to pollution incidents by hazardous and noxious substances,

TAKING ACCOUNT of the “polluter pays” principle as a general principle of international environmental law,

BEING MINDFUL of the development of a strategy for incorporating the precautionary approach in the policies of the International Maritime Organization,

MINDFUL ALSO that, in the event of a pollution incident by hazardous and noxious substances, prompt and effective action is essential in order to minimize the damage which may result from such an incident,

HAVE AGREED as follows:

ARTICLE 1

General provisions

(1) Parties undertake, individually or jointly, to take all appropriate measures in accordance with the provisions of this Protocol and the Annex thereto to prepare for and respond to a pollution incident by hazardous and noxious substances.

(2) The Annex to this Protocol shall constitute an integral part of this Protocol and a reference to this Protocol constitutes at the same time a reference to the Annex.

(3) This Protocol shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

第二條
定義

就本議定書而言：

一、“有毒有害物質污染事故”（以下稱“污染事故”）係指任何一起或同一起源（包括火災和爆炸）的一系列造成或可能造成有毒有害物質排放、洩漏或釋放，對海洋環境或對一個或多個國家的海岸線或有關利益構成或可能構成威脅，需要採取緊急行動或立即反應的事故。

二、“有毒有害物質”係指除油類以外的、如果進入海洋環境便可能對人類健康造成危害、對生物資源和海洋生物造成損害、對宜人環境造成破壞或對海洋的其他合法使用造成干擾的任何物質。

三、海港和有毒有害物質裝卸設施係指船舶在其中裝入或卸下此種物質的港口或設施。

四、本組織係指國際海事組織。

五、秘書長係指本組織的秘書長。

六、《油污防備公約》係指《1990年國際油污防備、反應與合作公約》。

第三條
應急計劃和報告

一、各當事國應要求有權懸掛其國旗的船舶在船上備有一份污染事故應急計劃，並應要求船長或負責此種船舶的其他人員按要求遵守報告程序。計劃要求和報告程序均應符合在本組織內制訂的已對該當事國生效的各公約的適用要求。包括浮動生產、貯存和卸載設施及浮動貯存裝置在內的近海裝置的污染事故應急計劃，應根據國家規定和（或）公司的環境管理制度予以處理，不在適用本條之列。

二、各當事國應視情要求負責由其管轄的海港和有毒有害物質裝卸設施的當局或經營人備有污染事故應急計劃或其認為適當的對有毒有害物質的類似安排。此種計劃或安排應與按第四條設立的國家系統相協調並按國家主管當局規定的程序批准。

三、在一當事國的有關當局得悉一污染事故時，應通知那些利益可能受到此種事故影響的其他國家。

ARTICLE 2

Definitions

For the purposes of this Protocol:

(1) *Pollution incident by hazardous and noxious substances* (hereinafter referred to as “pollution incident”) means any occurrence or series of occurrences having the same origin, including fire or explosion, which results or may result in a discharge, release or emission of hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or immediate response.

(2) *Hazardous and noxious substances* means any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

(3) *Sea ports and hazardous and noxious substances handling facilities* means those ports or facilities where such substances are loaded into or unloaded from ships.

(4) *Organization* means the International Maritime Organization.

(5) *Secretary-General* means the Secretary-General of the Organization.

(6) *OPRC Convention* means the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990.

ARTICLE 3

Emergency plans and reporting

(1) Each Party shall require that ships entitled to fly its flag have on-board a pollution incident emergency plan and shall require masters or other persons having charge of such ships to follow reporting procedures to the extent required. Both planning requirements and reporting procedures shall be in accordance with applicable provisions of the conventions developed within the Organization which have entered into force for that Party. On-board pollution incident emergency plans for offshore units, including Floating Production, Storage and Offloading Facilities and Floating Storage Units, should be dealt with under national provisions and/or company environmental management systems, and are excluded from the application of this article.

(2) Each Party shall require that authorities or operators in charge of sea ports and hazardous and noxious substances handling facilities under its jurisdiction as it deems appropriate have pollution incident emergency plans or similar arrangements for hazardous and noxious substances that it deems appropriate which are co-ordinated with the national system established in accordance with article 4 and approved in accordance with procedures established by the competent national authority.

(3) When the appropriate authorities of a Party learn of a pollution incident, they shall notify other States whose interests are likely to be affected by such incident.

第四條

國家和區域的防備和反應系統

一、各當事國應建立對污染事故採取迅速和有效反應行動的國家系統。此系統至少應包括：

(一) 指定：

1. 負責污染事故防備和反應工作的國家主管當局；
2. 國家行動聯絡點；和
3. 有權代表該國請求援助或決定按請求提供援助的當局；

(二) 國家防備和反應應急計劃。該計劃包括所涉及的所有公共或私人機構間的組織關係，同時考慮到本組織制訂的指南。

二、此外，各當事國應在其力所能及的範圍內，獨自或通過雙邊或多邊合作，並在適當時與航運界和處理有毒有害物質的行業、港口當局及其他有關實體合作，建立：

(一) 與有關風險相稱的最低水平的預先就位污染事故反應設備及其使用方案；

(二) 污染事故反應機構的演習和相關人員培訓的方案；

(三) 污染事故反應的詳細計劃和通信能力。此種能力應持續具備；和

(四) 對污染事故反應工作進行協調的機制或安排，如果適當，應具備調動必要資源的能力。

三、各當事國應確保直接或通過相關區域性組織或安排，向本組織提供下列最新信息：

(一) 第一款第(一)項中所述的當局和實體的地點、電信資料及其職責範圍(如適用)；

(二) 關於在接到請求時可向他國提供的污染反應設備及污染事故反應和海上救助方面的專業技能的信息；和

(三) 其國家應急計劃。

第五條

污染反應國際合作

一、當事國同意，如果事故嚴重，若受到或可能會受到污染事故影響的任何當事國提出請求，他們將根據其能力和具備的相關資源，為污染事故反應開展合作並提供諮詢服務、技術支持

ARTICLE 4

National and regional systems for preparedness and response

(1) Each Party shall establish a national system for responding promptly and effectively to pollution incidents. This system shall include as a minimum:

(a) the designation of:

(i) the competent national authority or authorities with responsibility for preparedness for and response to pollution incidents;

(ii) the national operational contact point or points; and

(iii) an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested;

(b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.

(2) In addition, each Party within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the shipping industries and industries dealing with hazardous and noxious substances, port authorities and other relevant entities, shall establish:

(a) a minimum level of pre-positioned equipment for responding to pollution incidents commensurate with the risk involved, and programmes for its use;

(b) a programme of exercises for pollution incident response organizations and training of relevant personnel;

(c) detailed plans and communication capabilities for responding to a pollution incident. Such capabilities should be continuously available; and

(d) a mechanism or arrangement to co-ordinate the response to a pollution incident with, if appropriate, the capabilities to mobilize the necessary resources.

(3) Each Party shall ensure that current information is provided to the Organization, directly or through the relevant regional organization or arrangements, concerning:

(a) the location, telecommunication data and, if applicable, areas of responsibility of authorities and entities referred to in paragraph (1)(a);

(b) information on pollution response equipment and expertise in disciplines related to pollution incident response and marine salvage which may be made available to other States, upon request; and

(c) its national contingency plan.

ARTICLE 5

International co-operation in pollution response

(1) Parties agree that, subject to their capabilities and the availability of relevant resources, they will co-operate and provide advisory services, technical support and equipment for the purpose of responding to a pollution incident, when the se-

和設備。此種援助費用的資金問題應根據本議定書附件所列規定處理。

二、請求援助的當事國可要求本組織協助尋找第一款中所述費用的臨時資金來源。

三、按照適用的國際協定，各當事國應採取必要的法律或行政措施，為下列事項提供便利：

(一) 從事污染事故反應或運輸處理此種事故所需的人員、貨物、器材和設備的船舶、飛機和其他運輸工具抵離其領土和在其領土內的使用；和

(二) 第(一)項中所述人員、貨物、器材和設備迅速進入、通過和離開其領土。

第六條 研究和開發

一、當事國同意，直接或適當時通過本組織或相關的區域性組織或安排，在推廣和交流關於提高污染事故防備和反應的最新技術的研究和開發項目的成果方面進行合作，其中包括監視、圍控、回收、驅散、清除和其他減少或減輕污染事故影響的技術以及恢復技術。

二、為此，當事國承諾，直接或適當時通過本組織或相關的區域性組織或安排，在各當事國的研究機構間建立必要的聯繫。

三、當事國同意，直接或通過本組織或有關區域性組織或安排進行合作，以促進視情定期舉行包括污染事故反應技術和設備的技術發展在內的相關主題的國際研討會。

四、當事國同意，鼓勵通過本組織或其他主管國際組織，制訂可兼容的有毒有害物質污染抗禦技術和設備的標準。

第七條 技術合作

一、當事國承諾，直接或通過本組織和其他國際機構，在污染事故防備和反應方面，視情向那些請求技術援助的當事國提供下述支援：

(一) 培訓人員；

(二) 確保具備有關的技術、設備和設施；

verity of the incident so justifies, upon the request of any Party affected or likely to be affected. The financing of the costs for such assistance shall be based on the provisions set out in the Annex to this Protocol.

(2) A Party which has requested assistance may ask the Organization to assist in identifying sources of provisional financing of the costs referred to in paragraph (1).

(3) In accordance with applicable international agreements, each Party shall take necessary legal or administrative measures to facilitate:

(a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

(b) the expeditious movement into, through, and out of its territory of personnel, cargoes, materials and equipment referred to in subparagraph (a).

ARTICLE 6

Research and development

(1) Parties agree to co-operate directly or, as appropriate, through the Organization or relevant regional organizations or arrangements in the promotion and exchange of results of research and development programmes relating to the enhancement of the state-of-the-art of preparedness for and response to pollution incidents, including technologies and techniques for surveillance, containment, recovery, dispersion, clean-up and otherwise minimizing or mitigating the effects of pollution incidents, and for restoration.

(2) To this end, Parties undertake to establish directly or, as appropriate, through the Organization or relevant regional organizations or arrangements, the necessary links between Parties' research institutions.

(3) Parties agree to co-operate directly or through the Organization or relevant regional organizations or arrangements to promote, as appropriate, the holding on a regular basis of international symposia on relevant subjects, including technological advances in techniques and equipment for responding to pollution incidents.

(4) Parties agree to encourage, through the Organization or other competent international organizations, the development of standards for compatible hazardous and noxious substances pollution combating techniques and equipment.

ARTICLE 7

Technical co-operation

(1) Parties undertake directly or through the Organization and other international bodies, as appropriate, in respect of preparedness for and response to pollution incidents, to provide support for those Parties which request technical assistance:

(a) to train personnel;

(b) to ensure the availability of relevant technology, equipment and facilities;

(三) 促進污染事故防備和反應的其他措施和安排；和

(四) 開展聯合研究和開發項目。

二、當事國承諾，按照其國內法律、規則和政策，在轉讓污染事故防備和反應技術方面積極合作。

第八條

促進防備和反應的雙邊和多邊合作

當事國應努力締結雙邊或多邊污染事故防備和反應協定。此種協定的副本應送交本組織，本組織在接到請求時應向當事國提供這些副本。

第九條

與其他公約和協定的關係

本議定書的任何規定均不得被解釋為改變了任何當事國在任何其他公約或國際協定下的權利和義務。

第十條

機構安排

一、在本組織同意並具備開展活動所需的充足資源的前提下，各當事國指定本組織履行下述職責和開展下述活動：

(一) 信息服務：

1. 接收、整理和應要求散發當事國提供的信息和其他來源提供的有關信息；和

2. 在尋找費用的臨時資金來源方面提供幫助；

(二) 教育和培訓：

1. 推動污染事故防備和反應領域的培訓工作；和

2. 推動促進召開國際研討會；

(三) 技術服務：

1. 促進研究和開發方面的合作；

2. 向建立國家或區域反應能力的國家提供諮詢；和

3. 分析當事國提供的信息和其他來源提供的有關信息，並向各國提供諮詢建議或信息；

(c) to facilitate other measures and arrangements to prepare for and respond to pollution incidents; and

(d) to initiate joint research and development programmes.

(2) Parties undertake to co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology in respect of preparedness for and response to pollution incidents.

ARTICLE 8

Promotion of bilateral and multilateral co-operation in preparedness and response

Parties shall endeavour to conclude bilateral or multilateral agreements for preparedness for and response to pollution incidents. Copies of such agreements shall be communicated to the Organization which should make them available on request to the Parties.

ARTICLE 9

Relation to other conventions and other agreements

Nothing in this Protocol shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

ARTICLE 10

Institutional arrangements

(1) Parties designate the Organization, subject to its agreement and the availability of adequate resources to sustain the activity, to perform the following functions and activities:

(a) information services:

(i) to receive, collate and disseminate on request the information provided by Parties and relevant information provided by other sources; and

(ii) to provide assistance in identifying sources of provisional financing of costs;

(b) education and training:

(i) to promote training in the field of preparedness for and response to pollution incidents; and

(ii) to promote the holding of international symposia;

(c) technical services:

(i) to facilitate co-operation in research and development;

(ii) to provide advice to States establishing national or regional response capabilities; and

(iii) to analyse the information provided by Parties and relevant information provided by other sources and provide advice or information to States;

(四) 技術援助：

1. 促進向建立國家或區域反應能力的國家提供技術援助；
和
2. 應面臨重大污染事故國家的請求，促進提供技術援助和諮詢。

二、在開展本條所述的活動時，本組織應借鑒國家、區域性協定和行業安排的經驗，努力加強各國獨自或通過區域性安排防備和抗禦污染事故的能力，並對發展中國家的需要給予特別關注。

三、本條的規定應按本組織制訂並不斷審議的方案來執行。

第十一條
對議定書的評估

當事國應根據本議定書的宗旨，特別是關於合作和援助的原則，在本組織內對本議定書的有效性作出評估。

第十二條
修正案

一、本議定書可以根據下列各款規定的某一程序予以修正。

二、在本組織審議後的修正：

(一) 本議定書當事國提出的任何修正案，均應提交本組織，並由秘書長在審議前至少6個月將其散發給本組織的所有成員和所有當事國。

(二) 按上述方式提出和散發的任何修正案，均應提交本組織海上環境保護委員會審議。

(三) 本議定書當事國，無論是否為本組織成員，均應有權參加海上環境保護委員會的會議。

(四) 修正案應由出席會議並參加表決的本議定書當事國三分之二多數通過。

(五) 修正案如按第(四)項獲得通過，則秘書長應將其通知本議定書的所有當事國，供其接受。

(六) 1. 本議定書正文條款或附件的修正案，在三分之二的當事國向秘書長作出接受通知之日即應視為已被接受。

2. 附錄的修正案，在海洋環境保護委員會於通過它時按第(四)項確定的一個不少於10個月的時限期滿時即應視為已被

(d) technical assistance:

- (i) to facilitate the provision of technical assistance to States establishing national or regional response capabilities; and
- (ii) to facilitate the provision of technical assistance and advice, upon the request of States faced with major pollution incidents.

(2) In carrying out the activities specified in this article, the Organization shall endeavour to strengthen the ability of States individually or through regional arrangements to prepare for and combat pollution incidents, drawing upon the experience of States, regional agreements and industry arrangements and paying particular attention to the needs of developing countries.

(3) The provisions of this article shall be implemented in accordance with a programme developed and kept under review by the Organization.

ARTICLE 11

Evaluation of the Protocol

Parties shall evaluate within the Organization the effectiveness of the Protocol in the light of its objectives, particularly with respect to the principles underlying co-operation and assistance.

ARTICLE 12

Amendments

(1) This Protocol may be amended by one of the procedures specified in the following paragraphs.

(2) Amendment after consideration by the Organization:

(a) Any amendment proposed by a Party to the Protocol shall be submitted to the Organization and circulated by the Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration.

(b) Any amendment proposed and circulated as above shall be submitted to the Marine Environment Protection Committee of the Organization for consideration.

(c) Parties to the Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Marine Environment Protection Committee.

(d) Amendments shall be adopted by a two thirds majority of only the Parties to the Protocol present and voting.

(e) If adopted in accordance with subparagraph (d), amendments shall be communicated by the Secretary-General to all Parties to the Protocol for acceptance.

(f) (i) An amendment to an article or the Annex of the Protocol shall be deemed to have been accepted on the date on which two thirds of the Parties have notified the Secretary-General that they have accepted it.

(ii) An amendment to an appendix shall be deemed to have been accepted at the end of a period to be determined by the Marine Environment Protection Committee at the time of its adoption, in accordance with subparagraph (d), which period

接受，除非在此時限內，有不少於三分之一的當事國通知秘書長表示反對。

(七) 1. 按第(六)項第1目被接受的本議定書正文條款或附件的修正案，對於已通知秘書長接受該修正案的當事國，應在其視為已被接受之日後6個月生效。

2. 按第(六)項第2目被接受的附錄修正案，除在接受之日前已表示反對該修正案的當事國外，對於所有其他當事國，應在其視為已被接受之日後6個月生效。當事國可通過向秘書長提交一份通知，隨時撤銷原先通知的反對。

三、會議作出的修正：

(一) 應某一個當事國要求並得到至少三分之一的當事國同意，秘書長應召開本議定書當事國會議，審議本議定書的修正案。

(二) 經此種會議由出席並參加表決的當事國的三分之二多數通過的修正案，應由秘書長通知所有當事國，供其接受。

(三) 除非會議另行決定，否則該修正案應按第二款第(六)和(七)項中規定的程序視為已被接受並生效。

四、構成附件或附錄增補的修正案，應按適用於附件修正案的程序通過和生效。

五、任何當事國：

(一) 如未按第二款第(六)項第1目的規定接受正文條款或附件的修正案；或

(二) 未按第四款的規定接受構成附件或附錄增補的修正案；或

(三) 已按第二款第(六)項第2目的規定通知了反對附錄修正案，

則應僅就適用該修正案而言被視為非當事國。在其按第二款第(六)項第1目的規定提交了接受通知或按第二款第(七)項第2目的規定提交了撤銷反對的通知後，這種對待即應終止。

六、秘書長應將根據本條生效的任何修正案連同其生效日期通知所有當事國。

七、依據本條規定對某一項修正案作出的任何接受、反對或撤銷反對的通知，均應以書面形式通知秘書長；秘書長應將此種通知及其收到日期通知各當事國。

shall not be less than ten months, unless within that period an objection is communicated to the Secretary-General by not less than one third of the Parties.

(g) (i) An amendment to an article or the Annex of the Protocol accepted in conformity with subparagraph (f)(i) shall enter into force six months after the date on which it is deemed to have been accepted with respect to the Parties which have notified the Secretary-General that they have accepted it.

(ii) An amendment to an appendix accepted in conformity with subparagraph (f)(ii) shall enter into force six months after the date on which it is deemed to have been accepted with respect to all Parties with the exception of those which, before that date, have objected to it. A Party may at any time withdraw a previously communicated objection by submitting a notification to that effect to the Secretary-General.

(3) Amendment by a Conference:

(a) Upon the request of a Party, concurred with by at least one third of the Parties, the Secretary-General shall convene a Conference of Parties to the Protocol to consider amendments to the Protocol.

(b) An amendment adopted by such a Conference by a two thirds majority of those Parties present and voting shall be communicated by the Secretary-General to all Parties for their acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and shall enter into force in accordance with the procedures specified in paragraph (2)(f) and (g).

(4) The adoption and entry into force of an amendment constituting an addition of an Annex or an appendix shall be subject to the procedure applicable to an amendment to the Annex.

(5) Any Party which:

(a) has not accepted an amendment to an article or the Annex under paragraph (2)(f)(i); or

(b) has not accepted an amendment constituting an addition of an Annex or an appendix under paragraph (4); or

(c) has communicated an objection to an amendment to an appendix under paragraph (2)(f)(ii)

shall be treated as a non-Party only for the purpose of the application of such amendment. Such treatment shall terminate upon the submission of a notification of acceptance under paragraph (2)(f)(i) or withdrawal of the objection under paragraph (2)(g)(ii).

(6) The Secretary-General shall inform all Parties of any amendment which enters into force under this article, together with the date on which the amendment enters into force.

(7) Any notification of acceptance of, objection to, or withdrawal of objection to, an amendment under this article shall be communicated in writing to the Secretary-General who shall inform Parties of such notification and the date of its receipt.

八、本議定書的附錄應只載有技術性規定。

(8) An appendix to the Protocol shall contain only provisions of a technical nature.

第十三條

ARTICLE 13

簽署、批准、接受、核准和加入

Signature, ratification, acceptance, approval and accession

一、本議定書自2000年3月15日起至2001年3月14日止在本組織總部開放供簽署，此後繼續開放供加入。任何《油污防備公約》當事國均可按下列方式成為本議定書的當事國：

(1) This Protocol shall remain open for signature at the Headquarters of the Organization from 15 March 2000 until 14 March 2001 and shall thereafter remain open for accession. Any State party to the OPRC Convention may become Party to this Protocol by:

(一) 簽署而不需批准、接受或核准；或

(a) signature without reservation as to ratification, acceptance or approval; or

(二) 簽署但有待批准、接受或核准，隨後予以批准、接受或核准；或

(b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or

(三) 加入。

(c) accession.

二、批准、接受、核准或加入，應向秘書長交存一份相應文件方為有效。

(2) Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 14

States with more than one system of law

第十四條

具有一種以上法律制度的國家

一、如果《油污防備公約》的某一當事國有兩個或更多的領土單元對本議定書處理的事項適用不同法律制度，則它可在簽署、批准、接受、核准或加入時聲明本議定書應適用於其所有領土單元，或僅適用於《油污防備公約》所適用的其中一個或多個單元，並可隨時通過提交另一聲明對該聲明作出修改。

(1) If a State party to the OPRC Convention comprises two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Protocol, it may at the time of signature, ratification, acceptance, approval or accession declare that this Protocol shall extend to all its territorial units or only to one or more of them to which the application of the OPRC Convention has been extended, and may modify this declaration by submitting another declaration at any time.

二、任何此種聲明均應以書面通知保存人並應明確陳述本議定書適用的一個或多個領土單元。在作出修改時，該聲明應明確陳述本議定書的適用範圍應進一步擴展至的一個或多個領土單元以及此種擴展的生效日期。

(2) Any such declarations shall be notified to the depositary in writing and shall state expressly the territorial unit or units to which the Protocol applies. In the case of modification the declaration shall state expressly the territorial unit or units to which the application of the Protocol shall be further extended and the date on which such extension takes effect.

ARTICLE 15

Entry into force

第十五條

生效

一、本議定書應在不少於15個國家已簽署本議定書而不需批准、接受或核准或已按第十三條交存必需的批准、接受、核准或加入文件之日後12個月生效。

(1) This Protocol shall enter into force twelve months after the date on which not less than fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited the requisite instruments of ratification, acceptance, approval or accession in accordance with article 13.

二、對於在本議定書達到生效條件之後但在生效之日以前交存了批准、接受、核准或加入文件的國家，此種批准、接受、核准或加入應在本議定書生效之日生效，或在該文件交存之日後3個月生效，以日期遲者為準。

(2) For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of this Protocol after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of this Protocol or three months after the date of deposit of the instrument, whichever is the later date.

三、對於在本議定書生效之日後交存批准、接受、核准或加入文件的國家，本議定書應在文件交存之日後3個月對該國生效。

四、在本議定書的修正案按第十二條的規定視為已被接受之日後，任何交存的批准、接受、核准或加入文件應適用於經修正的本議定書。

第十六條

退出

一、任何當事國，在本議定書對其生效之日起滿5年後，可隨時退出本議定書。

二、退出應向秘書長提交書面通知方為有效。

三、退出應在秘書長收到退出通知後12個月或在該通知中所指明的任何更長時限期滿後生效。

四、退出《油污防備公約》的當事國也自動退出本議定書。

第十七條

保存人

一、本議定書應由秘書長保存。

二、秘書長應：

(一) 將下列事項通知簽署或加入了本議定書的所有國家：

1. 每一新的簽署或批准、接受、核准或加入文件的交存及其日期；

2. 按照第十四條規定所作出的任何聲明；

3. 本議定書的生效日期；和

4. 任何退出本議定書的文件的交存及其收到日期和退出的生效日期。

(二) 將本議定書核證無誤的副本送交已簽署或加入了本議定書的所有國家政府。

三、本議定書一經生效，保存人便應按《聯合國憲章》第一百零二條將其核證無誤的副本送交聯合國秘書長登記和公佈。

(3) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which this Protocol entered into force, this Protocol shall become effective three months after the date of deposit of the instrument.

(4) After the date on which an amendment to this Protocol is deemed to have been accepted under article 12, any instrument of ratification, acceptance, approval or accession deposited shall apply to this Protocol as amended.

ARTICLE 16

Denunciation

(1) This Protocol may be denounced by any Party at any time after the expiry of five years from the date on which this Protocol enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary-General.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General or after the expiry of any longer period which may be indicated in the notification.

(4) A Party denouncing the OPRC Convention also automatically denounces the Protocol.

ARTICLE 17

Depositary

(1) This Protocol shall be deposited with the Secretary-General.

(2) The Secretary-General shall:

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

(i) each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;

(ii) any declaration made under article 14;

(iii) the date of entry into force of this Protocol; and

(iv) the deposit of any instrument of denunciation of this Protocol together with the date on which it was received and the date on which the denunciation takes effect;

(b) transmit certified true copies of this Protocol to the Governments of all States which have signed this Protocol or acceded thereto.

(3) As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the depositary to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

第十八條

語言

ARTICLE 18

Languages

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

下列具名者經各自政府正式授權，特簽署本議定書，以昭信守。

二〇〇〇年三月十五日訂於倫敦。

附件

援助費用的償還

一（一）除非在污染事故前已經在雙邊或多邊的基礎上締結了關於當事國處理污染事故行動財務安排的協定，各當事國應按第1或2日承擔各自處理污染行動的費用。

1. 如果一當事國的行動係應另一當事國的明確請求而採取，則提出請求的當事國應償還提供援助的當事國採取行動的費用。提出請求的當事國可隨時撤銷其請求，但在此種情況下，它應承擔提供援助的當事國已經發生或投入的費用；

2. 如果該行動係由一當事國主動採取，該當事國應承擔其行動的費用；

（二）除非有關當事國在個別情況下另有協議，應適用第（一）項中規定的原則。

二、除非另有協議，否則一當事國應另一當事國的請求而採取行動的費用，應按提供援助的當事國有關償還此種費用的法律和現行做法公平地計算。

三、在適當時，請求援助的當事國和提供援助的當事國應在索賠訴訟結案方面進行合作。為此，他們應充分考慮到現行法律制度。如果以此種方式取得的結果不允許全額賠償援助活動所發生的費用，則請求援助的當事國可請求提供援助的當事國放棄對超出賠償額費用的償還或減少按上述第二款計算的費用。請求援助的當事國也可請求推遲償還這些費用。在考慮此種請求時，提供援助的當事國應充分考慮到發展中國家的需要。

四、本議定書的規定不得被解釋為在任何方面損害當事國根據國內和國際法的其他適用規定要求第三方償還處理污染或污染威脅的行動所產生費用的權利。

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

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

DONE AT London this fifteenth day of March two thousand.

ANNEX

REIMBURSEMENT OF COSTS OF ASSISTANCE

(1) (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective actions in dealing with pollution in accordance with subparagraph (i) or subparagraph (ii).

(i) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party.

(ii) If the action was taken by a Party on its own initiative, this Party shall bear the costs of its action.

(b) The principles laid down in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.

(2) Unless otherwise agreed, the costs of action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

(3) The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.

(4) The provisions of this Protocol shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of national and international law.