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SÉRIE

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澳門特別行政區公報 BOLETIM OFICIAL DA REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU

副 刊 SUPLEMENTO

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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 11/2013 號行政長官公告

Aviso do Chefe do Executivo n.º 11/2013

公佈《中華人民共和國澳門特別行政區政府 與格林納達政府互免簽證協定》

Acordo sobre a Dispensa Mútua de Vistos entre o Governo da Região Administrativa Especial de Macau da República Popular da China e o Governo da Grenada

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

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

二零一三年四月二十三日發佈。

Promulgado em 23 de Abril de 2013.

行政長官 崔世安

O Chefe do Executivo, *Chui Sai On*.

中華人民共和國 澳門特別行政區政府 與 格林納達政府 互免簽證協定

獲得中華人民共和國中央人民政府正式授權簽訂本協定的中華人民共和國澳門特別行政區政府和格林納達政府(以下簡稱“締約雙方”)，為了方便旅遊並藉此促進雙方友好關係的發展，達成以下協議：

第一條

(一) 持有本協定附件所列有效旅行證件的持有人，可免辦簽證進入或過境締約另一方，由首次入境當天起計六個月內逗留不超過九十日。

(二) 本條第一款所指的人須由予國際旅客開放的通行口岸進入及離開締約另一方。

第二條

第一條所指的人如入境締約另一方逗留多於九十日或為受僱，或為教育的目的，須事先取得該締約方有權限當局的簽證。

第三條

本協定不免除第一條所指的人應遵守在締約另一方生效的法律和法規的義務。

第四條

對於第一條中所指的人，基於公眾安全、公眾衛生或公眾秩序的理由或倘其被認為不受歡迎，締約任何一方保留拒絕其進入或終止其在境內逗留的權利。

第五條

(一) 為達到本協定的目的，締約雙方應在本協定簽署後並在生效日前不遲於三十日交換附件所列的有效證件的樣本。

(二) 倘更新有效旅行證件的式樣或啟用新的旅行證件，締約雙方應在其啟用之前最少三十日交換這些證件的樣本及其使用上的必要資料。

第六條

第一條所指的人的旅行證件在締約另一方境內遺失、被盜或損毀，應盡快向當地的有權限當局報案及應獲發出確認此事實的文件。

第七條

如在適用本協定的過程中發生爭論或分歧，締約雙方應以協商及徵詢的方式將其解決。

第八條

任何經締約雙方同意的對本協定的修改，應透過書面通知方式為之。

第九條

(一) 基於公眾安全、公眾秩序或公眾衛生的理由，締約任一方可透過書面方式通知締約另一方暫時中止本協定全部或部份條款。中止的決定應即時生效並一直生效至另行通知為止。

(二) 締約任一方在採用本條第一款的措施後，應正式通知締約另一方予以解除。

第十條

(一) 本協定不設限期並於簽署之日起三十日後生效。

(二) 締約任一方可書面方式通知締約另一方終止本協定的生效。在此情況下，協定將在收到該通知之日起三十日後失效。

本協定於二零一三年三月二十八日完成簽署，一式兩份，每份分別用中文和英文寫成，兩種文本同等作準。如在解釋上遇有分歧，以英文文本為準。

中華人民共和國

格林納達

澳門特別行政區

政府代表

政府代表

附件

為本協定的目的，有效旅行證件包括：

(一) 格林納達方面：

- a) 普通護照；
- b) 外交護照；
- c) 公務護照；
- d) 由格林納達駐北京大使館簽發的旅行證或緊急旅行證件。

(二) 中華人民共和國澳門特別行政區方面：

- a) 中華人民共和國澳門特別行政區護照；
- b) 中華人民共和國澳門特別行政區旅行證。

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE MACAO SPECIAL ADMINISTRATIVE REGION
OF THE PEOPLE'S REPUBLIC OF CHINA
AND
THE GOVERNMENT OF GRENADA
ON THE ABOLITION OF VISA REQUIREMENTS**

The Government of Macao Special Administrative Region of the People's Republic of China, which has been duly authorized to conclude this Agreement by the Central People's Government of the People's Republic of China and the Government of Grenada, hereinafter referred to as the "Contracting Parties",

desiring to facilitate travels and thus to promote the development of friendly relations between them.

have agreed as follows:

Article 1

1. Holders of valid travel documents, specified in the Annex to this Agreement, shall be exempted from visa requirements for entry into or transit through the territory of the other Contracting Party for up to ninety (90) days within a period of six (6) months as from the date of their first entry.

2. Persons referred to in paragraph 1 of this Article, shall enter and leave the territory of the other Contracting Party through the border crossing points open to international passenger traffic.

Article 2

Persons referred to in Article 1 who enter into the territory of the other Contracting Party for a period exceeding ninety (90) days or to take up employment, or for educational purposes should obtain a visa in advance from the competent authorities of the respective Contracting Party.

Article 3

This Agreement does not exempt the persons mentioned in Article 1 from the obligation to abide the laws and regulations in force in the territory of the other Contracting Party.

Article 4

Either Contracting Party reserves the right to refuse the entry or to terminate the term of stay on its territory of persons mentioned in Article 1 for reasons of public security, public health or public order or in case they are considered undesirable.

Article 5

1. The Contracting Parties, upon the signing of this Agreement but not later than thirty (30) days prior to its entry into force, shall exchange specimens of the valid documents for the purposes of this Agreement as listed in the Annex hereto.

2. In case of any modification of the valid travel documents or introduction of new ones, the Contracting Parties shall exchange specimens thereof along with all the necessary information bearing upon the use of these documents not later than thirty (30) days prior to the date of their introduction.

Article 6

Persons mentioned in Article 1 whose travel documents have been lost, stolen or damaged on the territory of the other Contracting Party shall be required to promptly inform the local competent authorities, which shall issue a document confirming this fact.

Article 7

If disputes or disagreements arise in the course of application of this Agreement, the Contracting Parties shall settle them by negotiations and consultations.

Article 8

Any amendment of this Agreement agreed upon by the Contracting Parties shall be effected by exchange of letters.

Article 9

1. Either Contracting Party may temporarily suspend, in whole or in part, this Agreement on the grounds of protection of public security, public order or public health, by notifying the other Contracting Party in writing. The suspension shall become effective immediately and shall remain in force until further notice.

2. The Contracting Party, which has introduced the measures under Paragraph 1 of this Article, shall duly notify the other Contracting Party of their revocation.

Article 10

1. This Agreement is concluded for an indefinite period of time and shall enter into force thirty (30) days after signing.

2. Either Contracting Party may terminate the validity of this Agreement by notifying in writing the other Contracting Party to that effect. In this case the Agreement shall become ineffective thirty (30) days after the date of receipt of such a notification.

Executed on March 28th 2013 in two originals, each of them in Chinese and English languages, both text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT
OF THE MACAO
SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S
REPUBLIC OF CHINA**

**FOR THE GOVERNMENT
OF GRENADA**

ANNEX

Valid travel documents for the purposes of this Agreement shall be as follows:

1. For Grenada:

- a) Ordinary Passport;
- b) Diplomatic Passport;
- c) Official Passport;
- d) Travel Permits or Emergency Travel Documents issued by the Embassy of Grenada in Beijing.

2. For the Macao Special Administrative Region of the people's Republic of China:

- a) Passport of the Macao Special Administrative Region of the People's Republic of China;
- b) Travel Permit of the Macao Special Administrative Region of the People's Republic of China.

**ACORDO SOBRE A DISPENSA MÚTUA DE VISTO
ENTRE
O GOVERNO DA REGIÃO ADMINISTRATIVA ESPECIAL DE MACAU
E
O GOVERNO DA GRENADA**

**Acordo sobre a Dispensa Mútua de Vistos entre o Governo da Região Administrativa Especial de Macau da
República Popular da China e o Governo da Grenada**

O Governo da Região Administrativa Especial de Macau da República Popular da China, devidamente autorizado a celebrar o presente Acordo pelo Governo Popular Central da República Popular da China, e

O Governo da Grenada

a seguir denominados por «Partes Contratantes»

Com o objectivo de facilitar as deslocações das pessoas das Partes Contratantes e desenvolver os laços de amizade das Partes Contratantes,

Acordam no seguinte:

Artigo 1.º

1. Os titulares dos documentos de viagem válidos especificados no anexo ao presente Acordo ficam isentos de vistos para entrarem e saírem do território da outra Parte Contratante e podem aí permanecer por períodos que não ultrapassem noventa (90) dias acumulados em seis (6) meses, contados a partir da data da primeira entrada.

2. As pessoas de qualquer uma das Partes Contratantes referidas no n.º 1 devem entrar e sair da outra Parte Contratante através dos postos de migração próprios para a passagem de visitantes internacionais.

Artigo 2.º

As pessoas referidas no artigo 1.º que desejem permanecer no território da outra Parte Contratante por períodos que ultrapassem noventa (90) dias ou que entrem no território da outra Parte Contratante para trabalhar ou estudar, carecem de obter previamente visto emitido pelas autoridades competentes da outra Parte Contratante.

Artigo 3.º

O presente Acordo não exime as pessoas referidas no artigo 1.º da observância das leis e regulamentos em vigor da outra Parte Contratante.

Artigo 4.º

As Partes Contratantes reservam o direito de negar a entrada e de cessar a permanência das pessoas da outra Parte referidas no artigo 1.º, por razões de segurança, saúde e ordem públicas, ou cuja permanência seja considerada indesejável.

Artigo 5.º

1. Para efeitos do presente Acordo, as Partes Contratantes trocarão exemplares dos documentos de viagem válidos referidos nos anexos do presente Acordo, a partir da celebração do presente Acordo e no prazo de trinta (30) dias antes da entrada em vigor do presente acordo.

2. Sempre que se verifique a modificação do modelo dos documentos de viagem válidos ou a adopção de um novo modelo de documentos de viagem, a Parte que efectuou a alteração deve proceder ao envio a outra Parte dos exemplares desses novos docu-

mentos e das informações importantes em relação ao seu uso, pelo menos com uma antecedência de trinta (30) dias antes destes entrarem em circulação.

Artigo 6.º

As pessoas referidas no artigo 1.º, em caso de perda, furto ou danificação do documento de viagem durante a sua permanência no território da outra Parte Contratante, devem comunicar imediatamente às autoridades competentes locais que emitirão um documento comprovativo do facto.

Artigo 7.º

Todos os litígios e divergências decorrentes da aplicação do presente Acordo serão resolvidos por acordo e consulta entre as Partes Contratantes.

Artigo 8.º

Qualquer alteração ao presente Acordo acordada pelas Partes Contratantes deve ser feita mediante notificação por escrito.

Artigo 9.º

1. Por razões de segurança, ordem e saúde públicas, qualquer uma das Partes Contratantes pode suspender provisoriamente a aplicação total ou parcial das cláusulas do presente Acordo, mediante notificação escrita dirigida à outra Parte Contratante. A decisão de suspensão terá efeito imediato e manter-se-á em vigor até que haja nova informação.

2. A Parte Contratante que toma medidas referidas no n.º 1, comunicará oficialmente a outra Parte sobre o levantamento de suspensão.

Artigo 10.º

1. O presente Acordo tem duração indeterminada e entra em vigor trinta (30) dias após a sua celebração.

2. Qualquer uma das Partes Contratantes pode denunciar o presente Acordo, mediante notificação escrita à outra Parte. O presente Acordo deixa de vigorar trinta (30) dias após a recepção da notificação.

Feito em 28 de Março de 2013, em dois exemplares, nas línguas chinesa e inglesa, fazendo todos os textos igualmente fé. Em caso de divergência na interpretação, prevalecerá o texto em inglês.

Pelo representante do Governo
da Região Administrativa
Especial de Macau da
República Popular da China

Pelo representante do Governo da
Grenada

ANEXO

Para efeitos do presente Acordo, são documentos de viagem válido:

1. Grenada

- a) Passaporte comum;
- b) Passaporte diplomático;
- c) Passaporte de serviço;
- d) Permissão de viagem ou documento de viagem de emergência emitido pela Embaixada da Grenada acreditada em Pequim.

2. Região Administrativa Especial de Macau da República Popular da China

- a) Passaporte da Região Administrativa Especial de Macau da República Popular da China;
- b) Título de Viagem da Região Administrativa Especial de Macau da República Popular da China.

第 12/2013 號行政長官公告

Aviso do Chefe do Executivo n.º 12/2013

按照中央人民政府的命令，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，命令公佈聯合國安全理事會於二零一二年十二月十七日通過的關於恐怖活動對國際和平與安全構成威脅的第2083 (2012) 號決議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

第 2083 (2012) 號決議

安全理事會 2012 年 12 月 17 日第 6890 次會議通過

安全理事會，

回顧其第1267 (1999)、第1333 (2000)、第1363 (2001)、第1373 (2001)、第1390 (2002)、第1452 (2002)、第1455 (2003)、第1526 (2004)、第1566 (2004)、第1617 (2005)、第1624 (2005)、第1699 (2006)、第1730 (2006)、第1735 (2006)、第1822 (2008)、第1904 (2009)、第1988 (2011) 和第1989 (2011) 號決議，以及有關的安理會主席聲明，

重申一切形式和表現的恐怖主義都是對和平與安全的最嚴重威脅之一，任何恐怖主義行為，不論其動機為何，在何時發生，何人所為，都是不可開脫的犯罪行為，再次斷然譴責基地組織以及與之有關聯的其他個人、團體、企業和實體不斷多次犯下恐怖主義罪行，其目的是造成無辜平民和其他受害者死亡，財產損毀，嚴重破壞穩定，

重申不能也不應將恐怖主義與任何宗教、國籍或文明聯繫起來，

回顧安全理事會主席2012年5月4日關於恐怖行為威脅國際和平與安全的聲明 (S/PRST/2012/17)，

重申需要根據《聯合國憲章》和國際法，包括適用的國際人權法、難民法和人道主義法，採取一切手段抗擊恐怖行為對國際和平與安全造成的威脅，並為此強調聯合國在領導和協調這項努力方面的重大作用，

表示關切恐怖主義團體為籌集資金或贏得政治讓步，製造了更多的綁架和劫持人質事件，重申仍然需要解決這一問題，

強調只有採取持久、全面的對策，並有所有國家、國際組織和區域組織的積極參與和協作，以遏止、削弱、孤立恐怖主義威脅並使其喪失能力，才能戰勝恐怖主義，

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, por ordem do Governo Popular Central, a Resolução n.º 2083 (2012), adoptada pelo Conselho de Segurança das Nações Unidas, em 17 de Dezembro de 2012, relativa às ameaças à paz e segurança internacionais causadas por actos terroristas, nos seus textos autênticos em línguas chinesa e inglesa.

Promulgado em 23 de Abril de 2013.

O Chefe do Executivo, *Chui Sai On*.

Resolution 2083 (2012)

Adopted by the Security Council at its 6890th meeting, on 17 December 2012

The Security Council,

Recalling its resolutions 1267 (1999), 1333 (2000), 1363 (2001), 1373 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1566 (2004), 1617 (2005), 1624 (2005), 1699 (2006), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and 1989 (2011), and the relevant statements of its President,

Reaffirming that terrorism in all its forms and manifestations constitutes one of the most serious threats to peace and security and that any acts of terrorism are criminal and unjustifiable regardless of their motivations, whenever and by whomsoever committed, and reiterating its unequivocal condemnation of Al-Qaida and other individuals, groups, undertakings and entities associated with it, for ongoing and multiple criminal terrorist acts aimed at causing the deaths of innocent civilians and other victims, destruction of property and greatly undermining stability,

Reaffirming that terrorism cannot and should not be associated with any religion, nationality or civilization,

Recalling the Presidential Statement of the Security Council (S/PRST/2012/17) of 4 May 2012 on threats to international peace and security caused by terrorist acts,

Reaffirming the need to combat by all means, in accordance with the Charter of the United Nations and international law, including applicable international human rights, refugee and humanitarian law, threats to international peace and security caused by terrorist acts, stressing in this regard the important role the United Nations plays in leading and coordinating this effort,

Expressing concern at the increase in incidents of kidnapping and hostage-taking by terrorist groups with the aim of raising funds, or gaining political concessions, and reiterating the continued need for this issue to be addressed,

Stressing that terrorism can only be defeated by a sustained and comprehensive approach involving the active participation and collaboration of all States, and international and regional organizations to impede, impair, isolate and incapacitate the terrorist threat,

強調制裁是《聯合國憲章》規定的維護和恢復國際和平與安全的重要手段之一，在這方面強調，需要大力執行本決議第1段所述措施，將其作為打擊恐怖活動的重要工具，

敦促所有會員國積極參與維持和更新根據第1267（1999）、第1333（2000）和第1989（2011）號決議編製的名單（“基地組織制裁名單”），提供關於現有列名的補充資料，酌情提出除名請求，查明應受本決議第1段所述措施制裁的其他個人、團體、企業和實體並提出名字供列入名單，

提醒第1267（1999）和第1989（2011）號決議所設委員會（“委員會”）迅速逐一將不再符合本決議所述列名標準的個人和實體除名，

認識到會員國根據本決議第1段採取措施時面臨法律及其他挑戰，**歡迎**委員會的程序和基地組織制裁名單的質量有所改進，**表示打算**繼續努力，確保這些程序是公正和明確無誤的，

歡迎根據第1904（2009）號決議設立監察員辦公室並在第1989（2011）號決議中加強了監察員的任務規定，**注意到**監察員辦公室在加強公平性和透明度方面做出重大貢獻，**回顧**安全理事會堅定承諾，將確保監察員辦公室能夠繼續根據任務規定有效發揮作用，**又回顧**2011年2月28日安全理事會主席聲明（S/PRST/2011/5），

歡迎監察員向安全理事會提交半年期報告，包括2011年1月21日、7月22日和2012年1月20日及7月30日提交的報告，

重申本決議第1段所述措施是預防性的，沒有依循各國法律規定的刑事標準，

歡迎聯合國大會在2012年6月對2006年9月8日的“全球反恐戰略”（A/RES/60/288）進行第三次審查，並歡迎設立反恐執行工作隊，以確保聯合國系統反恐工作的總體協調一致，

歡迎委員會與國際刑警組織、聯合國毒品和犯罪問題辦公室（尤其是在技術援助和能力建設方面）以及所有其他聯合國機構持續開展合作，鼓勵進一步與反恐執行工作隊進行互動，以確保聯合國系統反恐工作的總體協調一致，

Emphasizing that sanctions are an important tool under the Charter of the United Nations in the maintenance and restoration of international peace and security, and stressing in this regard the need for robust implementation of the measures in paragraph 1 of this resolution as a significant tool in combating terrorist activity,

Urging all Member States to participate actively in maintaining and updating the list created pursuant to resolutions 1267 (1999), 1333 (2000) and 1989 (2011) (“the Al-Qaida Sanctions List”) by contributing additional information pertinent to current listings, submitting delisting requests when appropriate, and by identifying and nominating for listing additional individuals, groups, undertakings and entities which should be subject to the measures referred to in paragraph 1 of this resolution,

Reminding the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011) (“the Committee”) to remove expeditiously and on a case-by-case basis individuals and entities that no longer meet the criteria for listing outlined in this resolution,

Recognizing the challenges, both legal and otherwise, to the measures implemented by Member States under paragraph 1 of this resolution, *welcoming* improvements to the Committee’s procedures and the quality of the Al-Qaida Sanctions List, and *expressing* its intent to continue efforts to ensure that procedures are fair and clear,

Welcoming the establishment of the Office of the Ombudsman pursuant to resolution 1904 (2009) and the enhancement of the Ombudsman’s mandate in resolution 1989 (2011), *noting* the Office of the Ombudsman’s significant contribution in providing additional fairness and transparency, *recalling* the Security Council’s firm commitment to ensuring that the Office of the Ombudsman is able to continue to carry out its role effectively, in accordance with its mandate, and *recalling also* the Presidential Statement of the Security Council (S/PRST/2011/5) of 28 February 2011,

Welcoming the Ombudsman’s biannual reports to the Security Council, including the reports submitted on 21 January 2011, 22 July 2011, 20 January 2012 and 30 July 2012,

Reiterating that the measures referred to in paragraph 1 of this resolution are preventative in nature and are not reliant upon criminal standards set out under national law,

Welcoming the third review in June 2012 by the General Assembly of the United Nations Global Counter-Terrorism Strategy (A/RES/60/288) of 8 September 2006 and the creation of the Counter-Terrorism Implementation Task Force (CTITF) to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system,

Welcoming the continuing cooperation between the Committee and INTERPOL, the United Nations Office on Drugs and Crime, in particular on technical assistance and capacity-building, and all other United Nations bodies, and *encouraging* further engagement with the CTITF to ensure overall coordination and coherence in the counter-terrorism efforts of the UN system,

認識到需要採取措施防止和制止向恐怖主義和恐怖組織提供資助，包括來自有組織犯罪，特別是來自非法生產和販運毒品及其化學前體所得收入的資助，並認識到必須繼續為此目的開展國際合作，

關切地注意到基地組織和其他與之有關聯的個人、團體、企業和實體繼續對國際和平與安全構成威脅，**重申**安理會決心在所有方面應對這一威脅，

注意到，在一些情況下，符合本決議第4段所述列名標準的某些個人、團體、企業和實體也可能符合第1988 (2011) 號決議第3段或其他相關制裁決議規定的列名標準，

根據《聯合國憲章》第七章**採取行動**，

措施

1. **決定**，所有國家均應對基地組織以及與之有關聯的其他個人、團體、企業和實體，採取第1333 (2000) 號決議第8 (c) 段、第1390 (2002) 號決議第1和第2段和第1989 (2011) 號決議第1和4段早先規定的措施：

(a) 毫不拖延地凍結這些個人、團體、企業和實體的資金和其他金融資產或經濟資源，包括他們、代表其行事的人或按照其指示行事的人直接或間接擁有或控制的財產所衍生的資金，並確保本國國民或本國境內的人不直接或間接為這些人的利益提供此種或任何其他資金、金融資產或經濟資源；

(b) 阻止這些個人入境或過境，但本段的規定絕不強制任何國家拒絕本國國民入境或要求本國國民離境，本段也不適用於為履行司法程序而必須入境或過境的情況，或委員會在逐一審查後認定有正當理由入境或過境的情況；

(c) 阻止從本國境內、或境外本國國民、或使用懸掛本國國旗的船隻或飛機向這些個人、團體、企業和實體直接或間接供應、銷售或轉讓軍火和各種有關物資，包括武器和彈藥、軍用車輛和裝備、準軍事裝備及上述物資的備件，以及與軍事活動有關的技術諮詢、援助或培訓；

2. **重申**，表明個人、團體、企業或實體與基地組織有關聯的行為或活動包括：

(a) 參與資助、籌劃、協助、籌備或實施基地組織或其任何基層組織、下屬機構、從中分裂或衍生出來的團體實施、夥同其實施、以其名義實施、代表其實施或為向其提供支持而實施的行動或活動；

Recognizing the need to take measures to prevent and suppress the financing of terrorism and terrorist organizations, including from the proceeds of organized crime, inter alia, the illicit production and trafficking of drugs and their chemical precursors, and the importance of continued international co-operation to that aim,

Noting with concern the continued threat posed to international peace and security by Al-Qaida and other individuals, groups, undertakings and entities associated with it, *reaffirming* its resolve to address all aspects of that threat,

Noting that, in some instances, certain individuals, groups, undertakings and entities that meet the criteria for listing set forth in paragraph 3 of resolution 1988 (2011) or other relevant sanctions resolutions may also meet the criteria for listing set forth in paragraph 4 of this resolution,

Acting under Chapter VII of the Charter of the United Nations,

Measures

1. *Decides* that all States shall take the measures as previously imposed by paragraph 8 (c) of resolution 1333 (2000), paragraphs 1 and 2 of resolution 1390 (2002), and paragraphs 1 and 4 of resolution 1989 (2011), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them:

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfilment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical advice, assistance or training related to military activities;

2. *Reaffirms* that acts or activities indicating that an individual, group, undertaking or entity is associated with Al-Qaida include:

(a) Participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of;

(b) 為其供應、銷售或轉讓軍火和有關物資；

(c) 為其招募人員；或以其他方式支持基地組織或其任何基層組織、下屬機構、從中分裂或衍生出來的團體的行為或活動；

3. **確認**，任何由基地組織直接或間接擁有或控制、或以其他方式向其提供支持的個人、團體、企業或實體，任何與基地組織有關聯的個人、團體、企業和實體，包括被列入基地組織制裁名單者，均可被指認；

4. **確認**上文第1段(a)的規定適用於所有類別的金融和經濟資源，其中包括但不限於用來提供因特網託管服務或相關服務，以支持基地組織以及其他與之有關聯的個人、團體、企業或實體的資源；

5. **指出**，此種資助或支持手段包括但不限於使用包括非法種植、生產及販運毒品及其前體在內的犯罪行為所得收入；

6. **還確認**上文第1段(a)的規定還應適用於向基地組織制裁名單所列個人、團體、企業或實體支付的贖金；

7. **決定**會員國可允許在已依照上文第1段的規定予以凍結的帳戶中存入任何以被列名的個人、團體、企業或實體為受益人的付款，但任何此種付款仍受上文第1段的規定制約並應被凍結；

8. **鼓勵**會員國利用第1452(2002)號決議第1和2段做出的並經第1735(2006)號決議修正的上文第1(a)段規定的措施可以有豁免的規定，授權第1730(2006)號決議設立的協調人機制按下文第37段所述，接受基地組織制裁名單上的個人、團體、企業或實體提交的或其法律代理人或財產代管人代表他們提交的豁免申請，以供委員會審議；

9. **指示**委員會與安全理事會其他有關制裁委員會、特別是第1988(2011)號決議所設委員會合作；

開列名單

10. **鼓勵**所有會員國向委員會提交第1617(2005)號決議第2段所述、經上文第2段重申的以任何手段參與資助或支持基地組織的行為或活動的個人、團體、企業和實體以及與基地組織有關聯的其他個人、團體、企業和實體的名字，供委員會列入基地組織制裁名單；

11. **重申**會員國在向委員會提名以供列入基地組織制裁名單時，應根據第1735(2006)號決議第5段和第1822(2008)號決議第12段的規定行事，並提供案情說明，列出擬列入名單的詳細理

(b) Supplying, selling or transferring arms and related materiel to;

(c) Recruiting for; or otherwise supporting acts or activities of Al-Qaida or any cell, affiliate, splinter group or derivative thereof;

3. *Confirms* that any individual, group, undertaking or entity either owned or controlled, directly or indirectly, by, or otherwise supporting, any individual, group, undertaking or entity associated with Al-Qaida, including on the Al-Qaida Sanctions List, shall be eligible for designation;

4. *Confirms* that the requirements in paragraph 1 (a) above apply to financial and economic resources of every kind, including but not limited to those used for the provision of Internet hosting or related services, used for the support of Al-Qaida and other individuals, groups, undertakings or entities associated with it;

5. *Notes* that such means of financing or support include but are not limited to the use of proceeds derived from crime, including the illicit cultivation, production and trafficking of narcotic drugs and their precursors;

6. *Confirms* further that the requirements in paragraph 1 (a) above shall also apply to the payment of ransoms to individuals, groups, undertakings or entities on the Al-Qaida Sanctions List;

7. *Decides* that Member States may permit the addition to accounts frozen pursuant to the provisions of paragraph 1 above of any payment in favour of listed individuals, groups, undertakings or entities, provided that any such payments continue to be subject to the provisions in paragraph 1 above and are frozen;

8. *Encourages* Member States to make use of the provisions regarding available exemptions to the measures in paragraph 1 (a) above, set out in paragraphs 1 and 2 of resolution 1452 (2002), as amended by resolution 1735 (2006), and authorizes the Focal Point mechanism established in resolution 1730 (2006) to receive exemption requests submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List, or by the legal representative or estate of such individual, group, undertaking or entity, for Committee consideration, as described in paragraph 37 below;

9. *Directs* the Committee to cooperate with other relevant Security Council Sanctions Committees, in particular that established pursuant to resolution 1988 (2011);

Listing

10. *Encourages* all Member States to submit to the Committee for inclusion on the Al-Qaida Sanctions List names of individuals, groups, undertakings and entities participating, by any means, in the financing or support of acts or activities of Al-Qaida, and other individuals, groups, undertakings and entities associated with them, as described in paragraph 2 of resolution 1617 (2005) and reaffirmed in paragraph 2 above;

11. *Reaffirms* that, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List, Member States shall act in accordance with paragraph 5 of resolution 1735 (2006) and paragraph 12 of resolution 1822 (2008), and provide

由，**還決定**該案情說明除會員國向委員會指明應予保密的部分外，應可根據請求予以公開，並可用於編寫下文第14段所述的列名理由簡述；

12. **決定**，提出新指認的會員國以及在本決議通過之前提名以供列入基地組織制裁名單的會員國應說明，委員會或監察員可否公開它們是指認國；

13. **回顧**安理會決定，會員國在向委員會提名以供列入基地組織制裁名單時，應使用標準列名表格，儘可能向委員會提供關於提名的信息，特別是充分的識別信息，以便準確和肯定地識別有關個人、團體、企業和實體，並儘量提供國際刑警組織發特別通告所需要的信息，並**指示**委員會根據本決議的規定，在必要時更新標準列名表格；**還指示**監測組向委員會報告還可以採取哪些步驟改進識別信息，並確保為名單上的所有人頒發了國際刑警組織—聯合國特別通告；

14. **歡迎**委員會在基地組織制裁名單中增列名字的同時，在監察組的協助下並與相關指認國協調，在委員會網站上就相應條目登載列名理由簡述，指示委員會在監察組協助下並與相關指認國協調，繼續努力在委員會網站上提供所有被列名者的列名理由簡述；

15. **鼓勵**會員國及相關國際組織和機構將任何相關法院裁定和訴訟程序通知委員會，以便委員會能夠在審查相應列名或更新列名理由簡述時將其考慮在內；

16. **呼籲**委員會和監察組所有成員向委員會提供其可能掌握的任何關於會員國的列名申請的信息，以便這些信息有助於委員會就有關指認作出知情決定，並為第14段所述列名理由簡述提供更多材料；

17. **重申**，秘書處應根據第1735（2006）號決議第10段的規定，在進行公佈後、但在把某個名字列入基地組織制裁名單後三個工作日內，通知有關個人或實體據信所在國家的常駐代表團，如為個人，還應通知此人的國籍國（如已掌握此信息），**要求**秘書處在把某個名字列入基地組織制裁名單後，立即在委員會網

a statement of case, which should include detailed reasons on the proposed basis for the listing, and *decides further* that the statement of case shall be releasable, upon request, except for the parts a Member State identifies as being confidential to the Committee, and may be used to develop the narrative summary of reasons for listing described in paragraph 14 below;

12. *Decides* that Member States proposing a new designation, as well as Member States that have proposed names for inclusion on the Al-Qaida Sanctions List before the adoption of this resolution, shall specify if the Committee or the Ombudsperson may not make known the Member State's status as a designating State;

13. *Recalls* its decision that Member States, when proposing names to the Committee for inclusion on the Al-Qaida Sanctions List shall use the standard form for listing, and provide the Committee with as much relevant information as possible on the proposed name, in particular sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings and entities, and to the extent possible, the information required by INTERPOL to issue a Special Notice, and *directs* the Committee to update, as necessary, the standard form for listing in accordance with the provisions of this resolution; and *further directs* the Monitoring Team to report to the Committee on further steps that could be taken to improve identifying information, as well as steps to ensure that INTERPOL-UN Special Notices exist for all listed individuals, groups, undertakings, and entities;

14. *Welcomes* efforts by the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to make accessible on the Committee's website, at the same time a name is added to the Al-Qaida Sanctions List, a narrative summary of reasons for listing for the corresponding entry, and *directs* the Committee, with the assistance of the Monitoring Team and in coordination with the relevant designating States, to continue its efforts to make accessible on the Committee's website narrative summaries of reasons for all listings;

15. *Encourages* Member States and relevant international organizations and bodies to inform the Committee of any relevant court decisions and proceedings so that the Committee can consider them when it reviews a corresponding listing or updates a narrative summary of reasons for listing;

16. *Calls upon* all members of the Committee and the Monitoring Team to share with the Committee any information they may have available regarding a listing request from a Member State so that this information may help inform the Committee's decision on designation and provide additional material for the narrative summary of reasons for listing described in paragraph 14;

17. *Reaffirms* that the Secretariat shall, after publication but within three working days after a name is added to the Al-Qaida Sanctions List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known), in accordance with paragraph 10 of resolution 1735 (2006), *requests* the Secretariat to publish on the Committee's website all relevant publicly releasable information, including the narrative summary of reasons for listing, immediately after

站公佈所有可公開發表的相關信息，包括列名理由簡述，並**著重指出**及時用聯合國所有正式語文公佈列名理由簡述的重要性；

18. **還重申**第1822 (2008) 號決議第17段的規定，即要求會員國根據本國法律和慣例，採取一切可能措施，將列名一事及時通知或告知被列名的個人或實體，並在通知中附上列名理由簡述、關於按相關決議列入名單的後果的說明、委員會審議除名申請的程序，包括可否根據第1989 (2011) 號決議第21段和本決議附件二向監察員提出這一申請，以及第1452 (2002) 號決議關於可於豁免的規定；

除名/監察員

19. **決定**，將本決議附件二所列程序規定的、第1904 (2009) 號決議所設監察員辦公室的任務自本決議通過之日起延長30個月，決定監察員應繼續獨立、公正地收取個人、團體、企業或實體提出的基地組織制裁名單除名申請，不得尋求或接受任何政府的指示，並**決定**監察員應就個人、團體、企業或實體通過監察員辦公室提交的基地組織制裁名單除名申請向委員會提出意見和建議，要麼建議保留列名，要麼建議委員會考慮除名；

20. **回顧**安理會決定，如監察員根據附件二就除名申請提出的監察員綜合報告建議保留列名，則要求各國對有關個人、團體、企業或實體採取本決議第1段所述措施的規定繼續有效；

21. **回顧**安理會決定，如監察員建議委員會考慮除名，在委員會完成對監察員根據本決議附件二、包括其中第6段 (h) 項所提交綜合報告的審議60天後，要求各國對有關個人、團體、企業或實體採取本決議第1段所述措施的規定即行終止，除非委員會在60天期限結束前以協商一致方式決定，這一規定對有關個人、團體、企業或實體繼續有效；並**規定**，如無法達成協商一致，主席應在委員會一名成員提出請求時，把是否將有關個人、團體、企業或實體除名的問題提交安全理事會，以便在60天內作出決定；**還規定**，如有成員提出這樣的請求，要求各國採取本決議第1段所述措施的規定在這一期間內仍對有關個人、團體、企業或實體有效，直至安全理事會就此問題做出決定；

a name is added to the Al-Qaida Sanctions List, and *highlights* the importance of making the narrative summary of reasons for listing available in all official languages of the United Nations in a timely manner;

18. *Reaffirms* further the provisions in paragraph 17 of resolution 1822 (2008) regarding the requirement that Member States take all possible measures, in accordance with their domestic laws and practices, to notify or inform in a timely manner the listed individual or entity of the designation and to include with this notification the narrative summary of reasons for listing, a description of the effects of designation, as provided in the relevant resolutions, the Committee's procedures for considering delisting requests, including the possibility of submitting such a request to the Ombudsperson in accordance with paragraph 21 of resolution 1989 (2011) and annex II of this resolution, and the provisions of resolution 1452 (2002) regarding available exemptions;

Delisting/Ombudsperson

19. *Decides* to extend the mandate of the Office of the Ombudsperson, established by resolution 1904 (2009), as reflected in the procedures outlined in annex II of this resolution, for a period of thirty months from the date of adoption of this resolution, *decides* that the Ombudsperson shall continue to receive requests from individuals, groups, undertakings or entities seeking to be removed from the Al-Qaida Sanctions List in an independent and impartial manner and shall neither seek nor receive instructions from any government, and *decides* that the Ombudsperson shall present to the Committee observations and a recommendation on the delisting of those individuals, groups, undertakings or entities that have requested removal from the Al-Qaida Sanctions List through the Office of the Ombudsperson, either a recommendation to retain the listing or a recommendation that the Committee consider delisting;

20. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, where the Ombudsperson recommends retaining the listing in the Comprehensive Report of the Ombudsperson on a delisting request pursuant to annex II;

21. *Recalls* its decision that the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity sixty days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with annex II of this resolution, including paragraph 6 (h) thereof, where the Ombudsperson recommends that the Committee consider delisting, unless the Committee decides by consensus before the end of that sixty-day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

22. 請秘書長繼續加強監察員辦公室的能力，包括酌情提供必要資源，包括用於翻譯的資源，確保它能夠繼續有效和及時地執行任務；

23. 大力敦促會員國向監察員提供所有相關信息，包括酌情提供任何相關保密信息，鼓勵會員國及時提供相關信息，歡迎會員國同監察員辦公室做出有助於分享保密信息的安排，鼓勵會員國進一步在這方面提供合作，確認監察員必須遵守提供信息的會員國為這種信息規定的保密限制；

24. 請會員國和相關國際組織及機構鼓勵正考慮對其列名提出異議或已開始通過國家和區域法院對其列名提出異議的個人和實體向監察員辦公室提交除名申請，以尋求從基地組織制裁名單上除名；

25. 注意到本決議第44段提到的金融行動任務組的國際標準，包括關於定向金融制裁的最佳做法；

26. 回顧安理會決定，如指認國提交除名申請，要求各國對有關個人、團體、企業或實體採取本決議第1段所述措施的規定將在60天後即行終止，除非委員會在60天期限結束前以協商一致方式決定，這一規定對有關個人、團體、企業或實體繼續有效；並規定，如無法達成協商一致，主席應在委員會一名成員提出請求時，把是否將有關個人、團體、企業或實體除名的問題提交安全理事會，以便在60天內作出決定；還規定，如有成員提出這樣的請求，要求各國採取本決議第1段所述措施的規定在這一期間內仍對有關個人、團體、企業或實體有效，直至安全理事會就此問題做出決定；

27. 回顧安理會決定，在有多個指認國時，為提出第26段所述除名申請，所有指認國之間須達成協商一致；還回顧安理會決定，為第26段之目的，共同提出列名申請的國家不應視為指認國；

28. 大力敦促指認國允許監察員對已向監察員提交了除名申請的被列名個人和實體披露它們是指認國；

29. 指示委員會繼續根據其準則開展工作，審議會員國提出的關於把據稱不再符合相關決議以及本決議第2段所規定標準的個人、團體、企業和實體從基地組織制裁名單上除名的申請，

22. *Requests* the Secretary-General to continue to strengthen the capacity of the Office of the Ombudsperson by providing necessary resources, including for translation services, as appropriate, to ensure its continued ability to carry out its mandate in an effective and timely manner;

23. *Strongly urges* Member States to provide all relevant information to the Ombudsperson, including any relevant confidential information, where appropriate, *encourages* Member States to provide relevant information in a timely manner, *welcomes* those national arrangements entered into by Member States with the Office of the Ombudsperson to facilitate the sharing of confidential information, *encourages* Member States' further cooperation in this regard, and *confirms* that the Ombudsperson must comply with any confidentiality restrictions that are placed on such information by Member States providing it;

24. *Requests* that Member States and relevant international organizations and bodies encourage individuals and entities that are considering challenging or are already in the process of challenging their listing through national and regional courts to seek removal from the Al-Qaida Sanctions List by submitting delisting petitions to the Office of the Ombudsperson;

25. *Notes* the Financial Action Task Force (FATF) international standards and, inter alia, best practices relating to targeted financial sanctions, as referenced in paragraph 44 of this resolution;

26. *Recalls* its decision that when the designating State submits a delisting request, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity after sixty days unless the Committee decides by consensus before the end of that sixty-day period that the measures shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council;

27. *Recalls* its decision that, for purposes of submitting a delisting request in paragraph 26, consensus must exist between or among all designating States in cases where there are multiple designating States; and *further recalls* its decision that co-sponsors of listing requests shall not be considered designating States for purposes of paragraph 26;

28. *Strongly urges* designating States to allow the Ombudsperson to reveal their identities as designating States, to those listed individuals and entities that have submitted delisting petitions to the Ombudsperson;

29. *Directs* the Committee to continue to work, in accordance with its guidelines, to consider delisting requests of Member States for the removal from the Al-Qaida Sanctions List of individuals, groups, undertakings and entities that are alleged to no longer meet the criteria established in the relevant resolu-

在委員會一名成員提出要求時，應將除名申請列入委員會議程，並**大力敦促**會員國提供提交除名申請的理由；

30. **鼓勵**各國為那些已被正式確認死亡的個人提交除名申請，特別是在未查出任何資產時這樣做，並為那些據說或經證實已不復存在的實體提出除名申請，同時採取一切合理措施，確保曾屬於這些個人或實體的資產沒有或不會被轉移或分發給基地組織制裁名單上的其他個人、團體、企業和實體；

31. **鼓勵**會員國在因除名而解凍已死亡個人或據說或經證實已不復存在的實體的資產時，回顧第1373 (2001) 號決議所規定的義務，特別要防止解凍資產被用於恐怖主義目的；

32. **決定**，會員國在解凍因烏薩馬·本·拉丹被列入名單而凍結的資產前，應向委員會提交解凍這些資產的申請，並應根據安全理事會第1373 (2001) 號決議，向委員會保證有關資產不會被直接或間接移交給列入名單的個人、團體、企業或實體，或以其他方式用於恐怖主義目的，**還決定**，這些資產只有在委員會成員在收到有關申請30天內沒有表示反對的情況下才能解凍，並**強調**本規定是一個例外，不應被視為創建先例；

33. **呼籲**委員會在審議除名申請時適當考慮指認國、居住國、國籍國、所在國或公司註冊國以及委員會確定的其他相關國家的意見，**指示**委員會成員在對除名申請表示反對時提出反對理由，並**籲請**委員會酌情將這些理由告知相關會員國、國家和區域法院及機構；

34. **鼓勵**包括指認國、居住國和國籍國在內的所有會員國向委員會提供與委員會審查除名申請有關的所有信息，並在收到請求時與委員會進行會晤，以表達對除名申請的意見，**還鼓勵**委員會酌情會見掌握了除名申請相關信息的國家或區域組織和機構的代表；

35. **確認**秘書處應在把一個名字從基地組織制裁名單上刪除後3天內（根據已知信息）通知居住國、國籍國、所在國或公司註冊國的常駐代表團，並**決定**，收到這種通知的國家應根據本國法律和慣例採取措施，及時將除名之事通知或告知有關個人或實體；

豁免

36. **決定**，如果監察員無法在申請人居住國面見申請人，可在獲得申請人同意後，請委員會僅為允許申請人在進行這一面見

tions, and set out in paragraph 2 of the present resolution, which shall be placed on the Committee's agenda upon request of a member of the Committee, and *strongly urges* Member States to provide reasons for submitting their delisting requests;

30. *Encourages* States to submit delisting requests for individuals that are officially confirmed to be dead, particularly where no assets are identified, and for entities reported or confirmed to have ceased to exist, while at the same time taking all reasonable measures to ensure that the assets that had belonged to these individuals or entities have not been or will not be transferred or distributed to other individuals, groups, undertakings and entities on the Al-Qaida Sanctions List;

31. *Encourages* Member States, when unfreezing the assets of a deceased individual or an entity that is reported or confirmed to have ceased to exist as a result of a delisting, to recall the obligations set forth in resolution 1373 (2001) and, particularly, to prevent unfrozen assets from being used for terrorist purposes;

32. *Decides* that, prior to the unfreezing of any assets that have been frozen as a result of the listing of Usama bin Laden, Member States shall submit to the Committee a request to unfreeze such assets and shall provide assurances to the Committee that the assets will not be transferred, directly or indirectly, to a listed individual, group, undertaking or entity, or otherwise used for terrorist purposes in line with Security Council resolution 1373 (2001), and *decides further* that such assets may only be unfrozen in the absence of an objection by a Committee member within thirty days of receiving the request, and *stresses* the exceptional nature of this provision, which shall not be considered as establishing a precedent;

33. *Calls upon* the Committee when considering delisting requests to give due consideration to the opinions of designating State(s), State(s) of residence, nationality, location or incorporation, and other relevant States as determined by the Committee, *directs* Committee members to provide their reasons for objecting to delisting requests at the time the request is objected to, and *calls upon* the Committee to share its reasons with relevant Member States and national and regional courts and bodies, where appropriate;

34. *Encourages* all Member States, including designating States and States of residence and nationality, to provide all information to the Committee relevant to the Committee's review of delisting petitions, and to meet with the Committee, if requested, to convey their views on delisting requests, and further *encourages* the Committee, where appropriate, to meet with representatives of national or regional organizations and bodies that have relevant information on delisting petitions;

35. *Confirms* that the Secretariat shall, within 3 days after a name is removed from the Al-Qaida Sanctions List, notify the Permanent Mission of the State(s) of residence, nationality, location or incorporation (to the extent this information is known), and *decides* that States receiving such notification shall take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the delisting in a timely manner;

Exemptions

36. *Decides* that, in cases in which the Ombudsperson is unable to interview a petitioner in his or her state of residence, the Ombudsperson may request, with the agreement of the pe-

所需要的時間內前往另一個國家面見監察員之目的，考慮免除本決議第1 (b) 段中的旅行限制，但條件是過境國和目的地國都不反對這一旅行，**還指示**委員會將其決定通知監察員；

37. **決定**，第1730 (2006) 號決議建立的協調人機制可：

(a) 接受列入名單的個人、團體、企業和實體提出的免除第1452 (2002) 號決議規定的本決議第1 (a) 段所述措施的申請，但有關申請須先提交居住國審議，**還決定**，協調人應把申請交給委員會做決定，**指示**委員會審議這些申請，包括與居住國和其他任何相關國家進行協商，**還指示**委員會通過協調人將其決定通知這些個人、團體、企業或實體；

(b) 接受列入名單的個人提出的免除本決議第1 (a) 段所述措施的申請並轉交給委員會，以便逐一決定是否有合理的入境或過境理由，**指示**委員會與過境國、目的地國和其他任何相關國家協商，審議這些申請，**還決定**，委員會只應在過境和目的地國同意時，方同意免除本決議第1 (a) 段所述措施，**還指示**委員會通過協調人將其決定通知這些個人；

審查和維持基地組織制裁名單

38. **鼓勵**所有會員國，特別是指認國和居住國或國籍國，向委員會提交剛剛獲得的有關被列名個人、團體、企業或實體的更多識別信息和其他信息及證明文件，包括關於被列名實體、團體和企業的運作情況以及被列名個人的搬遷、入獄或死亡和其他重大動向的最新信息；

39. **請**監察組每六個月向委員會分發一份清單，列出基地組織制裁名單上因沒有必要識別信息而無法有效對其執行規定措施的個人和實體，**指示**委員會審查這些列名以決定它們是否仍然得當；

40. **重申**，監察組應每六個月向委員會分發基地組織制裁名單上的據說已經死亡的個人的清單，同時附上對死亡證書等相關信息的評估意見，並儘可能附上被凍結資產的狀況和地點以及能夠接收解凍資產的個人或實體的名字，**指示**委員會審查這些列名，以決定它們是否仍然得當，**呼籲**委員會在有可信的死亡信息時，刪除這些列名；

tioner, that the Committee consider granting an exemption to the restriction on travel in paragraph 1 (b) of this resolution for the sole purpose of allowing the petitioner to travel to another State to be interviewed by the Ombudsperson for a period no longer than necessary to participate in this interview, provided that all States of transit and destination do not object to such travel, and further *directs* the Committee to notify the Ombudsperson of the Committee's decision;

37. *Decides* that the Focal Point mechanism established in resolution 1730 (2006) may:

(a) Receive requests from listed individuals, groups, undertakings, and entities for exemptions to the measures outlined in paragraph 1 (a) of this resolution, as defined in resolution 1452 (2002) provided that the request has first been submitted for the consideration of the State of residence, and *decides* further that the Focal Point shall transmit such requests to the Committee for a decision, *directs* the Committee to consider such requests, including in consultation with the State of residence and any other relevant States, and *further directs* the Committee, through the Focal Point, to notify such individuals, groups, undertaking or entities of the Committee's decision;

(b) Receive requests from listed individuals for exemptions to the measures outlined in paragraph 1 (b) of this resolution and transmit these to the Committee to determine, on a case-by-case basis, whether entry or transit is justified, *directs* the Committee to consider such requests in consultation with States of transit and destination and any other relevant States, and *decides further* that the Committee shall only agree to exemptions to the measures in paragraph 1 (b) of this resolution with the agreement of the States of transit and destination, and *further directs* the Committee, through the Focal Point, to notify such individuals of the Committee's decision;

Review and maintenance of the Al-Qaida Sanctions List

38. *Encourages* all Member States, in particular designating States and States of residence or nationality, to submit to the Committee additional identifying and other information, along with supporting documentation, on listed individuals, groups, undertakings and entities, including updates on the operating status of listed entities, groups and undertakings, the movement, incarceration or death of listed individuals and other significant events, as such information becomes available;

39. *Requests* the Monitoring Team to circulate to the Committee every six months a list of individuals and entities on the Al-Qaida Sanctions List whose entries lack identifiers necessary to ensure effective implementation of the measures imposed upon them, and *directs* the Committee to review these listings to decide whether they remain appropriate;

40. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of individuals on the Al-Qaida Sanctions List who are reportedly deceased, along with an assessment of relevant information such as the certification of death, and to the extent possible, the status and location of frozen assets and the names of any individuals or entities who would be in a position to receive any unfrozen assets, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove listings of deceased individuals, where credible information regarding death is available;

41. **重申**，監察組應每六個月向委員會分發基地組織制裁名單上的據說或經證實已不復存在的實體的清單，同時附上對任何相關信息的評估意見，**指示**委員會審查這些列名以決定它們是否仍然得當，呼籲委員會在有可信的信息時，刪除這些列名；

42. **還指示**委員會，根據第1822（2008）號決議第25段所述審查已經完成的情況，對基地組織制裁名單上的已有三年或三年以上未獲審查（“三年期審查”）的名字進行年度審查，根據委員會準則規定的程序把相關名字分發給指認國和（已知的）居住國、國籍國、所在國或公司註冊國，通過確定哪些列名不再得當和哪些列名仍然得當，確保基地組織制裁名單儘可能跟上情況的變化和準確無誤，並**指出**，自本決議通過之日起，委員會依照本決議附件二規定的程序對除名申請的審議應被視為等同於依照第1822（2008）號決議第26段進行的審查；

措施的執行

43. **重申**所有國家都必須制訂並在必要時採用適當程序，全面執行上文第1段所述措施的各個方面；回顧第1617（2005）號決議第7段，大力敦促所有會員國執行金融行動任務組關於洗錢、資助恐怖主義和擴散的四十項修訂建議，特別是關於對恐怖主義和資助恐怖主義行為進行定向金融制裁的建議6中的綜合國際標準；

44. **大力敦促**會員國採用金融行動任務組關於建議6的解釋性說明中的所有內容，並除其他外，**注意到**相關最佳做法，以切實對恐怖主義和資助恐怖主義行為進行定向金融制裁，**注意到**要有適當的法律依據和程序來採用和執行不以刑事訴訟為前提的定向金融制裁，採用證明有“合理理由”或“合理依據”的證據標準，並要有在必要時利用保密信息進行和提出指認和防止洩漏這些敏感信息的能力；

45. **指示**委員會繼續確保有公正和明確的程序，以便把個人和實體列入基地組織制裁名單，將其除名以及根據第1452（2002）號決議給予豁免，並指示委員會為支持這些目標不斷積極審查其準則；

46. **指示**委員會優先審查與本決議的規定有關的準則，特別是與第8、10、12、13、19、22、23、32、36、37、59、60、61和62段有關的準則；

47. **鼓勵**會員國（包括其常駐代表團）和相關國際組織與委員會舉行會議，以深入討論任何相關問題；

41. *Reaffirms* that the Monitoring Team should circulate to the Committee every six months a list of entities on the Al-Qaida Sanctions List that are reported or confirmed to have ceased to exist, along with an assessment of any relevant information, *directs* the Committee to review these listings to decide whether they remain appropriate, and *calls upon* the Committee to remove such listings where credible information is available;

42. *Further directs* the Committee, in light of the completion of the review described in paragraph 25 of resolution 1822 (2008), to conduct an annual review of all names on the Al-Qaida Sanctions List that have not been reviewed in three or more years (“the triennial review”), in which the relevant names are circulated to the designating States and States of residence, nationality, location or incorporation, where known, pursuant to the procedures set forth in the Committee guidelines, to ensure the Al-Qaida Sanctions List is as updated and accurate as possible through identifying listings that no longer remain appropriate and confirming listings that remain appropriate, and *notes* that the Committee’s consideration of a delisting request after the date of adoption of this resolution, pursuant to the procedures set out in annex II of this resolution, should be considered equivalent to a review conducted pursuant to paragraph 26 of resolution 1822 (2008);

Measures implementation

43. *Reiterates* the importance of all States identifying, and if necessary introducing, adequate procedures to implement fully all aspects of the measures described in paragraph 1 above; and recalling paragraph 7 of resolution 1617 (2005), *strongly urges* all Member States to implement the comprehensive international standards embodied in the Financial Action Task Force’s (FATF) revised Forty Recommendations on Combating Money Laundering and the Financing of Terrorism and Proliferation, particularly Recommendation 6 on targeted financial sanctions related to terrorism and terrorist financing;

44. *Strongly urges* Member States to apply the elements in FATF’s Interpretive Note to Recommendation 6, and to take note of, inter alia, related best practices for effective implementation of targeted financial sanctions related to terrorism and terrorist financing, and *takes note* of the need to have appropriate legal authorities and procedures to apply and enforce targeted financial sanctions that are not conditional upon the existence of criminal proceedings, and to apply an evidentiary standard of proof of “reasonable grounds” or “reasonable basis”, as well as the ability to collect or solicit as much information as possible from all relevant sources;

45. *Directs* the Committee to continue to ensure that fair and clear procedures exist for placing individuals and entities on the Al-Qaida List and for removing them as well as for granting exemptions per resolution 1452 (2002), and *directs* the Committee to keep its guidelines under active review in support of these objectives;

46. *Directs* the Committee, as a matter of priority, to review its guidelines with respect to the provisions of this resolution, in particular paragraphs 8, 10, 12, 13, 19, 22, 23, 32, 36, 37, 59, 60, 61 and 62;

47. *Encourages* Member States, including through their permanent missions, and relevant international organizations to meet the Committee for in-depth discussion on any relevant issues;

48. 請委員會向安理會報告它關於會員國執行工作的結論，查找並提出必要措施來改進執行情況；

49. 指示委員會查明可能未遵守上文第1段所述措施的情況，針對每一種情況提出適當的行動方針，請主席在根據下文第59段向安理會提交的定期報告中彙報委員會在這個問題上開展工作的進展；

50. 敦促所有會員國在執行上文第1段所述措施時，確保儘快根據本國法律和慣例註銷假冒、偽造、失竊和遺失的護照和其他旅行證件，使其不再流通，並通過國際刑警組織數據庫與其他會員國分享這些證件的信息；

51. 鼓勵各會員國根據本國法律和慣例，與私營部門分享其國家數據庫中與假冒、偽造、失竊和遺失的歸本國管轄的身份證件或旅行證件有關的信息，並在發現有被列名者使用虛假身份（包括為了取得信貸）或假造旅行證件時，向委員會提供這方面的信息；

52. 鼓勵向列入名單的人頒發旅行證件的會員國酌情進行加註，表明持證人被禁止旅行和有相應的豁免手續；

53. 確認，委員會審理的事項最多應在六個月內審理完畢，除非委員會根據它的準則逐一認定因情況特殊而需要更多時間進行審議；

54. 鼓勵指認國通知監察組是否已有國內法院或其他司法主管部門審查了某一個人的案件，是否已經啟動任何司法程序，並在提交其標準列名表格時附上任何其他相關信息；

55. 請委員會在收到會員國請求時，通過監察組或聯合國專門機構協助提供能力建設援助，以加強對各項措施的執行；

協調和外聯

56. 重申有必要加強委員會、反恐主義委員會（反恐委員會）、安全理事會第1540（2004）號決議所設委員會及其專家組之間正在開展的合作，包括酌情加強信息共享和以下方面的協調：在各自任務範圍內對各國的訪問、技術援助的促進和監測、與國際和區域組織及機構的關係以及涉及所有三個委員會的其他問題，表示打算就共同感興趣的領域向這些委員會提供指導，以更好地協調它們的努力和促進這種合作，並請秘書長作出必要安排，使這些機構能儘快在同一地點辦公；

48. *Requests* the Committee to report to the Council on its findings regarding Member States' implementation efforts, and identify and recommend steps necessary to improve implementation;

49. *Directs* the Committee to identify possible cases of non-compliance with the measures pursuant to paragraph 1 above and to determine the appropriate course of action on each case, and *requests* the Chair, in periodic reports to the Council pursuant to paragraph 59 below, to provide progress reports on the Committee's work on this issue;

50. *Urges* all Member States, in their implementation of the measures set out in paragraph 1 above, to ensure that fraudulent, counterfeit, stolen and lost passports and other travel documents are invalidated and removed from circulation, in accordance with domestic laws and practices, as soon as possible, and to share information on those documents with other Member States through the INTERPOL database;

51. *Encourages* Member States to share, in accordance with their domestic laws and practices, with the private sector information in their national databases related to fraudulent, counterfeit, stolen and lost identity or travel documents pertaining to their own jurisdictions, and, if a listed party is found to be using a false identity including to secure credit or fraudulent travel documents, to provide the Committee with information in this regard;

52. *Encourages* Member States that issue travel documents to listed individuals to note, as appropriate, that the bearer is subject to the travel ban and corresponding exemption procedures;

53. *Confirms* that no matter should be left pending before the Committee for a period longer than six months, unless the Committee determines on a case-by-case basis that extraordinary circumstances require additional time for consideration, in accordance with the Committee's guidelines;

54. *Encourages* designating States to inform the Monitoring Team whether a national court or other legal authority has reviewed an individual's case and whether any judicial proceedings have begun, and to include any other relevant information when it submits its standard form for listing;

55. *Requests* the Committee to facilitate, through the Monitoring Team or specialized United Nations agencies, assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

Coordination and outreach

56. *Reiterates* the need to enhance ongoing cooperation among the Committee, the Counter-Terrorism Committee (CTC) and the Committee established pursuant to resolution 1540 (2004), as well as their respective groups of experts, including through, as appropriate, enhanced information-sharing, coordination on visits to countries within their respective mandates, on facilitating and monitoring technical assistance, on relations with international and regional organizations and agencies and on other issues of relevance to all three committees, *expresses its intention* to provide guidance to the committees on areas of common interest in order better to coordinate their efforts and facilitate such cooperation, and *requests* the Secretary-General to make the necessary arrangements for the groups to be co-located as soon as possible;

57. 鼓勵監察組和聯合國毒品和犯罪問題辦公室繼續與反恐主義委員會執行局（反恐執行局）和1540委員會的專家合作開展聯合活動，通過舉辦區域和次區域講習班等方式，協助會員國努力履行相關決議規定的義務；

58. 請委員會考慮在適當的時候由主席和（或）委員會成員訪問選定國家，以進一步全面和有效地執行上文第1段所述措施，從而鼓勵各國全面遵守本決議和第1267（1999）、第1333（2000）、第1390（2002）、第1455（2003）、第1526（2004）、第1617（2005）、第1735（2006）、第1822（2008）、第1904（2009）和第1989（2011）號決議；

59. 請委員會至少每年一次通過委員會主席並酌情結合反恐執行局主席和第1540（2004）號決議所設委員會主席提交的報告，向安理會通報委員會總體工作的情況，表示打算至少每年根據主席提交給安理會的報告，就委員會的工作舉行一次非正式磋商，還請主席定期為所有感興趣的會員國舉行情況通報會；

監察組

60. 決定，為協助委員會執行其任務和支持監察員開展工作，把依照第1526（2004）號決議第7段在紐約設立的本屆監察組及其成員的任務期限再延長30個月，在委員會指導下履行附件一所述職責，並請秘書長為此作出必要安排；

61. 指示監察組查找、收集不遵守本決議規定措施的情事和相同模式的獨立信息並隨時向委員會進行通報，並在接獲委員會請求時，提供能力建設援助，請監察組與居住國、國籍國、所在國或公司註冊國、指認國和其他相關國家密切合作，還指示監察組就應對不遵守情事採取哪些行動，向委員會提出建議；

62. 指示委員會在監察組的協助下，酌情與1373委員會及其執行局、反恐執行隊和反恐執行局並與金融行動任務組協商，召開特別會議討論重大專題或區域議題和會員國在能力方面遇到的挑戰，以查明並按輕重緩急列出要提供技術援助的領域，讓會員國能更有效地加以執行；

審查

63. 決定在18個月內，或必要時在更短時間內，審查上文第1段所述措施，以視可能進一步加強這些措施；

64. 決定繼續積極處理此案。

57. Encourages the Monitoring Team and the United Nations Office on Drugs and Crime, to continue their joint activities, in cooperation with the Counter-Terrorism Executive Directorate (CTED) and 1540 Committee experts to assist Member States in their efforts to comply with their obligations under the relevant resolutions, including through organizing regional and subregional workshops;

58. Requests the Committee to consider, where and when appropriate, visits to selected countries by the Chair and/or Committee members to enhance the full and effective implementation of the measures referred to in paragraph 1 above, with a view to encouraging States to comply fully with this resolution and resolutions 1267 (1999), 1333 (2000), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009) and 1989 (2011);

59. Requests the Committee to report orally, through its Chair, at least once per year, to the Council on the state of the overall work of the Committee and the Monitoring Team, and, as appropriate, in conjunction with the reports by the Chairs of CTC and the Committee established pursuant to resolution 1540 (2004), expresses its intention to hold informal consultations at least once per year on the work of the Committee, on the basis of reports from the Chair to the Council, and further requests the Chair to hold periodic briefings for all interested Member States;

Monitoring Team

60. Decides, in order to assist the Committee in fulfilling its mandate, as well as to support the Ombudsperson, to extend the mandate of the current New York-based Monitoring Team and its members, established pursuant to paragraph 7 of resolution 1526 (2004), for a further period of thirty months, under the direction of the Committee with the responsibilities outlined in annex I, and requests the Secretary-General to make the necessary arrangements to this effect;

61. Directs the Monitoring Team to identify, gather information on, and keep the Committee informed of instances and common patterns of non-compliance with the measures imposed in this resolution, as well as to facilitate, upon request by Member States, assistance on capacity-building, requests the Monitoring Team to work closely with State(s) of residence, nationality, location or incorporation, designating States and other relevant States, and further directs the Monitoring Team to provide recommendations to the Committee on actions taken to respond to non-compliance;

62. Directs the Committee, with the assistance of its Monitoring Team, to hold special meetings on important thematic or regional topics and Member States' capacity challenges, in consultation, as appropriate, with the 1373 Committee and its Executive Directorate, CTITF, and with the Financial Action Task Force to identify and prioritize areas for the provision of technical assistance to enable more effective implementation by Member States;

Reviews

63. Decides to review the measures described in paragraph 1 above with a view to their possible further strengthening in eighteen months, or sooner if necessary;

64. Decides to remain actively seized of the matter.

附件一

按照本決議第60段，監察組應在委員會的指導下開展工作，並有下列職責：

(a) 以書面形式向委員會提交兩份全面的獨立報告，第一份最遲在2013年6月30日提交，第二份最遲在2013年12月31日提交，說明各會員國執行本決議第1段所述措施的情況，包括就更好執行這些措施和可能採取的新措施提出具體建議；

(b) 協助監察員執行本決議附件二為其規定的任務，包括提供那些要求從基地組織制裁名單上刪除其名字的個人、團體、企業或實體的最新信息；

(c) 協助委員會定期審查基地組織制裁名單上的名字，包括出差和與會員國聯繫，以編製委員會關於某項列名的事實和情況記錄；

(d) 分析根據第1455 (2003) 號決議第6段提交的報告、根據第1617 (2005) 號決議第10段提交的核對表以及會員國按委員會的指示向後者提供的其他信息；

(e) 協助委員會追查向會員國提出的索取信息、包括索取本決議第1段所述措施執行情況信息的要求；

(f) 向委員會提交一份綜合工作方案，供委員會視需要進行審查和批准，監察組應在方案中詳細說明為履行職責預定開展的活動，包括為避免工作重疊和加強配合，在與反恐執行局和1540委員會專家組密切協調後提出的出差；

(g) 同反恐執行局和1540委員會專家組密切合作和交流信息，以確定共同關注和重疊的工作領域，協助三個委員會進行具體協調，包括在提交報告方面進行協調；

(h) 積極參加並支持根據《聯合國全球反恐戰略》開展的所有相關活動，包括在為確保全面協調和統一聯合國系統反恐工作而設立的反恐執行工作隊內，特別是通過其有關工作組，這樣做；

(i) 代表委員會收集關於不遵守本決議第1段所述措施情事的信息，包括向會員國收集信息，與有不遵守嫌疑的各方接觸，主動並在接獲委員會要求時，將案例研究提交委員會審查；

(j) 向委員會提出可供會員國採用的建議，以幫助會員國執行本決議第1段所述措施和準備擬在基地組織制裁名單中增加的列名；

Annex I

In accordance with paragraph 60 of this resolution, the Monitoring Team shall operate under the direction of the Committee and shall have the following responsibilities:

(a) To submit, in writing, two comprehensive, independent reports to the Committee, one by 31 June 2013, and the second by 31 December 2013, on implementation by Member States of the measures referred to in paragraph 1 of this resolution, including specific recommendations for improved implementation of the measures and possible new measures;

(b) To assist the Ombudsperson in carrying out his or her mandate as specified in annex II of this resolution, including by providing updated information on those individuals, groups, undertakings or entities seeking their removal from the Al-Qaida Sanctions List;

(c) To assist the Committee in regularly reviewing names on the Al-Qaida Sanctions List, including by undertaking travel and contact with Member States, with a view to developing the Committee's record of the facts and circumstances relating to a listing;

(d) To analyse reports submitted pursuant to paragraph 6 of resolution 1455 (2003), the checklists submitted pursuant to paragraph 10 of resolution 1617 (2005), and other information submitted by Member States to the Committee, as instructed by the Committee;

(e) To assist the Committee in following up on requests to Member States for information, including with respect to implementation of the measures referred to in paragraph 1 of this resolution;

(f) To submit a comprehensive program of work to the Committee for its review and approval, as necessary, in which the Monitoring Team should detail the activities envisaged in order to fulfil its responsibilities, including proposed travel, based on close coordination with CTED and the 1540 Committee's group of experts to avoid duplication and reinforce synergies;

(g) To work closely and share information with CTED and the 1540 Committee's group of experts to identify areas of convergence and overlap and to help facilitate concrete coordination, including in the area of reporting, among the three Committees;

(h) To participate actively in and support all relevant activities under the United Nations Global Counter-Terrorism Strategy including within the Counter-Terrorism Implementation Task Force, established to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system, in particular through its relevant working groups;

(i) To gather information, on behalf of the Committee, on instances of reported non-compliance with the measures referred to in paragraph 1 of this resolution, including by collating information collected from Member States and engaging with suspected non-compliant parties, and submitting case studies, both on its own initiative and upon the Committee's request, to the Committee for its review;

(j) To present to the Committee recommendations, which could be used by Member States to assist them with the implementation of the measures referred to in paragraph 1 of this resolution and in preparing proposed additions to the Al-Qaida Sanctions List;

(k) 協助委員會審議列名提議，包括彙編與提議的列名有關的信息，在委員會分發，並編寫第XX段提到的簡述；

(l) 提請委員會注意可能成為除名理由的新情況或值得注意的情況，例如公開報導的關於某人死亡的信息；

(m) 根據經委員會核准的監察組工作方案，在前往選定國家訪問之前同會員國進行協商；

(n) 酌情與所訪問國家的全國反恐協調機構或同類協調機構進行協調與合作；

(o) 鼓勵會員國按委員會的指示提名和提交更多用於識別的信息，以供列入基地組織制裁名單；

(p) 向委員會提交更多的識別信息和其他信息，以協助委員會努力使名單儘可能跟上情況變化，儘可能準確；

(q) 研究基地組織的威脅的不斷變化性質和最佳對策，並就此向委員會提出報告，包括協同委員會與有關學者和學術機構開展對話；

(r) 核對、評估、監測及報告各項措施的執行情況，包括本決議第1段(a)開列的有關防止基地組織和其他與之有關聯的個人、集團、企業和實體利用因特網犯罪的各項措施的執行情況，並就此提出建議；酌情進行個案研究；按照委員會的指示深入探討任何其他相關問題；

(s) 與會員國和其他相關組織協商，包括定期在紐約及各國首都同各國代表進行對話，同時考慮到他們的意見，尤其是他們對本附件(a)段所述監察組報告中可能述及的任何問題提出的意見；

(t) 與會員國情報和安全機構協商，包括通過區域論壇進行協商，以便促進信息交流，並加強各項措施的執行工作；

(u) 與包括金融機構在內的私營部門相關代表協商，瞭解資產凍結措施的實際執行情況，並提出旨在加強凍結措施的建議；

(v) 與相關國際和區域組織合作，以提高對各項措施的認識，推動對這些措施的遵守；

(w) 協助委員會應會員國的請求幫助提供能力建設援助，以加強各項措施的實施；

(x) 與國際刑警組織和會員國合作，獲取名單所列個人的相片，以列入國際刑警組織的特別通告，與國際刑警組織合作，確保為名單上的所有人頒發了刑警組織—聯合國特別通告；

(k) To assist the Committee in its consideration of proposals for listing, including by compiling and circulating to the Committee information relevant to the proposed listing, and preparing a draft narrative summary referred to in paragraph 14;

(l) To bring to the Committee's attention new or noteworthy circumstances that may warrant a delisting, such as publicly-reported information on a deceased individual;

(m) To consult with Member States in advance of travel to selected Member States, based on its program of work as approved by the Committee;

(n) To coordinate and cooperate with the national counter-terrorism focal point or similar coordinating body in the country of visit, where appropriate;

(o) To encourage Member States to submit names and additional identifying information for inclusion on the Al-Qaida Sanctions List, as instructed by the Committee;

(p) To present to the Committee additional identifying and other information to assist the Committee in its efforts to keep the Al-Qaida Sanctions List as updated and accurate as possible;

(q) To study and report to the Committee on the changing nature of the threat of Al-Qaida and the best measures to confront it, including by developing a dialogue with relevant scholars and academic bodies, in consultation with the Committee;

(r) To collate, assess, monitor and report on and make recommendations regarding implementation of the measures, including implementation of the measure in paragraph 1 (a) of this resolution as it pertains to preventing the criminal misuse of the Internet by Al-Qaida, and other individuals, groups, undertakings and entities associated with it; to pursue case studies, as appropriate; and to explore in depth any other relevant issues as directed by the Committee;

(s) To consult with Member States and other relevant organizations, including regular dialogue with representatives in New York and in capitals, taking into account their comments, especially regarding any issues that might be contained in the Monitoring Team's reports referred to in paragraph (a) of this annex;

(t) To consult with Member States' intelligence and security services, including through regional forums, in order to facilitate the sharing of information and to strengthen enforcement of the measures;

(u) To consult with relevant representatives of the private sector, including financial institutions, to learn about the practical implementation of the assets freeze and to develop recommendations for the strengthening of that measure;

(v) To work with relevant international and regional organizations in order to promote awareness of, and compliance with, the measures;

(w) To assist the Committee in facilitating assistance on capacity-building for enhancing implementation of the measures, upon request by Member States;

(x) To work with INTERPOL and Member States to obtain photographs of listed individuals for possible inclusion in INTERPOL Special Notices, and to work with INTERPOL to ensure that INTERPOL-UN Special Notices exist for all listed individuals, groups, undertakings, and entities;

(y) 在接到請求時協助安全理事會其他附屬機關及其專家組加強第1699 (2006) 號決議所述與國際刑警組織的合作，並與秘書處合作，討論使聯合國所有制裁名單都有標準格式的措施，以協助各國當局的執行工作；

(z) 以口頭和(或)書面情況介紹的形式，定期或應委員會要求，向委員會報告監察組的工作情況，包括報告對會員國的訪問和監察組的活動；

(aa) 酌情定期向委員會報告基地組織與那些可根據第2082 (2012) 號決議第1段或其他任何相關制裁決議進行指認的個人、團體、企業或實體之間的聯繫；和

(bb) 委員會確定的任何其他職責。

附件二

按照本決議第19段的規定，監察員辦公室在收到由基地組織制裁名單所列個人、團體、企業或實體(“申請人”)提出或其法律代表或代理人為其提出的除名申請後，有權執行以下任務。

安理會回顧，不允許會員國代表個人、團體、企業或實體向監察員辦公室提出除名申請。

收集信息 (四個月)

1. 在收到除名申請後，監察員應：

(a) 向申請人確認收到除名申請；

(b) 告知申請人處理除名申請的一般程序；

(c) 答覆申請人關於委員會程序的具體提問；

(d) 如所提申請中沒有適當論及本決議第2段規定的最初列名標準，則將此情況告知申請人，並將申請退還申請人，供其考慮；和

(e) 核實有關申請是新的申請還是再次提出的申請，若為再次向監察員提出的申請，且其中不含任何補充資料，應將其退還申請人，供其考慮。

2. 對於沒有退還申請人的除名申請，監察員應立即將除名申請轉遞委員會成員、指認國、居住國、國籍國或公司註冊國、相關聯合國機構及監察員認為相關的任何其他國家。監察員應要求這些國家或相關聯合國機構在四個月內提供一切與除名申

(y) To assist other subsidiary bodies of the Security Council, and their expert panels, upon request, with enhancing their cooperation with INTERPOL, referred to in resolution 1699 (2006), and to work with the Secretariat to discuss measures to standardize the format of all United Nations sanctions lists so as to facilitate implementation by national authorities;

(z) To report to the Committee, on a regular basis or when the Committee so requests, through oral and/or written briefings on the work of the Monitoring Team, including its visits to Member States and its activities;

(aa) To report periodically, as appropriate, to the Committee on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 2082 (2012) or any other relevant sanctions resolutions; and

(bb) Any other responsibility identified by the Committee.

Annex II

In accordance with paragraph 19 of this resolution, the Office of the Ombudsperson shall be authorized to carry out the following tasks upon receipt of a delisting request submitted by, or on behalf of, an individual, group, undertaking or entity on the Al-Qaida Sanctions List or by the legal representative or estate of such individual, group, undertaking or entity (“the petitioner”).

The Council recalls that Member States are not permitted to submit delisting petitions on behalf of an individual, group, undertaking or entity to the Office of the Ombudsperson.

Information gathering (four months)

1. Upon receipt of a delisting request, the Ombudsperson shall:

(a) Acknowledge to the petitioner the receipt of the delisting request;

(b) Inform the petitioner of the general procedure for processing delisting requests;

(c) Answer specific questions from the petitioner about Committee procedures;

(d) Inform the petitioner in case the petition fails to properly address the original designation criteria, as set forth in paragraph 2 of this resolution, and return it to the petitioner for his or her consideration; and,

(e) Verify if the request is a new request or a repeated request and, if it is a repeated request to the Ombudsperson and it does not contain any additional information, return it to the petitioner for his or her consideration.

2. For delisting petitions not returned to the petitioner, the Ombudsperson shall immediately forward the delisting request to the members of the Committee, designating State(s), State(s) of residence and nationality or incorporation, relevant United Nations bodies, and any other States deemed relevant by the Ombudsperson. The Ombudsperson shall ask these States or relevant United Nations bodies to provide, within four months, any appropriate additional information relevant to the delis-

請有關的適當補充信息。監察員可與這些國家進行對話，以確定：

(a) 這些國家對是否應批准除名申請的意見；和

(b) 這些國家希望向申請人轉達的關於除名申請的信息、問題或澄清要求，包括申請人可為澄清除名申請而提供的信息或採取的步驟。

3. 監察員也應立即向監察組轉遞除名申請，監察組則應在四個月內向監察員提供：

(a) 監察組掌握的與除名申請有關的全部信息，包括法院裁決和訴訟情況、新聞報導以及各國或相關國際組織以前向委員會或監察組提供的信息；

(b) 依據事實對申請人提供的與除名申請有關的信息作出的評估；和

(c) 監察組希望就除名申請向申請人提出的問題或要求其作出的澄清。

4. 在這四個月資料收集期間結束時，監察員應以書面形式向委員會說明當時最新進展情況，包括各國已就其提供信息的有關細節和遇到的重大挑戰。如監察員經評估後認為需要更多時間收集信息，可適當考慮會員國關於延長提供信息時間的請求，將這一期間延長一次，至多延長兩個月。

對話（兩個月）

5. 在信息收集期結束後，監察員應為兩個月的接觸期提供便利，接觸可包括與申請人進行對話。在適當考慮關於延長時間的請求情況下，如監察員評估後認為，需要更多時間開展接觸和起草下文第7段所述綜合報告，可將接觸期延長一次，至多延長兩個月。如監察員評估後認為不需要那麼長時間，則可縮短接觸期。

6. 在接觸期內，監察員：

(a) 可向申請人提出問題，或要求其提供有助於委員會審議申請的補充信息或澄清說明，包括從相關國家、委員會和監察組收到的任何問題或索取信息的要求；

(b) 應當要求申請人提供一份簽名的聲明，在其中宣佈申請人當前與基地組織及其任何基層組織、下屬機構、從中分裂或衍生出來的團體沒有任何聯繫，並承諾將來不與基地組織建立聯繫；

(c) 應儘可能與申請人會面；

ting request. The Ombudsperson may engage in dialogue with these States to determine:

(a) These States' opinions on whether the delisting request should be granted; and

(b) Information, questions or requests for clarifications that these States would like to be communicated to the petitioner regarding the delisting request, including any information or steps that might be taken by a petitioner to clarify the delisting request.

3. The Ombudsperson shall also immediately forward the delisting request to the Monitoring Team, which shall provide to the Ombudsperson, within four months:

(a) All information available to the Monitoring Team that is relevant to the delisting request, including court decisions and proceedings, news reports, and information that States or relevant international organizations have previously shared with the Committee or the Monitoring Team;

(b) Fact-based assessments of the information provided by the petitioner that is relevant to the delisting request; and

(c) Questions or requests for clarifications that the Monitoring Team would like asked of the petitioner regarding the delisting request.

4. At the end of this four-month period of information gathering, the Ombudsperson shall present a written update to the Committee on progress to date, including details regarding which States have supplied information, and any significant challenges encountered therein. The Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for information gathering, giving due consideration to requests by Member States for additional time to provide information.

Dialogue (two months)

5. Upon completion of the information gathering period, the Ombudsperson shall facilitate a two-month period of engagement, which may include dialogue with the petitioner. Giving due consideration to requests for additional time, the Ombudsperson may extend this period once for up to two months if he or she assesses that more time is required for engagement and the drafting of the Comprehensive Report described in paragraph 7 below. The Ombudsperson may shorten this time period if he or she assesses less time is required.

6. During this period of engagement, the Ombudsperson:

(a) May ask the petitioner questions or request additional information or clarifications that may help the Committee's consideration of the request, including any questions or information requests received from relevant States, the Committee and the Monitoring Team;

(b) Should request from the petitioner a signed statement in which the petitioner declares that they have no ongoing association with Al-Qaida, or any cell, affiliate, splinter group, or derivative thereof, and undertakes not to associate with Al-Qaida in the future;

(c) Should meet with the petitioner, to the extent possible;

(d) 應將申請人的答覆反饋相關國家、委員會和監察組，並就申請人做出的不完整答覆再同申請人聯繫；

(e) 應與各國、委員會和監察組協調處理申請人的任何進一步查詢或對申請人作出的答覆；

(f) 在收集信息或對話階段，如果信息提供國同意，監察員可與有關國家分享該國提供的信息，包括該國關於除名申請的立場；

(g) 在收集信息和對話階段以及在編寫報告的過程中，監察員不得披露國家在保密的基礎上提供的任何信息，除非該國以書面形式明確表示同意；和

(h) 在對話階段，監察員應認真考慮指認國家的意見，以及提供有關資料的其他會員國的意見，特別是那些受最初導致指認的行為或聯繫影響最大的會員國的意見。

7. 在上述接觸期結束時，監察員應在監察組協助下起草綜合報告並向委員會分發，報告將專門：

(a) 概述監察員所掌握的與除名申請有關的全部信息，並酌情說明信息來源。報告應尊重會員國與監察員之間往來信函的保密內容；

(b) 說明監察員就這項除名申請開展的活動，包括與申請人進行的對話；和

(c) 根據對監察員所掌握全部資料作出的分析和監察員的建議，為委員會列述與除名申請有關的主要論點。建議應表明監察員在審查除名申請時對列名的看法。

委員會的討論

8. 在委員會結束對以所有聯合國正式語文提供的綜合報告的15天審查後，委員會主席應將除名申請列入委員會議程，以供審議。

9. 在委員會審議除名申請時，監察員應酌情在監察組協助下，親自提交綜合報告，並回答委員會成員就除名申請提出的問題。

10. 委員會最遲應在把該綜合報告提交其審查之日起30天內完成對綜合報告的審議。

(d) Shall forward replies from the petitioner back to relevant States, the Committee and the Monitoring Team and follow up with the petitioner in connection with incomplete responses by the petitioner;

(e) Shall coordinate with States, the Committee and the Monitoring Team regarding any further inquiries of, or response to, the petitioner;

(f) During the information gathering or dialogue phase, the Ombudsperson may share with relevant States information provided by a State, including that State's position on the delisting request, if the State which provided the information consents;

(g) In the course of the information gathering and dialogue phases and in the preparation of the report, the Ombudsperson shall not disclose any information shared by a state on a confidential basis, without the express written consent of that state; and,

(h) During the dialogue phase, the Ombudsperson shall give serious consideration to the opinions of designating states, as well as other Member States that come forward with relevant information, in particular those Member States most affected by acts or associations that led to the original designation.

7. Upon completion of the period of engagement described above, the Ombudsperson, with the help of the Monitoring Team, shall draft and circulate to the Committee a Comprehensive Report that will exclusively:

(a) Summarize and, as appropriate, specify the sources of, all information available to the Ombudsperson that is relevant to the delisting request. The report shall respect confidential elements of Member States' communications with the Ombudsperson;

(b) Describe the Ombudsperson's activities with respect to this delisting request, including dialogue with the petitioner; and

(c) Based on an analysis of all the information available to the Ombudsperson and the Ombudsperson's recommendation, lay out for the Committee the principal arguments concerning the delisting request. The recommendation should state the Ombudsperson's views with respect to the listing as of the time of the examination of the delisting request.

Committee discussion

8. After the Committee has had fifteen days to review the Comprehensive Report in all official languages of the United Nations, the Chair of the Committee shall place the delisting request on the Committee's agenda for consideration.

9. When the Committee considers the delisting request, the Ombudsperson, aided by the Monitoring Team, as appropriate, shall present the Comprehensive Report in person and answer Committee members' questions regarding the request.

10. Committee consideration of the Comprehensive Report shall be completed no later than thirty days from the date the Comprehensive Report is submitted to the Committee for its review.

11. 在委員會完成對綜合報告的審議後，監察員可把有關建議通知給所有相關國家。

12. 如果監察員建議保留列名，要求各國採取本決議第1段所述措施的規定對有關個人、團體、企業或實體繼續有效，除非委員會某一成員提出除名請求，委員會應根據其正常的協商一致程序審議該請求。

13. 如監察員建議委員會考慮除名，在委員會完成對監察員根據本決議附件二、包括其中第6段(h)項所提交綜合報告的審議60天後，要求各國對有關個人、團體、企業或實體採取本決議第1段所述措施的規定即行終止，除非委員會在60天期限結束前以協商一致方式決定，這一規定對有關個人、團體、企業或實體繼續有效；並規定，如無法達成協商一致，主席應在委員會一名成員提出請求時，把是否將有關個人、團體、企業或實體除名的問題提交安全理事會，以便在60天內作出決定；又規定，如有成員提出這樣的請求，要求各國採取本決議第1段所述措施的規定在這一期間內仍對有關個人、團體、企業或實體有效，直至安全理事會就此問題做出決定；

14. 在委員會決定接受或駁回除名申請後，委員會應向監察員轉達這一決定，闡述其理由，提供與委員會所作決定相關的其他信息，並酌情提供最新的列名理由簡述，供監察員轉交給申請人。

15. 在委員會把其駁回除名申請的決定告知監察員後，監察員應隨即在15天內致函申請人，並預先將信函發送給委員會，信函應：

(a) 轉達委員會關於繼續列名的決定；

(b) 根據監察員的綜合報告，儘可能說明有關程序和監察員收集到的可以公開的實際信息；和

(c) 轉遞委員會根據上文第14段向監察員提供的與委員會決定相關的全部信息。

16. 監察員在與申請人的所有通信中均應尊重委員會審議過程以及監察員與會員國之間保密通信的保密性。

17. 監察員可通知申請人以及所有與案件相關但不是委員會成員的國家有關程序正處於哪個階段。

11. After the Committee has completed its consideration of the Comprehensive Report, the Ombudsperson may notify all relevant States of the recommendation.

12. In cases where the Ombudsperson recommends retaining the listing, the requirement for States to take the measures in paragraph 1 of this resolution shall remain in place with respect to that individual, group, undertaking or entity, unless a Committee member submits a delisting request, which the Committee shall consider under its normal consensus procedures.

13. In cases where the Ombudsperson recommends that the Committee consider delisting, the requirement for States to take the measures described in paragraph 1 of this resolution shall terminate with respect to that individual, group, undertaking or entity sixty days after the Committee completes consideration of a Comprehensive Report of the Ombudsperson, in accordance with this annex II, including paragraph 6 (h), unless the Committee decides by consensus before the end of that sixty-day period that the requirement shall remain in place with respect to that individual, group, undertaking or entity; *provided* that, in cases where consensus does not exist, the Chair shall, on the request of a Committee Member, submit the question of whether to delist that individual, group, undertaking or entity to the Security Council for a decision within a period of sixty days; and *provided further* that, in the event of such a request, the requirement for States to take the measures described in paragraph 1 of this resolution shall remain in force for that period with respect to that individual, group, undertaking or entity until the question is decided by the Security Council.

14. After the Committee decides to accept or reject the delisting request, the Committee shall convey to the Ombudsperson its decision, setting out its reasons, and including any further relevant information about the Committee's decision, and an updated narrative summary of reasons for listing, where appropriate, for the Ombudsperson to transmit to the petitioner.

15. After the Committee has informed the Ombudsperson that the Committee has rejected a delisting request, then the Ombudsperson shall send to the petitioner, with an advance copy sent to the Committee, within fifteen days a letter that:

(a) Communicates the Committee's decision for continued listing;

(b) Describes, to the extent possible and drawing upon the Ombudsperson's Comprehensive Report, the process and publicly releasable factual information gathered by the Ombudsperson; and

(c) Forwards from the Committee all information about the decision provided to the Ombudsperson pursuant to paragraph 14 above.

16. In all communications with the petitioner, the Ombudsperson shall respect the confidentiality of Committee deliberations and confidential communications between the Ombudsperson and Member States.

17. The Ombudsperson may notify the petitioner, as well as those States relevant to a case but which are not members of the Committee, of the stage at which the process has reached.

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

第十四條

States with more than one system of law

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 dispository 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

第十五條

Entry into force

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.

第 14/2013 號行政長官公告

Aviso do Chefe do Executivo n.º 14/2013

中華人民共和國於二零零五年六月十七日以照會通知國際海事組織秘書長，一九七九年四月二十七日在漢堡通過的《1979 年國際海上搜尋救助公約》（下稱“公約”）適用於澳門特別行政區；

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

基於此，行政長官根據澳門特別行政區第3/1999號法律第六條第一款的規定，命令公佈上述公約的中文及英文正式文本，以及葡文譯本。

二零一三年四月二十三日發佈。

行政長官 崔世安

Considerando que a República Popular da China, por nota datada de 17 de Junho de 2005, notificou o Secretário-Geral da Organização Marítima Internacional (OMI) sobre a aplicação na Região Administrativa Especial de Macau da Convenção Internacional sobre Busca e Salvamento Marítimos, 1979 (Convenção), adoptada em Hamburgo, em 27 de Abril de 1979;

Mais considerando que o Secretário-Geral da OMI, por nota datada de 30 de Junho de 2005, confirmou que a Convenção se aplicaria na Região Administrativa Especial de Macau (RAEM), com efeitos a partir de 24 de Junho de 2005;

O Chefe do Executivo manda publicar, nos termos do n.º 1 do artigo 6.º da Lei n.º 3/1999 da RAEM, a referida Convenção nos seus textos autênticos em línguas chinesa e inglesa, acompanhada da tradução para a língua portuguesa.

Promulgado em 23 de Abril de 2013.

O Chefe do Executivo, *Chui Sai On*.

1979 年國際海上搜尋救助公約

本公約各締約方，

注意到若干國際公約十分重視對海上遇險人員的施救和每一沿海國家為海岸值守及搜救服務作出適當及有效的安排，

考慮到1960年國際海上人命安全會議通過的第40號建議，該建議認識到在若干政府間組織中對海上及海空安全進行協作活動的需要，

期望通過制定適應海運中救助海上遇險人員需要的國際海上搜尋救助規劃來發展和促進這些活動，

希望增進全世界搜尋救助組織間和參加海上搜尋救助活動者之間的合作，

經協議如下：

第一條

公約的一般義務

各締約方保證採取一切必要的立法或其它相應的措施，以全部實施本公約及其附件，該附件是本公約的組成部分。除另有明文規定外，凡引用本公約即同時構成引用其附件。

第二條

其它條約及解釋

一、本公約的任何規定，不得損害根據聯合國大會（XXV）第2750號決議召開的聯合國海洋法會議對海洋法的編纂和發展，也不得損害任何國家目前和今後就海洋法以及沿海國和船旗國的管轄權的性質和範圍所提出的要求和法律上的意見。

二、本公約的任何條款不得解釋為與其它國際文件中所規定的船舶義務或權利相抵觸。

第三條
修正案

一、本公約可按以下第二款和第三款所規定的任一程序予以修正。

二、在政府間海事協商組織（以下簡稱本組織）內審議後的修正：

1. 一締約方提議並送交本組織秘書長（以下簡稱秘書長）的任何修正案或秘書長因國際民用航空公約附件12的相應條款修正的結果認為必要的任何修正案，應在本組織海上安全委員會審議以前至少六個月通知本組織所有會員及所有締約方。

2. 締約方，不論其是否為本組織會員，均有權參加海上安全委員會的審議和通過修正案的活動。

3. 修正案應由出席海上安全委員會並投票的締約方三分之二多數通過，但在通過時，至少應有三分之一的締約方出席。

4. 按照第3項通過的修正案應由秘書長通知所有締約方，以供接受。

5. 對本公約某一條或附件第2.1.4、2.1.5、2.1.7、2.1.10、3.1.2或3.1.3款的每一項修正案，應在秘書長收到三分之二締約方的接受文件之日起視為已被接受。

6. 對附件第2.1.4、2.1.5、2.1.7、2.1.10、3.1.2或3.1.3款以外的每一項修正案，應在通知締約方以供接受之日起一年後視為已被接受。但在此一年內，如有三分之一以上的締約方通知秘書長反對該項修正案，則此修正案應視為未被接受。

7. 本公約某一條或附件第2.1.4、2.1.5、2.1.7、2.1.10、3.1.2或3.1.3款的每一項修正案：

(1) 對接受此修正案的締約方自修正案視為已被接受之日起六個月後生效；

(2) 對已符合第5項所述條件之後而在修正案生效前接受此項修正案的締約方，自修正案生效之日起生效；

(3) 對在修正案生效之日後接受此項修正案的締約方，自接受文件交存之日起30天後生效。

8. 對附件第2.1.4、2.1.5、2.1.7、2.1.10、3.1.2或3.1.3款以外的每一項修正案，自其視為已被接受之日起六個月後對所有締約方生效，然而根據第6項曾反對此項修正案而又未撤銷其反對意見的締約方除外。但在確定生效之日前，任何締約方可以通知秘書長，在此項修正案生效之日起不長於一年的時間內，或者在海上安全委員會通過此項修正案時，經到會並投票的締約方三分之二多數確定的更長時間內，對其免予執行。

三、會議修正：

1. 應一締約方的請求，並至少有三分之一締約方的同意，本組織應召開締約方會議以審議本公約的修正案。所提出的修正案，應由秘書長在會議審議前至少六個月通知所有締約方。

2. 修正案應由出席本會議並投票的締約方三分之二多數通過，但在通過時，至少應有三分之一的締約方出席。其所通過的修正案，應由秘書長通知所有締約方，以供接受。

3. 除會議另有決定外，修正案應分別按照第二款5、6、7和8項的規定視為已被接受和生效，但應將第二款8項中所指的按照第二款2項擴大的海上安全委員會看作是指本會議。

四、對於修正案的接受或反對的任何聲明，或根據第二款8項所提出的任何通知，均應書面提交秘書長，秘書長應將任何此類文件及其收到日期通知所有締約方。

五、秘書長應將任何生效的修正案連同每項修正案的生效日期通知各國。

第四條

簽署、批准、接受、核准和加入

一、本公約自一九七九年十一月一日至一九八〇年十月三十一日在本組織總部開放供簽署，此後繼續開放供加入，各國可按下列方式成為本公約的締約方：

1. 簽署並對批准、接受或核准無保留；或
2. 簽署而有待批准、接受或核准，隨後再予批准、接受或核准；或
3. 加入。

二、批准、接受、核准或加入，應向秘書長交存一份相應的文件。

三、秘書長應將任何簽署，或批准、接受、核准或加入的任何文件的交存及其交存日期通知各國。

第五條

生效

一、本公約應在十五個國家按第四條規定成為締約方之日後滿十二個月生效。

二、對已達到第一款所述條件，而在公約生效前按第四條規定批准、接受、核准或加入本公約的國家，應自本公約生效之日起生效。

三、對在本公約生效之日後批准、接受、核准或加入本公約的國家，應自其按第四條規定交存文件之日後滿三十天生效。

四、在本公約的修正案，按第三條規定生效之日後交存的批准、接受、核准或加入的任何文件，應適用於已修正的公約，已修正的公約應自文件交存之日後滿三十天對交存此文件的國家生效。

五、秘書長應將本公約的生效日期通知各國。

第六條

退出

一、任何締約方，在本公約對其生效滿五年後，可隨時退出本公約。

二、退出應向秘書長交存一份退出文件。秘書長應將收到的任何退出文件和收到日期以及退出的生效日期通知各國。

三、退出應在秘書長收到退出文件一年後，或該文件中所載的較此為長的期限屆滿後生效。

第七條

保存和登記

一、本公約應交秘書長保存，秘書長應將核證無誤的本公約副本分送各國。

二、本公約一經生效，秘書長應即按照聯合國憲章第102條的規定，將其文本送聯合國秘書長登記並公佈。

第八條

文字

本公約正本一份，用中文、英文、法文、俄文和西班牙文寫成，各種文本具有同等效力。另備有阿拉伯文、德文和意大利文的正式譯本，與簽署的正本一併存放。

本公約於一九七九年四月二十七日訂於漢堡。

具名於下的經各自政府正式授權的代表特簽署本公約，以昭信守。

公約附件

第一章

名詞和定義

1.1 本附件中使用“須”字時，說明為海上人命安全起見，要求所有締約方一致應用這一條款。

1.2 本附件中使用“應”字時，說明為海上人命安全起見，建議所有締約方一致應用這一條款。

1.3 本附件中所使用的下列名詞，其含義如下：

1. 搜救區域 在規定的範圍內提供搜救服務的區域。
2. 救助協調中心 在搜救區域內負責推動各種搜救服務有效組織的和協調搜救工作指揮的單位。
3. 救助分中心 在搜救區域的特定地區內為輔助救助協調中心而設置的隸屬於該中心的單位。
4. 海岸值守單位 指定為對沿海地區船舶安全保持值守的固定或流動的陸上單位。
5. 救助單位 由受過訓練的人員組成並配有適於迅速執行搜救工作設備的船舶（或航空器）。
6. 現場指揮 指定在特定搜尋區域內對搜救工作進行協調的救助單位的指揮人。
7. 海面搜尋協調船 指定在特定搜尋區域內對海面搜救工作進行協調的非救助單位。
8. 緊急階段 根據具體情況而指的不明、告警或遇險階段的統稱。
9. 不明階段 對船舶及船上人員的安全處於不明的情況。
10. 戒備階段 對船舶及船上人員的安全產生令人憂慮的情況。
11. 遇險階段 有理由確信船舶或人員有嚴重和緊急危險而需要立即救援的情況。
12. 迫降 係指航空器被迫在水上降落。

第二章

組織

2.1 對提供和協調搜尋救助服務的安排

2.1.1 各締約方須保證為在其海岸附近的海上遇險人員提供適當搜救服務作出必要的安排。

2.1.2 各締約方須向秘書長提供有關他們的搜救組織及以後重要變動的情況，包括：

1. 全國性的海上搜救服務部門；
2. 已建立的救助協調中心的地點，它們的電話及電傳號碼和所負責的區域；
3. 由它們指揮的主要救助單位。

2.1.3 秘書長須用適當的方式將第2.1.2條中所述的情況轉達給各締約方。

2.1.4 每一搜救區域都須通過有關締約方之間的協議來建立，並須將此項協議通知秘書長。

2.1.5 如有關締約方在搜救區域的具體範圍上不能達成協議時，這些締約方須盡他們的最大努力在該區域內提供搜救服務的等效全面協調的相應安排上達成協議。此項安排須通知秘書長。

2.1.6 秘書長須將第2.1.4和2.1.5條中所述的協議或安排通知所有締約方。

2.1.7 搜救區域的劃分不涉及並不得損害國家之間邊界的劃分。

2.1.8 各締約方應使其搜救服務能對遇險呼叫迅速作出反應。

2.1.9 當締約方收到在其提供搜救工作的全面協調的區域內的海上有人遇險的情報時，該締約方的負責當局須採取緊急步驟提供可取得的最適當的救援。

2.1.10 各締約方須保證對任何海上遇險人員提供救援。提供救援須不考慮這種人員的國籍或身份，或者遇險人員所處的情況。

2.2 搜尋救助設施的協調

2.2.1 各締約方須為其海岸附近提供搜救服務所需設施的協調作好準備。

2.2.2 各締約方須為搜救服務的全面協調建立一個全國性的機構。

2.3 救助協調中心和救助分中心的建立

2.3.1 各締約方須為其搜救服務建立救助協調中心和其認為適當的救助分中心，以符合第2.2.1和2.2.2條的要求。

2.3.2 每一締約方的主管當局都須確定救助分中心所負責的區域。

2.3.3 根據第2.3.1條建立的每一救助協調中心和救助分中心都須有通過海岸無線電台或其他方面接收遇險通信的適當設施。每一個此種中心和分中心還須有與其救助單位和根據情況與其毗連區的救助協調中心或救助分中心通信的適當設施。

2.4 救助單位的指定

2.4.1 各締約方須：

1. 指定地點和設備都合適的國家或其他相應的公私服務機構或其所屬部分作為救助單位；或
2. 指定不適於指派為救助單位但能參加救助工作的國家或其他相應的公私服務機構或其所屬部分作為搜救組織的組成部分，並規定其職責。

2.5 救助單位的設施和設備

2.5.1 每一救助單位都須配置與其任務相適應的設施和設備。

2.5.2 每一救助單位都應有與從事同一工作的其他單位或組成部分之間的迅速而可靠的通信設施。

2.5.3 投向幸存人員裝有救生設備的容器或包裹應有以2.5.4條規定的顏色標記和印刷說明及通用的一目了然的符號說明其內容的一般性質。

2.5.4 裝有救生設備可投擲的容器和包裹的內容的顏色標記，應採用下述彩帶方式表示：

1. 紅色——醫療用品及急救設備；
2. 藍色——食物及水；
3. 黃色——毛毯及防護衣服；
4. 黑色——雜項用品，如爐子、斧子、羅經和炊具。

2.5.5 用同一個容器或包裹投擲裝有多種性質的用品時，應同時使用各種顏色標記。

2.5.6 救生設備的使用說明應裝在每個可投擲的容器或包裹內。使用說明應用英文和至少其他兩種文字印刷。

第三章 合作

3.1 國家之間的合作

3.1.1 各締約方須協調其搜救組織，在必要時對其搜救工作應與鄰近國家相配合。

3.1.2 除有關國家之間另有協議外，締約方在其適用的國家法律、規章制度的約束下，應批准其他締約方的救助單位只是為了搜尋發生海難的地點和救助該海難中遇險人員的目的，立即進入或越過其領海或領土。在這種情況下，只要可行、搜救工作須由批准進入的締約方的相應的救助協調中心或該締約方指定的其他當局加以協調。

3.1.3 除有關國家之間另有協議外，締約方的當局只是為了搜尋發生海難的地點和救助該海難中遇險人員的目的，希望其救助單位進入或越過另一締約方領海或領土者，須向該另一締約方的救助協調中心或經該締約方指定的其他當局發出請求，詳細說明所計劃的任務及其必要性。

3.1.4 締約方的主管當局：

1. 須立即告知已收到此項請求；
2. 如對執行其計劃任務有條件，須盡快說明。

3.1.5 各締約方應與鄰近的國家簽訂協議，載明救助單位相互進入或越過其本國領海或領土的條件。這些協議還應規定以最簡化的手續使該救助單位迅速進入。

3.1.6 每一締約方都應授權其救助協調中心：

1. 向其他救助協調中心請求協助，包括可能需要的船舶、航空器、人員或設備；
2. 對於此類船舶、航空器、人員或設備進入或越過其領海或領土給予必要的批准；
3. 為加快此項進入，與相應的海關、移民或其他當局作出必要的安排。

3.1.7 每一締約方都應授權其救助協調中心在遇有請求時，向其他救助協調中心提供協助，包括船舶、航空器、人員或設備等方式的協助。

3.1.8 各締約方應與鄰近國家就合辦設施、建立共同程序、進行聯合訓練及演習、定期檢查國家間的通信電路、救助協調中心人員的聯絡性訪問和交換有關搜救情報等事項簽訂搜救方面的協議。

3.2 與航空服務的協調

3.2.1 各締約方須保證海上服務與航空服務間最密切可行的協調，以便在其搜救區域內或該區域的上空，提供最有力和有效的搜救服務。

3.2.2 每一締約方在切實可行時都應建立聯合的救助協調中心及救助分中心，為海上及航空兩方面服務。

3.2.3 當建立單獨的海上和航空救助協調中心或救助分中心為同一區域服務時，有關締約方須保證各中心或各分中心之間最密切可行的協作。

3.2.4 各締約方須保證為海上服務及為航空服務而建立的救助單位盡可能使用共同程序。

第四章 準備措施

4.1 對情報的要求

4.1.1 每一救助協調中心及救助分中心都須備有在其區域內有關援救工作的最新資料，其中包括下列幾個方面：

1. 救助單位和海岸值守單位；
2. 對搜救可能有用的任何其他公私物資，包括運輸設備和燃料供應；
3. 在搜救工作中可使用的通信工具；
4. 運輸代理行、領事當局、國際組織和可能協助取得有關船舶重要情報的其他機構的名稱、電報及電傳掛號、電話及電傳號碼；
5. 可能用於搜救工作的一切無線電台的位置、呼號或海上移動業務識別號、值班時間和頻率；
6. 為搜救區域發佈氣象預報及警報的所有海岸無線電台的位置、呼號或海上移動業務識別號、值班時間和頻率；
7. 保有無線電值班和守聽頻率的服務站點的位置和值班時間；
8. 可能被誤認為未找到或未報告的殘骸的物體；
9. 存放可投擲的應急救生設備物資的地點。

4.1.2 每一救助協調中心及救助分中心都應能迅速得到關於在其區域內可能同海上遇險船舶或遇險人員提供援助的船舶的位置、航向、航速及呼號或船舶電台識別號等方面的情報。這種情報須保存在救助協調中心或必要時能迅速取得。

4.1.3 每一救助協調中心及救助分中心為了顯示和標繪在其區域內有關搜救工作的情况，都須備有大比例尺地圖。

4.2 工作計劃或指示

4.2.1 每一救助協調中心及救助分中心都須作出或提供在其區域內進行搜救活動的詳細計劃或指示。

4.2.2 計劃或指示須盡可能對用於搜救工作的，包括其他國家提供的船舶、航空器及車輛的維修和加油作出安排。

4.2.3 計劃或指示內應有關於在本區域中從事搜救工作所採取的各種行動的詳細情况，包括：

1. 進行搜救工作的方式；
2. 現有的通信系統及設備的使用；
3. 根據情况與其他救助協調中心或救助分中心聯合採取的行動；
4. 向海上船舶和在航路上的航空器告警的方法；

5. 被指派為搜救工作人員的職責和權限；
6. 因氣象或其他情況需對設備可能進行的重新部署；
7. 取得有關搜救活動的重要情報（如相應的航行通告、氣象及海況報告和預報）的方法；
8. 根據情況從其他救助協調中心或救助分中心取得可能需要的協助，包括船舶、航空器及人員或設備的方法；
9. 幫助赴援船舶或其他船舶到約定地點與遇險船舶會合的方法；
10. 幫助迫降的遇險航空器到約定地點與水面船艇會合的方法。

4.3 救助單位的準備程序

4.3.1 每一被指定的救助單位都須保持處於與其任務相適應的準備狀態，並應使相應的救助協調中心或救助分中心隨時了解其準備情況。

第五章 工作程序

5.1 關於緊急情況的情報

5.1.1 各締約方須保證在國際遇險頻率上連續保持認為可行和必要的無線電值守。收到任何遇險呼叫或電信的海岸無線電台須：

1. 立即通知適當的救助協調中心或救助分中心；
2. 在一個或幾個國際遇險頻率上或任何其他適當的頻率上根據需要予以重播以通知船舶；
3. 在進行這種重播以前，如果沒有發自動報警信號，則先發適當的自動報警信號；
4. 採取主管當局決定的下一步行動。

5.1.2 任何當局或搜救組織的組成部分，確信某一船舶處於緊急狀態時，應盡快將一切現有的情報傳達給有關的救助協調中心或救助分中心。

5.1.3 救助協調中心或救助分中心收到船舶處於緊急狀態的情報，須立即對其加以估量，依照第5.2條確定其緊急的階段和所需的工作。

5.2 緊急階段

5.2.1 為便於工作起見，須對下列緊急階段加以區分：

1. “不明階段”：

- 1.1 據報船舶過期未抵達其目的港時，或
- 1.2 船舶不能作出預期的船位報告或安全報告時。

2. “告警階段”：

- 2.1 在不明階段之後，試圖與船舶建立聯繫失敗和向其他有關方面的查詢未成功時，或
- 2.2 得到情報，說明船舶操縱能力受到損害，但尚未達到可能遇險的程度時。

3. “遇險階段”：

3.1 得到可靠情報，船舶或人員處於嚴重和逼近的危險中並需要立即救援時，或

3.2 在告警階段之後，當試圖與船舶建立聯繫和作更廣泛的調查未成功，說明船舶有遇險的可能性時，或

3.3 當得到情報，說明船舶的操縱能力已受損害至可能遇險的程度時。

5.3 在緊急階段中救助協調中心和救助分中心的工作程序

5.3.1 一經宣佈不明階段，須酌情由救助協調中心或救助分中心着手調查，以便確定船舶安全或者宣佈告警階段。

5.3.2 一經宣佈告警階段，須酌情由救助協調中心或救助分中心擴大對失蹤船舶的調查，向適當的搜救服務部門告警，並着手第

5.3.3 節中所述的、根據具體情況所需要的行動。

5.3.3 一經宣佈遇險階段，須酌情由救助協調中心或救助分中心：

1. 依照第4.2條所述的安排開始行動；

2. 適時地估計船位不明的程度，並確定所要搜尋的任何區域並使其了解事態發展的範圍；

3. 如有可能，通知船東或其代理人，並使其了解事態發展的情況；

4. 通知可能需要其協助的或可能與工作有關的其他救助協調中心或救助分中心；

5. 考慮到在海洋區域內的大多數遇險情況中，附近的其他船舶對搜救工作是重要的因素，及早向未列入搜救組織之內的航空器、船舶或服務部門請求可取得的幫助；

6. 根據現有的情報，擬訂概括的工作實施計劃，並將該計劃通知按第5.7和5.8條內所指定的負責方面，以給予指導；

7. 根據情況對第5.3.3.6條內已作出的指導做必要的修改；

8. 通知有關的領事或外交當局，如果該事件涉及難民或被迫離開原居住國者則通知主管的國際組織的辦事處；

9. 通知相應的事故調查當局；

10. 在不再需要其援助時，根據情況與第5.7或5.8條所指定的負責方面商議，通知第5.3.3.5條中所述的任何航空器、船舶或其他服務部門。

5.3.4 對位置不明的船舶開始搜救工作

5.3.4.1 一經宣佈位置不明的船舶進入緊急階段，則：

1. 當救助協調中心或救助分中心獲悉有船舶進入緊急階段而又不了解其他中心是否採取相應行動時，它須負責開始採取適當的行動並與鄰近的中心商議，以期指定某一個中心立即負起責任；

2. 除非有關中心共同協商另有決定外，須按照船舶最後報告的位置，指定其所在區域的負責中心為中心。

3. 在宣佈進入遇險階段後，必要時，協調搜救工作的中心須將一切緊急狀態及一切以後的發展情況，通知其他適當的中心。

5.3.5 向已被宣佈進入緊急階段的船舶傳達情報

5.3.5.1 只要可行，負責搜救工作的救助協調中心或救助分中心須將其開始進行搜救工作的情報傳達給已被宣佈進入緊急階段的船舶。

5.4 涉及兩個或幾個締約方的協調

5.4.1 在整個搜救區域內所進行的工作由一個以上的締約方負責，而該區域的救助協調中心又提出請求時，每一締約方都須按照第4.2條所述的工作計劃或指示，採取相應的行動。

5.5 搜救工作的結束和中止

5.5.1 不明階段和告警階段

5.5.1.1 當處在不明階段或告警階段中，相應的救助協調中心或救助分中心得到緊急狀態已不存在的情報時，須將此情報通知它已令其行動或已通知過的任何當局、單位或服務部門。

5.5.2 遇險階段

5.5.2.1 當處在遇險階段中，相應的救助協調中心或救助分中心從遇險船舶或其他適當的渠道獲悉緊急狀態已不存在時，須採取必要的行動結束搜救工作，並通知它已令其行動或已通知過的任何當局、單位或服務部門。

5.5.2.2 如處在遇險階段中，經確定不應繼續進行搜尋時，相應的救助協調中心或救助分中心須中止搜救工作，並將此情況通知已令其行動或已通知過的任何當局、單位或服務部門。對以後收到的情報應加以估量，並須在根據該情報認為有必要時恢復搜救工作。

5.5.2.3 如處在遇險階段中，經確定進一步搜尋不會有效時，相應的救助協調中心或救助分中心須結束搜救工作，並將此情報通知已令其行動或已通知過的任何當局、單位或服務部門。

5.6 搜救活動的現場協調

5.6.1 從事搜救工作的各單位的活動，不論其為救助單位或其他協助單位都須加以協調，以保證取得最有效的結果。

5.7 現場指揮的指定及其職責

5.7.1 搜救單位即將進行搜救工作時，應盡早並且最好在到達規定的搜尋區域之前，指定其中一個單位為現場指揮。

5.7.2 適當的救助協調中心或救助分中心應指定一個現場指揮。如這種指定行不通，則有關的救助單位應相互協商指定一個現場指揮。

5.7.3 在現場指揮未指定前，第一個到達現場的救助單位應自動承擔起現場指揮的職責。

5.7.4 當負責的救助協調中心或救助分中心尚未執行以下工作時，須由現場指揮負責：

1. 確定搜尋目標的可能位置、在此位置上可能的誤差幅度以及搜尋區域；
2. 為從事搜尋單位的安全起見，對其間距作出安排；
3. 為參加搜尋的單位指定適當的搜尋方式並為各單位或各組合單位分配搜尋區域；
4. 找到搜尋目標後指定適當的單位施救；
5. 協調現場搜尋救助的通信。

5.7.5 現場指揮還須負責以下工作：

1. 向正在對搜救工作進行協調的救助協調中心或救助分中心定時報告；
2. 向正在對搜救工作進行協調的救助協調中心或救助分中心報告脫險者的數目和姓名；向中心提供載有脫險者的單位的名稱和目的地，報告每一單位上載有哪些脫險者和在必要時向中心請求額外的援助，例如將重傷脫險者撤離治療等。

5.8 海面搜尋協調船的指定及其職責

5.8.1 如無救助單位(包括軍艦)擔任現場指揮,而有若干商船或其他船舶參加搜救工作時,應通過相互協商指定其中一艘為海面搜尋協調船。

5.8.2 海面搜尋協調船應盡早並最好在到達規定的搜尋區域之前予以指定。

5.8.3 海面搜尋協調船應該船能力所及並盡可能多地對第5.7.4及5.7.5條所列的任務負責。

5.9 最初的行動

5.9.1 收到發生遇險事故情報的任何單位,須在其能力的範圍內,立即採取一切行動進行援助,或者向有可能進行援助的其他單位報警,並通知發生事故區域的救助協調中心或救助分中心。

5.10 搜尋區域

5.10.1 依照第5.3.3.2、5.7.4.1或5.8.3條確定的搜尋區域可由現場指揮或海面搜尋協調船作適當的變更,並應將其行動和變更的理由通知救助協調中心或救助分中心。

5.11 搜尋方式

5.11.1 依照第5.3.3.6、5.7.4.3或5.8.3條指定的搜尋方式,如現場指揮或海面搜尋協調船認為必要時可變更為其他方式,他們應將其行動和變更的理由通知救助協調中心或救助分中心。

5.12 搜尋成功

5.12.1 搜尋成功時,現場指揮或海面搜尋協調船應指揮設備最適合的單位進行救助或提供其他必要的援助。

5.12.2 在適當的時候,施救單位應將其所載的脫險人員數目及姓名、是否全部人員均已脫險、是否需要額外援助,例如撤離治療,以及該單位的目的地情況,通知現場指揮或海面搜尋協調船。

5.12.3 搜尋成功時,現場指揮或海面搜尋協調船應立即通知救助協調中心或救助分中心。

5.13 搜尋無效

5.13.1 搜尋工作只有在對救助幸存人員不再有任何合乎情理的希望後才應結束。

5.13.2 協調搜救工作的救助協調中心或救助分中心通常應負責結束搜尋。

5.13.3 在不屬於救助協調中心負責範圍以內的遙遠的海洋區域或負責的中心不能對其搜救工作進行協調時,可由現場指揮或海面搜尋協調船負責結束搜尋。

第六章 船舶報告制度

6.1 總則

6.1.1 各締約方在認為對促進搜救工作有必要和可行時,應建立船舶報告制度,以供在其負責的任何搜救區域內實行。

6.1.2 擬建立船舶報告制度的各締約方應考慮本組織的有關建議。

6.1.3 船舶報告制度應提供最新的關於船舶正常運行的情報,萬一發生遇險事故,以便:

1. 在沒有收到遇險信號時,減少同船舶失去聯繫與開始搜救工作之間的時間;

2. 可以迅速確定能被召來提供援助的船舶；
3. 在遇險船舶的位置不明或不定時，可劃定一定範圍的搜尋區域；
4. 易於給沒有隨船醫生的船舶提供緊急醫療援助或診視。

6.2 工作要求

6.2.1 為達到第6.1.3條所述的目的，船舶報告制度應滿足下列工作要求：

1. 提供包括航行計劃及船位報告的情報，以便可能預知執行本制度的船舶未來的位置；
2. 保持船舶航行的標繪；
3. 每隔一定的時間接收來自執行本制度船舶的報告；
4. 簡化制度的設計和運用；
5. 使用國際統一的標準船舶報告格式和國際統一的標準程序。

6.3 報告種類

6.3.1 船舶報告制度應包括下列幾種報告：

- 1 航行計劃——報告船名、呼號或船舶電台識別號，出發日期和時間（格林威治平時），船舶出發地點、前方停靠港、計劃航線、航速及預計到達日期和時間（格林威治平時）等詳細情況。如有重大變化應盡快報告。
- 2 船位報告——報告船名、呼號或船舶電台識別號、日期和時間（格林威治平時）、船位、航向及航速。
- 3 最後報告——報告船名、呼號或船舶電台識別號、到達目的港或離開推行本制度的區域的日期及時間（格林威治平時）。

6.4 制度的運用

- 6.4.1 各締約方應鼓勵一切船舶，在為搜救的目的對收集船位情報作了安排的區域內航行時，報告其船位。
- 6.4.2 記錄有關船位情報的各締約方，應盡可能將其轉發給為搜救的目的而要求提供該項情報的其他國家。

INTERNATIONAL CONVENTION ON MARITIME SEARCH AND RESCUE, 1979

The Parties to the Convention,

Noting the great importance attached in several conventions to the rendering of assistance to persons in distress at sea and to the establishment by every coastal State of adequate and effective arrangements for coast watching and for search and rescue services,

Having considered Recommendation 40 adopted by the International Conference on Safety of Life at Sea, 1960, which recognizes the desirability of coordinating activities regarding safety on and over the sea among a number of intergovernmental organizations,

Desiring to develop and promote these activities by establishing an international maritime search and rescue plan responsible to the needs of maritime traffic for the rescue of persons in distress at sea,

Wishing to promote co-operation among search and rescue organizations around the world and among those participating in search and rescue operations at sea,

Have agreed as follows:

Article I. GENERAL OBLIGATIONS UNDER THE CONVENTION

The Parties undertake to adopt all legislative or other appropriate measures necessary to give full effect to the Convention and its Annex, which is an integral part of the Convention. Unless expressly provided otherwise, a reference to the Convention constitutes at the same time a reference to its Annex.

Article II. OTHER TREATIES AND INTERPRETATION

(1) Nothing in the Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

(2) No provision of the Convention shall be construed as prejudicing obligations or rights of vessels provided for in other international instruments.

Article III. AMENDMENTS

(1) The Convention may be amended by either of the procedures specified in paragraphs (2) and (3) hereinafter.

(2) Amendment after consideration within the Inter-Governmental Maritime Consultative Organization (hereinafter referred to as the Organization):

(a) Any amendment proposed by a Party and transmitted to the Secretary-General of the Organization (hereinafter referred to as the Secretary-General), or any amendment deemed necessary by the Secretary-General as a result of an amendment to a corresponding provision of Annex 12 to the Convention on International Civil Aviation, shall be circulated to all Members of the Organization and all Parties at least six months prior to its consideration by the Maritime Safety Committee of the Organization.

(b) Parties, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Maritime Safety Committee for the consideration and adoption of amendments.

(c) Amendments shall be adopted by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee on condition that at least one third of the Parties shall be present at the time of adoption of the amendment.

(d) Amendments adopted in accordance with sub-paragraph (c) shall be communicated by the Secretary-General to all Parties for acceptance.

(e) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall be deemed to have been accepted on the date on which the Secretary-General has received an instrument of acceptance from two thirds of the Parties.

(f) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall be deemed to have been accepted at the end of one year from the date on which it is communicated to the Parties for acceptance. However, if within such period of one year more than one third of the Parties notify the Secretary-General that they object to the amendment, it shall be deemed not to have been accepted.

(g) An amendment to an Article or to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 of the Annex shall enter into force:

(i) With respect to those Parties which have accepted it, six months after the date on which it is deemed to have been accepted;

(ii) With respect to those Parties which accept it after the condition mentioned in sub-paragraph (e) has been met and before the amendment enters into force, on the date of entry into force of the amendment;

(iii) With respect to those Parties which accept it after the date on which the amendment enters into force, 30 days after the deposit of an instrument of acceptance.

(h) An amendment to the Annex other than to paragraphs 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 or 3.1.3 shall enter into force with respect to all Parties, except those which have objected to the amendment under sub-paragraph (f) and which have not withdrawn such objections, six months after the date on which it is deemed to have been accepted. However, before the date set for entry into force, any Party may give notice to the Secretary-General that it exempts itself from giving effect to that amendment for a period not longer than one year from the date of its entry into force, or for such longer period as may be determined by a two-thirds majority of the Parties present and voting in the Maritime Safety Committee at the time of the adoption of the amendment.

(3) Amendment by a conference:

(a) Upon the request of a Party concurred in by at least one third of the Parties, the Organization shall convene a conference of Parties to consider amendments to the Convention. Proposed amendments shall be circulated by the Secretary-General to all Parties at least six months prior to their consideration by the conference.

(b) Amendments shall be adopted by such a conference by a two-thirds majority of the Parties present and voting, on condition that at least one third of the Parties shall be present at the time of adoption of the amendment. Amendments so adopted shall be communicated by the Secretary-General to all Parties for 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 sub-paragraphs (2)(e), (2)(f), (2)(g) and (2)(h) respectively, provided that reference in sub-paragraph (2)(h) to the Maritime Safety Committee expanded in accordance with sub-paragraph (2)(b) shall be taken to mean reference to the conference.

(4) Any declaration of acceptance of, or objection to, an amendment or any notice given under sub-paragraph (2)(h) shall be submitted in writing to the Secretary-General who shall inform all Parties of any such submission and the date of its receipt.

(5) The Secretary-General shall inform States of any amendments which enter into force, together with the date on which each such amendment enters into force.

Article IV. SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

(1) The Convention shall remain open for signature at the Headquarters of the Organization from 1 November 1979 until 31 October 1980 and shall thereafter remain open for accession. States may become Parties to the Convention by:

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

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

(c) Accession.

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

(3) The Secretary-General shall inform States of any signature or of the deposit of any instrument of ratification, acceptance, approval or accession and the date of its deposit.

Article V. ENTRY INTO FORCE

(1) The Convention shall enter into force 12 months after the date on which 15 States have become Parties to it in accordance with Article IV.

(2) Entry into force for States which ratify, accept, approve or accede to the Convention in accordance with Article IV after the condition prescribed in paragraph (1) has been met and before the Convention enters into force; shall be on the date of entry into force of the Convention.

(3) Entry into force for States which ratify, accept, approve or accede to the Convention after the date on which the Convention enters into force shall be 30 days after the date of deposit of an instrument in accordance with Article IV.

(4) Any instrument of ratification, acceptance, approval or accession deposited after the date of entry into force of an amendment to the Convention in accordance with Article III shall apply to the Convention, as amended, and the Convention, as amended, shall enter into force for a State depositing such an instrument 30 days after the date of its deposit.

(5) The Secretary-General shall inform States of the date of entry into force of the Convention.

Article VI. DENUNCIATION

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

(2) Denunciation shall be effected by the deposit of an instrument of denunciation with the Secretary-General who shall notify States of any instrument of denunciation received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its receipt by the Secretary-General.

Article VII. DEPOSIT AND REGISTRATION

(1) The Convention shall be deposited with the Secretary-General who shall transmit certified true copies thereof to States.

(2) As soon as the Convention enters into force, the Secretary-General shall transmit the text thereof to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article VIII. LANGUAGES

The Convention is established in a single copy in the Chinese, English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German and Italian languages shall be prepared and deposited with the signed original.

DONE at Hamburg this twenty-seventh day of April one thousand nine hundred and seventy-nine.

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

ANNEX

Chapter I. TERMS AND DEFINITIONS

1.1. "Shall" is used in the Annex to indicate a provision, the uniform application of which by all Parties is required in the interest of safety of life at sea.

1.2 "Should" is used in the Annex to indicate a provision, the uniform application of which by all Parties is recommended in the interest of safety of life at sea.

1.3 The terms listed below are used in the Annex with the following meanings:

.1 "Search and rescue region". An area of defined dimensions within which search and rescue services are provided.

.2 "Rescue co-ordination centre". A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region.

.3 "Rescue sub-centre". A unit subordinate to a rescue co-ordination centre established to complement the latter within a specified area within a search and rescue region.

.4 "Coast watching unit". A land unit, stationary or mobile, designated to maintain a watch on the safety of vessels in coastal areas.

.5 "Rescue unit". A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

.6 "On-scene commander". The commander of a rescue unit designated to coordinate search and rescue operations within a specified search area.

.7 "Co-ordinator surface search". A vessel, other than a rescue unit, designated to co-ordinate surface search and rescue operations within a specified search area.

.8 "Emergency phase". A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase.

.9 "Uncertainty phase". A situation wherein uncertainty exists as to the safety of a vessel and the persons on board.

.10 "Alert phase". A situation wherein apprehension exists as to the safety of a vessel and of the persons on board.

.11 "Distress phase". A situation wherein there is a reasonable certainty that a vessel or a person is threatened by grave and imminent danger and requires immediate assistance.

.12 "To ditch". In the case of an aircraft to make a forced landing on water.

Chapter 2. ORGANIZATION

2.1 Arrangements for provision and co-ordination of search and rescue services

2.1.1 Parties shall ensure that necessary arrangements are made for the provision of adequate search and rescue services for persons in distress at sea round their coasts.

2.1.2 Parties shall forward to the Secretary-General information on their search and rescue organization and later alterations of importance, including:

- .1 National maritime search and rescue services;
- .2 Location of established rescue co-ordination centres, their telephone and telex numbers and areas of responsibility; and
- .3 Principal available rescue units at their disposal.

2.1.3 The Secretary-General shall in a suitable way transmit to all Parties the information referred to in paragraph 2.1.2.

2.1.4 Each search and rescue region shall be established by agreement among Parties concerned. The Secretary-General shall be notified of such agreement.

2.1.5 In case agreement on the exact dimensions of a search and rescue region is not reached by the Parties concerned, those Parties shall use their best endeavours to reach agreement upon appropriate arrangements under which the equivalent overall co-ordination of search and rescue services is provided in the area. The Secretary-General shall be notified of such arrangements.

2.1.6 The Secretary-General shall notify all Parties of the agreements or arrangements referred to in paragraphs 2.1.4 and 2.1.5.

2.1.7 The delimitation of search and rescue regions is not related to and shall not prejudice the delimitation of any boundary between States.

2.1.8 Parties should arrange that their search and rescue services are able to give prompt response to distress calls.

2.1.9 On receiving information that a person is in distress at sea in an area within which a Party provides for the overall co-ordination of search and rescue operations, the responsible authorities of that Party shall take urgent steps to provide the most appropriate assistance available.

2.1.10 Parties shall ensure that assistance be provided to any person in distress at sea. They shall do so regardless of the nationality or status of such a person or the circumstances in which that person is found.

2.2 Co-ordination of search and rescue facilities

2.2.1 Parties shall make provision for the co-ordination of the facilities required to provide search and rescue services round their coasts.

2.2.2 Parties shall establish a national machinery for the overall co-ordination of search and rescue services.

2.3 Establishment of rescue co-ordination centres and rescue sub-centres

2.3.1 To meet the requirements of paragraphs 2.2.1 and 2.2.2 Parties shall establish rescue co-ordination centres for their search and rescue services and such rescue subcentres as they consider appropriate.

2.3.2 The competent authorities of each Party shall determine the area for which a rescue sub-centre is responsible.

2.3.3 Each rescue co-ordination centre and rescue sub-centre established in accordance with paragraph 2.3.1 shall have adequate means for the receipt of distress communications via a coast radio station or otherwise. Every such centre and sub-centre shall also have adequate means for communication with its rescue units and with rescue coordination centres or rescue sub-centres, as appropriate, in adjacent areas.

2.4 Designation of rescue units

2.4.1 Parties shall designate either:

- .1 As rescue units, State or other appropriate public or private services suitably located and equipped, or parts thereof; or
- .2 As elements of the search and rescue organization, State or other appropriate public or private services or parts thereof, not suitable for designation as rescue units, but which are able to participate in search and rescue operations, and shall define the functions of those elements.

2.5 Facilities and equipment of rescue units

2.5.1 Each rescue unit shall be provided with facilities and equipment appropriate to its task.

2.5.2 Each rescue unit should have rapid and reliable means of communication with other units or elements engaged in the same operation.

2.5.3 Containers or packages containing survival equipment for dropping to survivors should have the general nature of their contents indicated by a colour code in accordance with paragraph 2.5.4 and by printed indication and self-explanatory symbols, to the extent that such symbols exist.

2.5.4 The colour identification of the contents of droppable containers and packages containing survival equipment should take the form of streamers coloured according to the following code:

- .1 Red — medical supplies and first aid equipment;
- .2 Blue — food and water;
- .3 Yellow — blankets and protective clothing; and
- .4 Black — miscellaneous equipment such as stoves, axes, compasses and cooking utensils.

2.5.5 Where supplies of a mixed nature are dropped in one container or package, the colour code should be used in combination.

2.5.6 Instructions on the use of the survival equipment should be enclosed in each of the droppable containers or packages. They should be printed in English and in at least two other languages.

Chapter 3. CO-OPERATION

3.1 Co-operation between States

3.1.1 Parties shall co-ordinate their search and rescue organizations and should, whenever necessary, co-ordinate search and rescue operations with those of neighbouring States.

3.1.2 Unless otherwise agreed between the States concerned, a Party should authorize, subject to applicable national laws, rules and regulations, immediate entry into or over its territorial sea or territory of rescue units of other Parties solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties. In such cases, search and rescue operations shall, as far as practicable, be coordinated by the appropriate rescue co-ordination centre of the Party which has authorized entry, or such other authority as has been designated by that Party.

3.1.3 Unless otherwise agreed between the States concerned, the authorities of a Party which wishes its rescue units to enter into or over the territorial sea or territory of another Party solely for the purpose of searching for the position of maritime casualties and rescuing the survivors of such casualties, shall transmit a request, giving full details of the projected mission and the need for it, to the rescue co-ordination centre of that other Party, or to such other authority as has been designated by that Party.

3.1.4 The competent authorities of Parties shall:

- .1 Immediately acknowledge the receipt of such a request: and
- .2 As soon as possible indicate the conditions, if any, under which the projected mission may be undertaken.

3.1.5 Parties should enter into agreements with neighbouring States setting forth the conditions for entry of each other's rescue units into or over their respective territorial sea or territory. These agreements should also provide for expediting entry of such units with the least possible formalities.

3.1.6 Each Party should authorize its rescue co-ordination centres:

.1 To request from other rescue co-ordination centres such assistance, including vessels, aircraft, personnel or equipment, as may be needed;

.2 To grant any necessary permission for the entry of such vessels, aircraft, personnel or equipment into or over its territorial sea or territory; and

.3 To make the necessary arrangements with the appropriate customs, immigration or other authorities with a view to expediting such entry.

3.1.7 Each Party should authorize its rescue co-ordination centres to provide, when requested, assistance to other rescue co-ordination centres, including assistance in the form of vessels, aircraft, personnel or equipment.

3.1.8 Parties should enter into search and rescue agreements with neighbouring States regarding the pooling of facilities, establishment of common procedures, conduct of joint training and exercises, regular checks of inter-State communication channels, liaison visits by rescue co-ordination centre personnel and the exchange of search and rescue information.

3.2 *Co-ordination with aeronautical services*

3.2.1 Parties shall ensure the closest practicable co-ordination between maritime and aeronautical services so as to provide for the most effective and efficient search and rescue services in and over their search and rescue regions.

3.2.2 Whenever practicable, each Party should establish joint rescue co-ordination centres and rescue sub-centres to serve both maritime and aeronautical purposes.

3.2.3 Whenever separate maritime and aeronautical rescue co-ordination centres or rescue sub-centres are established to serve the same area, the Party concerned shall ensure the closest practicable co-ordination between the centres or sub-centres.

3.2.4 Parties shall ensure as far as is possible the use of common procedures by rescue units established for maritime purposes and those established for aeronautical purposes.

Chapter 4. PREPARATORY MEASURES

4.1 *Requirements for information*

4.1.1 Each rescue co-ordination centre and rescue sub-centre shall have available up-to-date information relevant to search and rescue operations in its area including information regarding:

- .1 Rescue units and coast watching units;
- .2 Any other public and private resources, including transportation facilities and fuel supplies, that are likely to be useful in search and rescue operations;
- .3 Means of communication that may be used in search and rescue operations;
- .4 Names, cable and telex addresses, telephone and telex numbers of shipping agents, consular authorities international organizations and other agencies who may be able to assist in obtaining vital information on vessels;
- .5 The locations, call signs or maritime mobile service identities, hours of watch and frequencies of all radio stations likely to be employed in search and rescue operations;
- .6 The locations, call signs or maritime mobile service identities, hours of watch and frequencies of all coast radio stations disseminating meteorological forecasts and warnings for the search and rescue region;
- .7 The locations and hours of watch of services keeping radio watch and the frequencies guarded;
- .8 Objects likely to be mistaken for unlocated or unreported wreckage; and
- .9 Locations where supplies of droppable emergency survival equipment are stored.

4.1.2 Each rescue co-ordination centre and rescue sub-centre should have ready access to information regarding the position, course, speed and call sign or ship station identity of vessels within its area which may be able to provide assistance to vessels or persons in distress at sea. This information shall either be kept in the rescue co-ordination centre or be readily obtainable when necessary.

4.1.3 A large-scale map shall be provided at each rescue co-ordination centre and rescue sub-centre for the purpose of displaying and plotting information relevant to search and rescue operations in its area.

4.2 *Operating plans or instructions*

4.2.1 Each rescue co-ordination centre and rescue sub-centre shall prepare or have available detailed plans or instructions for the conduct of search and rescue operations, in its area.

4.2.2 The plans or instructions shall specify arrangements for the servicing and refuelling, to the extent possible, of vessels, aircraft and vehicles employed in search and rescue operations, including those made available by other States.

4.2.3 The plans or instructions should contain details regarding action to be taken by those engaged in search and rescue operations in the area, including:

- .1 The manner in which search and rescue operations are to be conducted;

- .2 The use of available communications systems and facilities;
- .3 The action to be taken jointly with other rescue co-ordination centres or rescue sub-centres as appropriate;
- .4 The methods of alerting vessels at sea and en route aircraft;
- .5 The duties and authority of personnel assigned to search and rescue operations;
- .6 Possible redeployment of equipment that may be necessitated by meteorological or other conditions;
- .7 The methods of obtaining essential information relevant to search and rescue operations, such as appropriate notices to mariners and reports and forecasts of weather and sea surface conditions;
- .8 The methods of obtaining from other rescue co-ordination centres or rescue subcentres, as appropriate, such assistance as may be needed, including vessels, aircraft, personnel and equipment;
- .9 The methods of assisting rescue vessels or other vessels to rendezvous with vessels in distress; and
- .10 The methods of assisting distressed aircraft compelled to ditch to rendezvous with surface craft.

4.3 *Preparedness of rescue units*

4.3.1 Each designated rescue unit shall maintain a state of preparedness commensurate with its task and should keep the appropriate rescue co-ordination centre or rescue sub-centre informed of its state of preparedness.

Chapter 5. OPERATING PROCEDURES

5.1 *Information concerning emergencies*

5.1.1 Parties shall ensure that such continuous radio watches as are deemed practicable and necessary, are maintained on international distress frequencies. A coast radio station receiving any distress call or message shall:

- .1 Immediately inform the appropriate rescue co-ordination centre or rescue sub-centre;
- .2 Rebroadcast to the extent necessary to inform ships on one or more of the international distress frequencies or on any other appropriate frequency;
- .3 Precede such rebroadcasts with the appropriate automatic alarm signals unless this has already been done; and
- .4 Take such subsequent action as decided by the competent authority.

5.1.2 Any authority or element of the search and rescue organization having reason to believe that a vessel is in a state of emergency should give as soon as possible all available information to the rescue co-ordination centre or rescue sub-centre concerned.

5.1.3 Rescue co-ordination centres and rescue sub-centres shall, immediately upon receipt of information concerning a vessel in a state of emergency, evaluate such information and determine the phase of emergency in accordance with paragraph 5.2 and the extent of operation required.

5.2 *Emergency phases*

5.2.1 For operational purposes, the following emergency phases shall be distinguished:

.1 Uncertainty phase:

- .1.1 When a vessel has been reported overdue at its destination; or
- .1.2 When a vessel has failed to make an expected position or safety report.

.2 Alert phase:

- .2.1 When, following the uncertainty phase, attempts to establish contact with the vessel have failed and inquiries addressed to other appropriate sources have been unsuccessful; or
- .2.2 When information has been received indicating that the operating efficiency of a vessel is impaired but not to the extent that a distress situation is likely.

.3 Distress phase:

.3.1 When positive information is received that a vessel or a person is in grave and imminent danger and in need of immediate assistance; or

3.2 When, following the alert phase, further unsuccessful attempts to establish contact with the vessel and more widespread unsuccessful inquiries point to the probability that the vessel is in distress; or

.3.3 When information is received which indicates that the operating efficiency of a vessel has been impaired to the extent that a distress situation is likely.

5.3 *Procedures for rescue co-ordination centres and rescue sub-centres during emergency phases*

5.3.1 Upon the declaration of the uncertainty phase, the rescue co-ordination centre or rescue sub-centre, as appropriate shall initiate inquiries in order to determine the safety of the vessel or shall declare the alert phase.

5.3.2 Upon the declaration of the alert phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall extend the inquiries for the missing vessel, alert appropriate search and rescue services and initiate such action, as described in paragraph 5.3.3, as is necessary in the light of the circumstances of the particular case.

5.3.3 Upon the declaration of the distress phase, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall:

- .1 Initiate action in accordance with the arrangements set out in paragraph 4.2;
- .2 Where appropriate, estimate the degree of uncertainty of the vessel's position and determine the extent of any area to be searched;
- .3 Notify the owner of the vessel or his agent if possible and keep him informed of developments;
- .4 Notify other rescue co-ordination centres or rescue sub-centres, the help of which seems likely to be required or which may be concerned in the operation;
- .5 Request at an early stage any help which might be available from aircraft, vessels or services not specifically included in the search and rescue organization, considering that, in the majority of distress situations in ocean areas, other vessels in the vicinity are important elements for search and rescue operations;
- .6 Draw up a broad plan for the conduct of the operations from the information available and communicate such plan to the authorities designated in accordance with paragraphs 5.7 and 5.8 for their guidance;
- .7 Amend as necessary in the light of circumstances the guidance already given in paragraph 5.3.3.6;
- .8 Notify the consular or diplomatic authorities concerned or, if the incident involves a refugee or displaced person, the office of the competent international organization;
- .9 Notify accident investigation authorities as appropriate; and
- .10 Notify any aircraft, vessel or other services mentioned in paragraph 5.3.3.5 in consultation with the authorities designated in accordance with paragraph 5.7 or 5.8, as appropriate, when their assistance is no longer required.

5.3.4 Initiation of search and rescue operations in respect of a vessel whose position is unknown.

5.3.4.1 In the event of an emergency phase being declared in respect of a vessel whose position is unknown, the following shall apply:

.1 When a rescue co-ordination centre or rescue sub-centre is notified of the existence of an emergency phase and is unaware of other centres taking appropriate action, it shall assume responsibility for initiating suitable action and confer with neighbouring centres with the objective of designating one centre to assume responsibility forthwith:

.2 Unless otherwise decided by agreement between the centres concerned, the centre to be designated shall be the centre responsible for the area in which the vessel was according to its last reported position; and

.3 After the declaration of the distress phase, the centre co-ordinating the search and rescue operations shall, if necessary, inform other appropriate centres of all the circumstances of the state of emergency and of all subsequent developments.

5.3.5 Passing information to vessels in respect of which an emergency phase has been declared

5.3.5.1 Whenever applicable, the rescue co-ordination centre or rescue sub-centre responsible for search and rescue operations shall be responsible for passing to the vessel for which an emergency phase has been declared, information on the search and rescue operation it has initiated.

5.4 *Co-ordination when two or more parties are involved*

5.4.1 Where the conduct of operations over the entire search and rescue region is the responsibility of more than one Party, each Party shall take appropriate action in accordance with the operating plans or instructions referred to in paragraph 4.2 when so requested by the rescue co-ordination centre of the region.

5.5 *Termination and suspension of search and rescue operations*

5.5.1 Uncertainty phase and alert phase

5.5.1.1 When during an uncertainty phase or an alert phase a rescue co-ordination centre or rescue sub-centre, as appropriate, is informed that the emergency no longer exists, it shall so inform any authority, unit or service which has been activated or notified.

5.5.2 Distress phase

5.5.2.1. When during a distress phase a rescue co-ordination centre or rescue sub-centre, as appropriate, is informed by the vessel in distress or other appropriate sources that the emergency no longer exists, it shall take the necessary action to terminate the search and rescue operations and to inform any authority, unit or service which has been activated or notified.

5.5.2.2 If during a distress phase it has been determined that the search should be discontinued the rescue co-ordination centre or rescue sub-centre, as appropriate, shall suspend the search and rescue operations and so inform any authority, unit or service which has been activated or notified. Information subsequently received shall be evaluated and search and rescue operations resumed when justified on the basis of such information.

5.5.2.3 If during a distress phase it has been determined that further search would be of no avail, the rescue co-ordination centre or rescue sub-centre, as appropriate, shall terminate the search and rescue operations and so inform any authority, unit or service which has been activated or notified.

5.6 *On-scene co-ordination of search and rescue activities*

5.6.1 The activities of units engaged in search and rescue operations, whether they be rescue units or other assisting units, shall be co-ordinated to ensure the most effective results.

5.7 *Designation of on-scene commander and his responsibilities*

5.7.1. When rescue units are about to engage in search and rescue operations, one of them should be designated on-scene commander as early as practicable and preferably before arrival within the specified search area.

5.7.2 The appropriate rescue co-ordination centre or rescue sub-centre should designate an on-scene commander. If this is not practicable, the units involved should designate by mutual agreement an on-scene commander.

5.7.3 Until such time as an on-scene commander has been designated, the first rescue unit arriving at the scene of action should automatically assume the duties and responsibilities of an on-scene commander.

5.7.4 An On-scene commander shall be responsible for the following tasks when these have not been performed by the responsible rescue co-ordination centre or rescue sub-centre, as appropriate:

- .1 Determining the probable position of the object of the search, the probable margin of error in this position, and the search area;
- .2 Making arrangements for the separation for safety purposes of units engaged in the search;
- .3 Designating appropriate search patterns for the units participating in the search and assigning search areas to units or groups of units;
- .4 Designating appropriate units to effect rescue when the object of the search is located; and
- .5 Co-ordinating on-scene search and rescue communications.

5.7.5 An on-scene commander shall also be responsible for the following:

- .1 Making periodic reports to the rescue co-ordination centre or rescue sub-centre which is co-ordinating the search and rescue operations; and
- .2 Reporting the number and the names of survivors to the rescue co-ordination centre or rescue sub-centre which is co-ordinating the search and rescue operations, providing the centre with the names and destinations of units with survivors aboard, reporting which survivors are in each unit and requesting additional assistance from the centre when necessary, for example, medical evacuation of seriously injured survivors.

5.8 *Designation of co-ordinator surface search and his responsibilities*

5.8.1 If rescue units (including warships) are not available to assume the duties of an on-scene commander but a number of merchant vessels or other vessels are participating in the search and rescue operations, one of them should be designated by mutual agreement as co-ordinator surface search.

5.8.2 The co-ordinator surface search should be designated as early as practicable and preferably before arrival within the specified search area.

5.8.3 The co-ordinator surface search should be responsible for as many of the tasks listed in paragraphs 5.7.4 and 5.7.5 as the vessel is capable of performing.

5.9 *Initial action*

5.9.1 Any unit receiving information of a distress incident shall take whatever immediate action to assist as is within its capability or shall alert other units which might be able to assist and shall notify the rescue co-ordination centre or rescue sub-centre in whose area the incident has occurred.

5.10 *Search areas*

5.10.1 Search areas determined in accordance with paragraph 5.3.3.2, 5.7.4.1 or 5.8.3 may be altered as appropriate by the on-scene commander or the co-ordinator surface search, who should notify the rescue co-ordination centre or rescue sub-centre of his action and his reasons for doing so.

5.11 *Search patterns*

5.11.1 Search patterns designated in accordance with paragraph 5.3.3.6, 5.7.4.3, or 5.8.3 may be changed to other patterns if considered necessary by the on-scene commander or the co-ordinator surface search, who should notify the rescue co-ordination centre or rescue sub-centre of his action and his reasons for doing so.

5.12 *Search successful*

5.12.1 When the search has been successful the on-scene commander or the coordinator surface search should direct the most suitably equipped units to conduct the rescue or to provide other necessary assistance.

5.12.2 Where appropriate the units conducting the rescue should notify the on-scene commander or the co-ordinator surface search of the number and names of survivors aboard, whether all personnel have been accounted for and whether additional assistance is required, for example, medical evacuations, and the destination of the units.

5.12.3 The on-scene commander or the co-ordinator surface search should immediately notify the rescue co-ordination centre or rescue sub-centre when the search has been successful.

5.13 *Search unsuccessful*

5.13.1 The search should only be terminated when there is no longer any reasonable hope of rescuing survivors.

5.13.2 The rescue co-ordination centre or rescue sub-centre co-ordinating the search and rescue operations should normally be responsible for terminating the search.

5.13.3 In remote ocean areas not under the responsibility of a rescue co-ordination centre or where the responsible centre is not in a position to co-ordinate the search and rescue operations, the on-scene commander or the co-ordinator surface search may take responsibility for terminating the search.

Chapter 6. SHIP REPORTING SYSTEMS

6.1 *General*

6.1.1 Parties should establish a ship reporting system for application within any search and rescue region for which they are responsible, where this is considered necessary to facilitate search and rescue operations and is deemed practicable.

6.1.2 Parties contemplating the institution of a ship reporting system should take account of the relevant recommendations of the Organization.

6.1.3 The ship reporting system should provide up-to-date information on the movements of vessels in order, in the event of a distress incident:

.1 To reduce the interval between the loss of contact with a vessel and the initiation of search and rescue operations in cases where no distress signal has been received;

.2 To permit rapid determination of vessels which may be called upon to provide assistance;

.3 To permit delineation of a search area of limited size in case the position of a vessel in distress is unknown or uncertain; and

.4 To facilitate the provision of urgent medical assistance or advice to vessels not carrying a doctor;

6.2 *Operational requirements*

6.2.1 To achieve the objectives set out in paragraph 6.1.3, the ship reporting system should satisfy the following operational requirements:

.1 Provision of information, including sailing plans and position reports, which would make it possible to predict the future positions of participating vessels;

.2 Maintenance of a shipping plot;

.3 Receipt of reports at appropriate intervals from participating vessels;

.4 Simplicity in system design and operation; and

.5 Use of an internationally agreed standard ship reporting format and internationally agreed standard procedures.

6.3 *Types of reports*

6.3.1 A ship reporting system should incorporate the following reports:

.1 Sailing plan — giving name, call sign or ship station identity, date and time (in GMT) of departure, details of the vessel's point of departure, next port of call, intended route, speed and expected date and time (in GMT) of arrival. Significant changes should be reported as soon as possible.

.2 Position report — giving name, call sign or ship station identity, date and time (in GMT), position, course and speed.

.3 Final report — giving name, call sign or ship station identity, date and time (in GMT) of arrival at destination or of leaving the area covered by the system.

6.4 *Use of systems*

6.4.1 Parties should encourage all vessels to report their positions when travelling in areas where arrangements have been made to collect information on positions for search and rescue purposes.

6.4.2 Parties recording information on the position of vessels should disseminate, so far as practicable, such information to other States when so requested for search and rescue purposes.

Convenção Internacional sobre Busca e Salvamento Marítimos, 1979

As Partes na Convenção,

Tomando nota da grande importância que em diversas convenções é atribuída à assistência a pessoas em perigo no mar e ao estabelecimento, por parte de todos os Estados costeiros, de meios adequados e eficazes para a vigilância costeira e para os serviços de busca e salvamento,

Tendo considerado a Recomendação 40 adoptada pela Conferência Internacional para a Salvaguarda da Vida Humana no Mar, 1960, que reconhece ser desejável a coordenação das actividades relativas à segurança no mar e sobre o mar entre diversas organizações intergovernamentais,

Desejando desenvolver e promover estas actividades através do estabelecimento de um plano internacional de busca e salvamento marítimos que responda às necessidades do tráfego marítimo em matéria de salvamento de pessoas em perigo no mar,

Querendo promover a cooperação entre as organizações de busca e salvamento de todo o mundo e entre todos aqueles que participam em operações de busca e salvamento no mar,

Acordaram no seguinte:

Artigo I

Obrigações gerais decorrentes da Convenção

As Partes comprometem-se a adoptar todas as medidas legislativas ou outras medidas apropriadas necessárias para dar total cumprimento à Convenção e ao seu Anexo, o qual faz parte integrante da Convenção. Salvo disposição em contrário, uma referência à Convenção constitui ao mesmo tempo uma referência ao seu Anexo.

Artigo II

Outros tratados e interpretação

1. Nada do disposto na Convenção prejudica a codificação e o desenvolvimento do direito do mar por parte da Conferência das Nações Unidas sobre o Direito do Mar convocada nos termos da Resolução 2750 (XXV) da Assembleia Geral das Nações Unidas, nem as reclamações e pareceres jurídicos presentes ou futuros de qualquer Estado relativos ao direito do mar e à natureza e extensão da jurisdição dos Estados costeiros e dos Estados de bandeira.

2. Nenhuma das disposições da Convenção pode ser interpretada no sentido de prejudicar as obrigações ou os direitos dos navios estabelecidos noutros instrumentos internacionais.

Artigo III

Emendas

1. A Convenção pode ser emendada por qualquer dos procedimentos especificados nos números 2 e 3 que se seguem.

2. Emenda após apreciação no seio da Organização Marítima Internacional (daqui em diante referida como «a Organização»):

a) Qualquer emenda proposta por uma Parte e transmitida ao Secretário-Geral da Organização (daqui em diante referido como «o Secretário-Geral»), ou qualquer emenda que o Secretário-Geral considere necessária como resultado de uma emenda a uma disposição correspondente do Anexo 12 da Convenção Internacional sobre a Aviação Civil, deve ser distribuída a todos os Membros da Organização e a todas as Partes com, pelo menos, seis meses de antecedência relativamente à sua apreciação pelo Comité de Segurança Marítima da Organização.

b) As Partes, quer sejam ou não Membros da Organização, têm direito a participar nos trabalhos do Comité de Segurança Marítima para apreciação e adopção das emendas.

c) As emendas devem ser adoptadas por uma maioria de dois terços das Partes presentes e votantes no Comité de Segurança Marítima, na condição de que estejam presentes, pelo menos, um terço das Partes no momento da adopção da emenda.

d) As emendas adoptadas de acordo com o disposto na alínea c) devem ser comunicadas pelo Secretário-Geral a todas as Partes, para aceitação.

e) Uma emenda a um artigo ou aos parágrafos 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 ou 3.1.3 do Anexo deve ser considerada aceite na data em que o Secretário-Geral tiver recebido os instrumentos de aceitação de dois terços das Partes.

f) Uma emenda ao Anexo que não diga respeito aos parágrafos 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 ou 3.1.3 deve ser considerada aceite decorrido o período de um ano a contar da data em que foi comunicada às Partes para aceitação. Contudo, se nesse período de um ano mais de um terço das Partes notificarem o Secretário-Geral de que formulam objecções à emenda, esta deve considerar-se como não tendo sido aceite.

g) Uma emenda a um artigo ou aos parágrafos 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 ou 3.1.3 do Anexo entra em vigor:

i) Relativamente às Partes que a tenham aceite, seis meses após a data em que tenha sido considerada aceite;

ii) Relativamente às Partes que a aceitem depois de satisfeita a condição mencionada na alínea e) e antes de a emenda entrar em vigor, na data de entrada em vigor da emenda;

iii) Relativamente às Partes que a aceitem depois da data em que a emenda entrar em vigor, 30 dias após o depósito de um instrumento de aceitação.

h) Uma emenda ao Anexo que não diga respeito aos parágrafos 2.1.4, 2.1.5, 2.1.7, 2.1.10, 3.1.2 ou 3.1.3 entra em vigor relativamente a todas as Partes, excepto para aquelas que tenham formulado objecções à emenda em conformidade com o disposto na alínea f) e que não tenham retirado tais objecções, seis meses após a data em que tenha sido considerada aceite. Contudo, antes da data fixada para a entrada em vigor, qualquer Parte pode notificar o Secretário-Geral de que se abstém de dar cumprimento a essa emenda por um período não superior a um ano a contar da data da sua entrada em vigor, ou por um período superior se assim for determinado por uma maioria de dois terços das Partes presentes e votantes no Comité de Segurança Marítima no momento da adopção da emenda.

3. Emenda a cargo de uma conferência:

a) Mediante pedido de uma Parte, apoiada pelo menos por um terço das Partes, a Organização deve convocar uma conferência das Partes para apreciar emendas à Convenção. As emendas propostas devem ser distribuídas pelo Secretário-Geral a todas as Partes, pelo menos, com seis meses de antecedência relativamente à sua apreciação pela conferência.

b) As emendas devem ser adoptadas por essa conferência por uma maioria de dois terços das Partes presentes e votantes, na condição de que estejam presentes, pelo menos, um terço das Partes no momento da adopção da emenda. As emendas assim adoptadas devem ser comunicadas pelo Secretário-Geral a todas as Partes, para aceitação.

c) A menos que a conferência decida em contrário, a emenda deve ser considerada como tendo sido aceite e entra em vigor em conformidade com os procedimentos previstos, respectivamente, nas alíneas e), f) g) e h) do n.º 2, na condição de que a referência ao Comité de Segurança Marítima na alínea h) do n.º 2, alargada em conformidade com a alínea b) do n.º 2, seja entendida como referência à conferência.

4. Qualquer declaração de aceitação ou de objecção a uma emenda, ou qualquer das notificações previstas na alínea h) do n.º 2, deve ser submetida por escrito ao Secretário-Geral, o qual deve informar todas as Partes do seu conteúdo e da data da sua recepção.

5. O Secretário-Geral deve informar os Estados de quaisquer emendas que entrem em vigor, bem como da data em que cada emenda entra em vigor.

Artigo IV

Assinatura, ratificação, aceitação, aprovação e adesão

1. A Convenção fica aberta para assinatura na sede da Organização, de 1 de Novembro de 1979 a 31 de Outubro de 1980, e permanecerá depois aberta à adesão. Os Estados podem tornar-se Partes na Convenção mediante:

- a) Assinatura sem reserva de ratificação, aceitação ou aprovação; ou
- b) Assinatura sob reserva de ratificação, aceitação ou aprovação seguida de ratificação, aceitação ou aprovação; ou
- c) Adesão.

2. A ratificação, aceitação, aprovação ou adesão efectua-se mediante o depósito de um instrumento para o efeito junto do Secretário-Geral.

3. O Secretário-Geral deve informar os Estados de qualquer assinatura ou do depósito de qualquer instrumento de ratificação, aceitação, aprovação ou adesão e da data do respectivo depósito.

Artigo V

Entrada em vigor

1. A Convenção entra em vigor 12 meses após a data em que 15 Estados se tiverem tornado Partes na mesma em conformidade com o disposto no artigo IV.

2. Para os Estados que ratificarem, aceitarem, aprovarem a Convenção ou que aderirem à mesma em conformidade com o disposto no artigo IV, depois de satisfeita a condição estabelecida no n.º 1 e antes da entrada em vigor da Convenção, a data de entrada em vigor é a data de entrada em vigor da Convenção.

3. Para os Estados que ratificarem, aceitarem, aprovarem a Convenção ou aderirem à mesma depois da data da sua entrada em vigor, a data de entrada em vigor é 30 dias após a data do depósito de um instrumento em conformidade com o disposto no artigo IV.

4. Qualquer instrumento de ratificação, aceitação, aprovação ou adesão depositado depois da data de entrada em vigor de uma emenda à Convenção em conformidade com o disposto no artigo III aplica-se à Convenção tal como emendada e, para o Estado que deposite um tal instrumento, a Convenção, tal como emendada, entra em vigor 30 dias após a data do seu depósito.

5. O Secretário-Geral deve informar os Estados da data de entrada em vigor da Convenção.

Artigo VI

Denúncia

1. A Convenção pode ser denunciada por qualquer uma das Partes em qualquer momento depois de expirado um prazo de cinco anos a contar da data de entrada em vigor da Convenção para essa Parte.

2. A denúncia efectua-se mediante o depósito de um instrumento de denúncia junto do Secretário-Geral, o qual deve notificar os Estados de qualquer denúncia recebida e da data da sua recepção, bem como da data em que a denúncia produz efeitos.

3. A denúncia produz efeitos um ano após a data em que o Secretário-Geral recebeu a notificação, ou mais tarde se assim estiver especificado no instrumento de denúncia.

Artigo VII

Depósito e registo

1. A Convenção deve ser depositada junto do Secretário-Geral, que dela deve remeter cópias autenticadas aos Estados.

2. Logo que a Convenção entre em vigor, o Secretário-Geral deve remeter o texto da mesma ao Secretário-Geral das Nações Unidas para registo e publicação, em conformidade com o disposto no artigo 102.º da Carta das Nações Unidas.

Artigo VIII

Línguas

A Convenção é redigida num único exemplar nas línguas chinesa, espanhola, francesa, inglesa e russa, cada um dos textos fazendo igualmente fé. Devem ser efectuadas traduções oficiais para as línguas alemã, árabe e italiana, que devem ser depositadas juntamente com o original assinado.

CONCLUÍDA em Hamburgo aos vinte e sete de Abril de mil novecentos e setenta e nove.

EM FÉ DO QUE os abaixo assinados, devidamente autorizados para o efeito pelos seus respectivos Governos, assinaram a Convenção.

ANEXO

Capítulo 1

Termos e definições

1.1 No Anexo, a utilização de «deve» (ou «devem») precedendo o verbo principal indica que se trata de uma disposição cuja aplicação uniforme por todas as Partes é exigida no interesse da segurança da vida no mar.

1.2 No Anexo, a utilização de «deverá» (ou «deverão») precedendo o verbo principal indica que se trata de uma disposição cuja aplicação uniforme por todas as Partes é recomendada no interesse da segurança da vida no mar.

1.3 No Anexo, as expressões abaixo indicadas são utilizadas com os significados seguintes:

.1 «Região de busca e salvamento». Uma zona de dimensões definidas na qual são prestados serviços de busca e salvamento.

.2 «Centro de coordenação de busca e salvamento». Uma unidade responsável por promover a organização eficaz dos serviços de busca e salvamento e por coordenar as operações de busca e salvamento numa região de busca e salvamento;

.3 «Subcentro de busca e salvamento». Uma unidade subordinada a um centro de coordenação de busca e salvamento estabelecida para complementar este último num determinado sector de uma região de busca e salvamento.

.4 «Unidade de vigilância costeira». Uma unidade terrestre, fixa ou móvel, designada para manter vigilância para efeitos de segurança dos navios nas zonas costeiras.

.5 «Unidade de busca e salvamento». Uma unidade composta por pessoal treinado e dotada de equipamento adequado para a realização rápida de operações de busca e salvamento.

.6 «Comandante no local do acidente». O comandante de uma unidade de busca e salvamento designado para exercer a coordenação das operações de busca e salvamento numa zona de busca especificada.

.7 «Coordenador das buscas de superfície». Um navio, excepto uma unidade de busca e salvamento, designado para coordenar as operações de busca e salvamento de superfície numa zona de busca especificada.

.8 «Fase de emergência». Um termo genérico que se aplica, consoante o caso, à fase de incerteza, à fase de alerta ou à fase de perigo.

.9 «Fase de incerteza». Uma situação na qual existe incerteza quanto à segurança de um navio e das pessoas a bordo.

.10 «Fase de alerta». Uma situação na qual existe apreensão quanto à segurança de um navio e das pessoas a bordo.

.11 «Fase de perigo». Uma situação na qual existe um grau de certeza razoável de que um navio ou uma pessoa está ameaçada por perigo grave e iminente e necessita de auxílio imediato.

.12 «Amaragem forçada». No caso de uma aeronave, uma aterragem forçada na água.

Capítulo 2

Organização

2.1 Disposições relativas à prestação e à coordenação de serviços de busca e salvamento

2.1.1 As Partes devem assegurar a adopção das medidas necessárias para a prestação de serviços de busca e salvamento adequados para pessoas que se encontrem em perigo no mar ao longo das suas costas.

2.1.2 As Partes devem comunicar ao Secretário-Geral as informações referentes à sua organização de busca e salvamento, e as posteriores alterações relevantes, incluindo:

.1 Os serviços nacionais de busca e salvamento marítimos;

.2 A localização dos centros de coordenação de busca e salvamento que tenham estabelecido, os respectivos números de telefone e de telex e áreas de responsabilidade; e

.3 As principais unidades de salvamento que tenham à sua disposição.

2.1.3 O Secretário-Geral deve transmitir de forma adequada a todas as Partes as informações referidas no parágrafo 2.1.2.

2.1.4 Cada região de busca e salvamento deve ser estabelecida mediante acordo entre as Partes interessadas. O Secretário-Geral deve ser notificado de tal acordo.

2.1.5 Caso não cheguem a acordo quanto às dimensões exactas de uma região de busca e salvamento, as Partes interessadas devem envidar os seus melhores esforços para chegarem a acordo quanto à adopção de medidas adequadas que permitam assegurar na zona uma coordenação geral equivalente à dos serviços de busca e salvamento. O Secretário-Geral deve ser informado de tais medidas.

2.1.6 O Secretário-Geral deve notificar todas as Partes dos acordos ou medidas a que se referem os parágrafos 2.1.4 e 2.1.5.

2.1.7 A delimitação das regiões de busca e salvamento não está relacionada nem prejudica a delimitação de qualquer fronteira entre Estados.

2.1.8 As Partes deverão organizar os seus serviços de busca e salvamento de modo a que estes estejam aptos a dar resposta imediata aos pedidos de socorro.

2.1.9 Logo que seja recebida informação de que uma pessoa se encontra em perigo no mar numa zona na qual uma Parte tem a seu cargo a coordenação geral das operações de busca e salvamento, as autoridades responsáveis dessa Parte devem adoptar as medidas urgentes necessárias para prestar a mais adequada assistência possível.

2.1.10 As Partes devem assegurar que seja prestada assistência a qualquer pessoa em perigo no mar. Devem fazê-lo independentemente da nacionalidade ou do estatuto dessa pessoa, ou das circunstâncias em que a mesma seja encontrada.

2.2 Coordenação dos meios de busca e salvamento

2.2.1 As Partes devem adoptar medidas para a coordenação dos meios necessários à prestação de serviços de busca e salvamento ao longo das suas costas.

2.2.2 As Partes devem estabelecer um mecanismo nacional para a coordenação geral dos serviços de busca e salvamento.

2.3 Estabelecimento de centros de coordenação de busca e salvamento e de subcentros de busca e salvamento

2.3.1 A fim de dar cumprimento aos requisitos dos parágrafos 2.2.1 e 2.2.2, as Partes devem estabelecer centros de coordenação de busca e salvamento para os seus serviços de busca e salvamento, bem como os subcentros de busca e salvamento que considerem adequados.

2.3.2 As autoridades competentes de cada Parte devem determinar o sector pelo qual um subcentro de busca e salvamento é responsável.

2.3.3 Cada centro de coordenação de busca e salvamento e cada subcentro de busca e salvamento estabelecido em conformidade com o parágrafo 2.3.1 deve dispor dos meios adequados para a recepção de comunicações de socorro através de uma estação de rádio costeira ou por qualquer outro meio. Todos estes centros e subcentros devem dispor igualmente dos meios adequados de

comunicação com as suas unidades de busca e salvamento e com os centros de coordenação de busca e salvamento ou os subcentros de busca e salvamento, consoante o caso, das zonas adjacentes.

2.4 Designação de unidades de salvamento

2.4.1 As Partes devem designar:

.1 Como unidades de salvamento, os serviços estatais ou outros serviços adequados públicos ou privados, ou partes desses serviços, que se encontrem convenientemente localizados e equipados; ou então

.2 Como elementos da organização de busca e salvamento, serviços estatais ou outros serviços adequados públicos ou privados, ou partes dos mesmos, que não sejam adequados para serem designados como unidades de busca e salvamento mas que possam participar nas operações de busca e salvamento, e devem definir as funções destes elementos.

2.5 Meios e equipamento das unidades de busca e salvamento

2.5.1 Cada unidade de busca e salvamento deve estar dotada dos meios e do equipamento adequados à sua missão.

2.5.2 Cada unidade de busca e salvamento deverá dispor de meios rápidos e seguros de comunicação com outras unidades ou elementos que participem na mesma operação.

2.5.3 As caixas ou embalagens contendo material de sobrevivência destinado a ser lançado a sobreviventes deverão ter a indicação da natureza geral do seu conteúdo mediante um código de cores conforme especificado no parágrafo 2.5.4, indicações impressas e símbolos de interpretação inequívoca, desde que tais símbolos existam.

2.5.4 A identificação do conteúdo das caixas ou embalagens contendo material de sobrevivência destinado a ser lançado deverá ser feita por meio de faixas coloridas de acordo com o código seguinte:

- .1 Vermelho — medicamentos e equipamento de primeiros socorros;
- .2 Azul — alimentos e água;
- .3 Amarelo — cobertores e vestuário de protecção; e
- .4 Preto — equipamento diverso tal como fogões, machados, bússolas e utensílios de cozinha.

2.5.5 Quando forem lançados numa única caixa ou embalagem artigos de natureza variada, deverá ser utilizada uma combinação das cores indicadas no código.

2.5.6 Cada caixa ou embalagem deverá conter as instruções relativas à utilização do equipamento de sobrevivência que contém. Estas instruções deverão ser impressas em inglês e, pelo menos, em duas outras línguas.

Capítulo 3

Cooperação

3.1 Cooperação entre Estados

3.1.1 As Partes devem coordenar as suas organizações de busca e salvamento e deverão, sempre que necessário, coordenar as operações de busca e salvamento com as organizações dos Estados vizinhos.

3.1.2 A menos que tenha sido acordado em contrário pelos Estados interessados, uma Parte deverá autorizar, sem prejuízo das leis, regras e regulamentos nacionais aplicáveis, a entrada imediata nas suas águas territoriais, no seu espaço aéreo ou no seu território de unidades de busca e salvamento de outras Partes que tenham como único objectivo efectuar buscas para a localização de acidentes marítimos e salvamento dos sobreviventes de tais acidentes. Nestes casos, as operações de busca e salvamento devem, na medida do possível, ser coordenadas pelo centro de coordenação de busca e salvamento competente da Parte que autorizou a entrada, ou por outra autoridade que tenha sido designada por essa Parte.

3.1.3 A menos que tenha sido acordado em contrário pelos Estados interessados, as autoridades de uma Parte que desejem que as suas unidades de busca e salvamento entrem nas águas territoriais, no espaço aéreo ou no território de outra Parte com o único objectivo de efectuar buscas para a localização de acidentes marítimos e salvamento dos sobreviventes de tais acidentes, devem dirigir um pedido contendo todos os detalhes da missão projectada, e da necessidade da sua realização, ao centro de coordenação de busca e salvamento da outra Parte, ou à autoridade que tenha sido designada por essa Parte.

3.1.4 As autoridades competentes das Partes devem:

- .1 Acusar imediatamente a recepção de um tal pedido; e

.2 Indicar, logo que possível, as condições, se as houver, sob as quais pode ser efectuada a missão projectada.

3.1.5 As Partes deverão concluir acordos com os Estados vizinhos estabelecendo as condições recíprocas para a entrada das unidades de busca e salvamento de cada uma nas respectivas águas territoriais, espaços aéreos ou territórios. Estes acordos deverão igualmente prever a entrada rápida de tais unidades com o mínimo possível de formalidades.

3.1.6 Cada Parte deverá autorizar os seus centros de coordenação de busca e salvamento a:

.1 Solicitar aos outros centros de coordenação de busca e salvamento a assistência que possa vir a ser necessária, incluindo navios, aeronaves, pessoal ou equipamento;

.2 Conceder qualquer autorização necessária para a entrada de tais navios, aeronaves, pessoal ou equipamento nas suas águas territoriais, no seu espaço aéreo ou no seu território; e

.3 Estabelecer com as autoridades aduaneiras, de emigração ou com outras autoridades as disposições necessárias com o objectivo de tornar tal entrada mais célere.

3.1.7 Cada Parte deverá autorizar os seus centros de coordenação de busca e salvamento a que, quando solicitados, prestem assistência a outros centros de coordenação de busca e salvamento, incluindo assistência a navios, aeronaves, pessoal ou equipamento.

3.1.8 As Partes deverão concluir acordos no âmbito da busca e salvamento com os Estados vizinhos, relativos à concertação de meios, ao estabelecimento de procedimentos comuns, ao desenvolvimento da formação e de exercícios conjuntos, à verificação periódica dos canais de comunicação interestatais, à realização de visitas de ligação entre o pessoal dos centros de coordenação de busca e salvamento, e à troca de informações relativas a busca e salvamento.

3.2 *Coordenação com os serviços aeronáuticos*

3.2.1 As Partes devem assegurar a mais estreita coordenação possível entre os serviços marítimos e os serviços aeronáuticos a fim de proporcionarem os serviços de busca e salvamento mais eficazes e eficientes nas suas regiões de busca e salvamento e no espaço aéreo sobrejacente.

3.2.2 Sempre que possível, cada Parte deverá estabelecer centros de coordenação de busca e salvamento e subcentros de busca e salvamento conjuntos, para servir indistintamente fins marítimos e aeronáuticos.

3.2.3 Sempre que forem estabelecidos centros de coordenação de busca e salvamento ou subcentros de busca e salvamento marítimos e aeronáuticos separados para servir a mesma zona, a Parte interessada deve assegurar uma coordenação tão estreita quanto possível entre os centros ou subcentros.

3.2.4 As Partes devem assegurar, na medida do possível, que as unidades de busca e salvamento estabelecidas para fins marítimos e as estabelecidas para fins aeronáuticos utilizem procedimentos comuns.

Capítulo 4

Medidas preparatórias

4.1 *Requisitos relativos à informação*

4.1.1 Cada centro de coordenação de busca e salvamento e cada subcentro de busca e salvamento deve dispor de informações actualizadas que sejam relevantes para as operações de busca e salvamento na sua zona, incluindo informações relativas a:

.1 Unidades de busca e salvamento e unidades de vigilância costeira;

.2 Quaisquer outros recursos, públicos ou privados, incluindo meios de transporte e de abastecimento de combustível, que possam vir a ser úteis para as operações de busca e salvamento;

.3 Meios de comunicação que possam ser utilizados nas operações de busca e salvamento;

.4 Nomes, endereços telegráficos e de telex, números de telefone e de telex dos agentes de navegação, das autoridades consulares, das organizações internacionais e de outros organismos que possam estar aptos a fornecer informações vitais sobre navios;

.5 Localização, indicativos de chamada ou identidades do serviço móvel marítimo, horários de escuta e frequências de todas as estações de radiocomunicações que possam vir a ser utilizadas nas operações de busca e salvamento;

.6 Localização, indicativos de chamada ou identidades do serviço móvel marítimo, horários de escuta e frequências de todas as estações de rádio costeiras que transmitem previsões e avisos meteorológicos para a região de busca e salvamento em causa;

- .7 Localização e horários dos serviços de escuta de radiocomunicações e frequências observadas;
- .8 Objectos que possam ser confundidos com destroços de naufrágios não localizados ou não sinalizados; e
- .9 Locais de armazenamento do equipamento de sobrevivência destinado a ser lançado em caso de emergência.

4.1.2 Cada centro de coordenação de busca e salvamento e cada subcentro de busca e salvamento deverá ter acesso rápido às informações relativas à posição, rota, velocidade e indicativo de chamada ou de identidade da estação dos navios que se encontrem na sua zona e que possam estar em condições de prestar assistência a navios ou a pessoas em perigo no mar. Estas informações devem ser mantidas no centro de coordenação de busca e salvamento ou ser prontamente obtidas quando necessário.

4.1.3 Cada centro de coordenação de busca e salvamento e cada subcentro de busca e salvamento deve dispor de um mapa em grande escala para fins de visualização e de registo gráfico das informações relevantes para as operações de busca e salvamento na sua região.

4.2 Planos ou instruções operacionais

4.2.1 Cada centro de coordenação de busca e salvamento e cada subcentro de busca e salvamento devem preparar ou ter à sua disposição planos ou instruções detalhadas para a condução de operações de busca e salvamento na sua região.

4.2.2 Os planos ou instruções devem especificar, na medida do possível, as disposições para a manutenção e reabastecimento de combustível dos navios, aeronaves e veículos utilizados nas operações de busca e salvamento, incluindo os que são disponibilizados por outros Estados.

4.2.3 Os planos ou instruções deverão conter pormenores relativos à acção a ser tomada pelos participantes nas operações de busca e salvamento da região, nomeadamente:

- .1 Quanto à forma como devem ser conduzidas as operações de busca e salvamento;
- .2 Quanto à utilização dos sistemas e meios de comunicação disponíveis;
- .3 Quanto às acções a serem tomadas em conjunto com outros centros de coordenação de busca e salvamento ou subcentros de busca e salvamento, consoante o caso;
- .4 Quanto aos métodos de alerta de navios no mar e aeronaves em voo;
- .5 Quanto às funções e autoridade do pessoal destacado para as operações de busca e salvamento;
- .6 Quanto à realocação de equipamento que possa vir a ser necessária devido a condições meteorológicas ou outras;
- .7 Quanto aos métodos de obtenção de informações essenciais relevantes para as operações de busca e salvamento, tais como avisos adequados aos navegantes e informações e previsões sobre o estado do tempo e o estado do mar;
- .8 Quanto aos métodos de obtenção de assistência que possa vir a ser necessária de outros centros de coordenação de busca e salvamento ou subcentros de busca e salvamento, consoante o caso, incluindo navios, aeronaves, pessoal e equipamento;
- .9 Quanto aos métodos que visam facilitar o ponto de encontro entre os navios de salvamento, ou outros navios, e os navios em perigo; e
- .10 Quanto aos métodos que visam facilitar o ponto de encontro entre as aeronaves em perigo forçadas a amarrar e as embarcações de superfície.

4.3. Estado de prontidão das unidades de busca e salvamento

4.3.1 Cada unidade de busca e salvamento designada deve manter um estado de prontidão adequado à sua tarefa e deverá manter o respectivo centro de coordenação de busca e salvamento ou subcentro de busca e salvamento informado quanto ao seu estado de prontidão.

Capítulo 5

Procedimentos operacionais

5.1 Informação relativa a casos de emergência

5.1.1 As Partes devem assegurar que sejam mantidas escutas permanentes de radiocomunicações nas frequências internacionais de socorro que forem consideradas viáveis e necessárias. Uma estação de rádio costeira que receba uma chamada ou uma mensagem de socorro deve:

- .1 Informar imediatamente o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento apropriado;

.2 Retransmitir a chamada ou mensagem na medida em que tal seja necessário para informar os navios, numa ou em várias das frequências internacionais de socorro ou em qualquer outra frequência adequada;

.3 Fazer preceder tais retransmissões dos sinais automáticos de alarme apropriados, a menos que tal já tenha sido feito; e

.4 Adoptar as medidas subsequentes que forem decididas pela autoridade competente.

5.1.2 Qualquer autoridade ou qualquer elemento da organização de busca e salvamento que tenha razões para crer que um navio se encontra numa situação de emergência deverá transmitir o mais rapidamente possível todas as informações de que disponha ao centro de coordenação de busca e salvamento ou ao subcentro de busca e salvamento pertinente.

5.1.3 Os centros de coordenação de busca e salvamento e os subcentros de busca e salvamento devem, imediatamente após a recepção de informação relativa a um navio em situação de emergência, avaliar essa informação e determinar a fase de emergência de acordo com o previsto no parágrafo 5.2, e a extensão da operação necessária.

5.2 Fases de emergência

5.2.1 Para efeitos operacionais, devem distinguir-se as seguintes fases de emergência:

.1 Fase de incerteza:

.1.1 Quando tiver sido comunicado um atraso da chegada de um navio ao seu destino; ou

.1.2 Quando um navio não transmitiu um relatório de posição ou de segurança previsto.

.2 Fase de alerta:

.2.1 Quando, na sequência da fase de incerteza, tiverem falhado as tentativas para estabelecer contacto com o navio e os pedidos de informação a outras fontes adequadas não tiverem sido bem sucedidos; ou

.2.2 Quando tiver sido recebida informação que indique que a capacidade operacional de um navio está afectada, mas não ao ponto de atingir uma situação de perigo;

.3 Fase de perigo:

.3.1 Quando for recebida informação segura de que um navio ou uma pessoa se encontra em perigo grave e iminente e a necessitar de auxílio imediato; ou

.3.2 Quando, na sequência da fase de alerta, resultem infrutíferas outras tentativas de estabelecer contacto com o navio e inquéritos mais alargados sem sucesso indicarem a probabilidade da ocorrência de uma situação de perigo; ou

.3.3 Quando for recebida informação que indique que a capacidade operacional de um navio está diminuída ao ponto de ser provável a ocorrência de uma situação de perigo.

5.3 Procedimentos a seguir pelos centros de coordenação de busca e salvamento e subcentros de busca e salvamento durante as fases de emergência

5.3.1 Logo que for declarada a fase de incerteza, o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento, consoante o caso, deve iniciar inquéritos a fim de determinar o estado de segurança do navio, ou declarar a fase de alerta.

5.3.2 Logo que for declarada a fase de alerta, o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento, consoante o caso, deve alargar os inquéritos relativos ao navio desaparecido, alertar os serviços de busca e salvamento pertinentes e iniciar as acções previstas no parágrafo 5.3.3, conforme necessário face às circunstâncias do caso específico.

5.3.3 Logo que for declarada a fase de perigo, o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento, consoante o caso, deve:

.1 Iniciar a actuação em conformidade com o disposto no parágrafo 4.2;

.2 Estimar, se necessário, o grau de incerteza da posição do navio e determinar a extensão da zona de busca;

.3 Notificar, se possível, o proprietário do navio ou o seu agente e mantê-lo ao corrente dos acontecimentos;

.4 Notificar outros centros de coordenação de busca e salvamento ou subcentros de busca e salvamento, cujo auxílio possa vir a ser necessário ou que possam vir a estar envolvidos na operação;

.5 Solicitar, numa fase inicial, qualquer ajuda que possa obter de aeronaves, navios ou serviços que não estejam especificamente incluídos na organização de busca e salvamento tendo em conta que, na maioria das situações de perigo em zonas oceânicas, os outros navios que se encontram nas imediações são elementos importantes para as operações de busca e salvamento;

.6 Elaborar um plano geral para a condução das operações partindo das informações disponíveis e comunicar esse plano às autoridades designadas em conformidade com o disposto nos parágrafos 5.7 e 5.8, a título de orientação das mesmas;

.7 Modificar, conforme necessário face às circunstâncias, a orientação referida no parágrafo 5.3.3.6;

.8 Notificar as autoridades consulares ou diplomáticas pertinentes ou, se o incidente envolver uma pessoa refugiada ou deslocada, o escritório da organização internacional competente;

.9 Notificar, conforme necessário, as autoridades responsáveis pela investigação de acidentes; e

.10 Notificar as aeronaves, navios ou outros serviços mencionados no parágrafo 5.3.3.5, em consulta com as autoridades designadas em conformidade com o disposto no parágrafo 5.7 ou 5.8, conforme adequado, quando a sua colaboração já não for necessária.

5.3.4 Início das operações de busca e salvamento relativamente a um navio cuja posição seja desconhecida

5.3.4.1 No caso de ser declarada uma fase de emergência relativamente a um navio cuja posição seja desconhecida, devem aplicar-se as disposições seguintes:

.1 Quando um centro de coordenação de busca e salvamento ou um subcentro de busca e salvamento for notificado da existência de uma fase de emergência e desconhecer se outros centros já estão a adoptar as medidas adequadas, deve assumir a responsabilidade de desencadear as medidas adequadas, e contactar com os centros vizinhos com o objectivo de designar um centro que assuma imediatamente a responsabilidade;

.2 A menos que seja decidido em contrário de comum acordo entre os centros interessados, o centro a ser designado deve ser o centro responsável da zona na qual o navio se encontrava segundo a sua última posição informada; e

.3 Após a declaração da fase de perigo, o centro que estiver a coordenar as operações de busca e salvamento deve informar, se necessário, os outros centros apropriados de todas as circunstâncias relativas à situação de emergência e de todos os desenvolvimentos posteriores.

5.3.5 Transmissão de informação aos navios relativamente aos quais foi declarada uma fase de emergência

5.3.5.1 Sempre que aplicável, o centro de coordenação de busca e salvamento, ou o subcentro de busca e salvamento responsável pelas operações de busca e salvamento deve ser responsável por transmitir ao navio relativamente ao qual foi declarada a fase de emergência, informações sobre a operação de busca e salvamento por ele desencadeada.

5.4 Coordenação quando estão envolvidas duas ou mais Partes

5.4.1 Quando a condução de operações em toda a região de busca e salvamento for da responsabilidade de mais de uma Parte, cada Parte deve adoptar as medidas adequadas, de acordo com os planos ou instruções operacionais referidos no parágrafo 4.2, quando para tal for solicitada pelo centro de coordenação de busca e salvamento da região.

5.5 Fim e suspensão das operações de busca e salvamento

5.5.1 Fase de incerteza e fase de alerta

5.5.1.1 Quando, durante uma fase de incerteza ou uma fase de alerta, um centro de coordenação de busca e salvamento ou um subcentro de busca e salvamento, consoante o caso, for informado de que a emergência deixou de existir, deve transmitir esta informação a todas as autoridades, unidades ou serviços que tenham sido activados ou notificados.

5.5.2 Fase de perigo

5.5.2.1 Quando, durante uma fase de perigo, um centro de coordenação de busca e salvamento ou um subcentro de busca e salvamento, consoante o caso, for informado pelo navio em perigo ou por outras fontes pertinentes de que a emergência deixou de existir, deve adoptar as medidas necessárias para pôr termo às operações de busca e salvamento e para informar todas as autoridades, unidades ou serviços que tenham sido activados ou notificados.

5.5.2.2 Se, durante uma fase de perigo, tiver sido determinado que as buscas deverão ser interrompidas, o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento, consoante o caso, deve suspender as operações de busca e salvamento e disso informar todas as autoridades, unidades ou serviços que tenham sido activados ou notificados. As informações recebidas posteriormente devem ser avaliadas e, com base nessas informações e se tal se justificar, devem ser retomadas as operações de busca e salvamento.

5.5.2.3 Se, durante uma fase de perigo, tiver sido determinado que a prossecução das buscas é inútil, o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento, consoante o caso, deve pôr termo às operações de busca e salvamento e disso informar todas as autoridades, unidades ou serviços que tenham sido activados ou notificados.

5.6 *Coordenação das actividades de busca e salvamento no local do acidente*

5.6.1 As actividades das unidades envolvidas nas operações de busca e salvamento, quer se tratem de unidades de busca e salvamento ou de outras unidades que prestem assistência, devem ser coordenadas para garantir os resultados mais eficazes.

5.7 *Designação do comandante no local do acidente e suas responsabilidades*

5.7.1 Quando as unidades de salvamento estiverem prontas a dar início às operações de busca e salvamento, uma delas deverá ser designada comandante no local do acidente logo que possível e de preferência antes da chegada à zona de busca especificada.

5.7.2 O centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento apropriado deverá designar um comandante no local do acidente. Se tal não for possível, as unidades envolvidas deverão designar de comum acordo um comandante no local do acidente.

5.7.3 Até que seja designado um comandante no local do acidente, a primeira unidade de salvamento a chegar ao local das operações deverá assumir automaticamente as funções e responsabilidades de comandante no local do acidente.

5.7.4 O comandante no local do acidente deve ser responsável pelas seguintes funções, se estas não tiverem sido já executadas pelo centro de coordenação de busca e salvamento ou subcentro de busca e salvamento responsável, consoante o caso:

- .1 Determinar a posição provável do objecto das buscas, a margem de erro provável desta posição, e a zona de busca;
- .2 Adoptar medidas para estabelecer a separação para fins de segurança das unidades envolvidas nas buscas;
- .3 Designar os padrões de busca adequados às unidades que participam na busca e atribuir as zonas de busca às unidades ou grupos de unidades;
- .4 Designar as unidades adequadas para efectuar o salvamento quando o objecto das buscas for localizado; e
- .5 Coordenar as comunicações de busca e salvamento no local do acidente.

5.7.5 Um comandante no local do acidente deve ser igualmente responsável pelo seguinte:

.1 Transmitir relatórios periódicos ao centro de coordenação de busca e salvamento ou ao subcentro de busca e salvamento que estiver a coordenar as operações de busca e salvamento; e

.2 Informar o número de sobreviventes e os respectivos nomes ao centro de coordenação de busca e salvamento ou ao subcentro de busca e salvamento que estiver a coordenar as operações de busca e salvamento, fornecer ao centro os nomes e os destinos das unidades que transportam sobreviventes a bordo, especificando que sobreviventes são transportados em cada unidade e, quando necessário, solicitar ao centro assistência adicional, por exemplo, evacuação médica para sobreviventes com ferimentos graves.

5.8 *Designação do coordenador das buscas de superfície e suas responsabilidades*

5.8.1 Se nenhuma unidade de salvamento (incluindo navios de guerra) estiver disponível para assumir as funções de comandante no local do acidente, mas se houver navios mercantes ou outro tipo de navios que participem nas operações de busca e salvamento, um deles deve ser designado por comum acordo coordenador das buscas de superfície.

5.8.2 O coordenador das buscas de superfície deve ser designado logo que possível, de preferência antes da entrada na zona de busca especificada.

5.8.3 O coordenador das buscas de superfície deve assumir a responsabilidade por todas as funções enumeradas nos parágrafos 5.7.4 e 5.7.5 que o navio tenha capacidade para executar.

5.9 *Acção inicial*

5.9.1 Qualquer unidade que receba informação sobre um incidente a que corresponda uma situação de perigo deve prestar assistência imediata dentro das suas capacidades ou deve alertar outras unidades que possam estar em condições de prestar assistência, e deve notificar o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento da zona onde ocorreu o incidente.

5.10 *Zonas de busca*

5.10.1 As zonas de busca determinadas de acordo com o disposto nos parágrafos 5.3.3.2, 5.7.4.1 ou 5.8.3 podem ser alteradas, conforme necessário, pelo comandante no local do acidente ou pelo coordenador das buscas de superfície, que deverá informar o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento da sua decisão e das razões que a fundamentam.

5.11 Padrões de busca

5.11.1 Os padrões de busca determinados de acordo com os parágrafos 5.3.3.6, 5.7.4.3 ou 5.8.3 podem ser substituídos por outros padrões se tal for considerado necessário pelo comandante no local do acidente ou pelo coordenador das buscas de superfície, o qual deve informar o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento da sua decisão e das razões que a fundamentam.

5.12 Buscas bem sucedidas

5.12.1 Quando as buscas forem bem sucedidas, o comandante no local do acidente ou o coordenador das buscas de superfície deverá ordenar às unidades melhor equipadas que efectuem o salvamento ou que prestem outro tipo de assistência necessária.

5.12.2 Quando adequado, as unidades encarregadas de efectuar o salvamento deverão comunicar ao comandante no local do acidente ou ao coordenador das buscas de superfície o número de sobreviventes que se encontram a bordo e os respectivos nomes, se foram recolhidas todas as pessoas, se é necessária assistência adicional, por exemplo, evacuações médicas, e o destino das unidades.

5.12.3 Quando as buscas forem bem sucedidas, o comandante no local do acidente ou o coordenador das buscas de superfície deverá notificar imediatamente o centro de coordenação de busca e salvamento ou o subcentro de busca e salvamento.

5.13 Buscas mal sucedidas

5.13.1 As buscas só deverão terminar quando não restar qualquer esperança razoável de encontrar sobreviventes.

5.13.2 A decisão de pôr termo às buscas deverá caber normalmente ao centro de coordenação de busca e salvamento ou ao subcentro de busca e salvamento que coordena as operações de busca e salvamento.

5.13.3 Em zonas oceânicas remotas que não estejam sob a responsabilidade de um centro de coordenação de busca e salvamento ou onde o centro responsável não esteja em condições de coordenar as operações de busca e salvamento, o comandante no local do acidente ou o coordenador das buscas de superfície pode assumir a responsabilidade de pôr termo às buscas.

Capítulo 6

Sistemas de notificação de navios

6.1 Generalidades

6.1.1 As Partes deverão estabelecer um sistema de notificação de navios que se aplique em qualquer região de busca e salvamento pela qual sejam responsáveis, se isso for considerado necessário para facilitar as operações de busca e salvamento, e for considerado viável.

6.1.2 As Partes que ponderarem a criação de um sistema de notificação de navios deverão ter em conta as recomendações pertinentes da Organização.

6.1.3 O sistema de notificação de navios deverá fornecer informações actualizadas sobre os movimentos dos navios para que, em caso de situação de perigo, seja possível:

- .1 Reduzir o intervalo de tempo entre o momento da perda de contacto com um navio e o do início das operações de busca e salvamento nos casos em que não é recebido qualquer sinal de socorro;
- .2 Identificar rapidamente os navios aos quais se poderá recorrer para prestarem assistência;
- .3 Definir uma zona de busca de extensão limitada no caso de a posição do navio em perigo ser desconhecida ou incerta; e
- .4 Facilitar a assistência ou aconselhamento médicos urgentes aos navios que não disponham de médico a bordo.

6.2 Requisitos operacionais

6.2.1 Para alcançar os objectivos estabelecidos no parágrafo 6.1.3, o sistema de notificação de navios deverá satisfazer os requisitos operacionais seguintes:

- .1 Fornecimento de informações, incluindo planos de navegação e relatórios de posição, que permitam prever a posição futura dos navios participantes;
- .2 Manutenção de um registo gráfico dos movimentos dos navios;

.3 Recepção a intervalos adequados de relatórios provenientes dos navios participantes;

.4 Simplicidade de concepção e de funcionamento; e

.5 Utilização de um formato de notificações e procedimentos normalizados e acordados internacionalmente.

6.3 Tipos de relatórios

6.3.1 Um sistema de notificação de navios deverá conter os seguintes relatórios:

.1 Plano de navegação — indicando o nome, indicativo de chamada ou identidade da estação do navio, data e hora (TMG) de partida, detalhes sobre o ponto de partida do navio, porto de escala seguinte, rota e velocidade previstas, data e hora (TMG) previstas de chegada. As alterações significativas deverão ser comunicadas logo que possível.

.2 Relatório de posição — indicando o nome, indicativo de chamada ou identidade da estação do navio, data e hora (TMG), posição, rota e velocidade.

.3 Relatório final — indicando o nome, indicativo de chamada ou identidade da estação do navio, data e hora (TMG) da chegada do navio ao seu destino ou da sua saída da zona coberta pelo sistema.

6.4 Utilização dos sistemas

6.4.1 As Partes deverão encorajar todos os navios a comunicar a sua posição quando navegarem em zonas onde tenham sido adoptadas medidas para recolher informações sobre a posição dos navios para fins de busca e salvamento.

6.4.2 As Partes que recolham informações sobre a posição dos navios deverão, na medida do possível, comunicar essas informações a outros Estados quando tal lhes for solicitado para fins de busca e salvamento.

第 15/2013 號行政長官公告

委內瑞拉共和國（現為“委內瑞拉玻利瓦爾共和國”）政府與中華人民共和國政府以換文方式就委內瑞拉共和國將其駐香港特別行政區總領事館領區擴大至澳門特別行政區達成協議。按照中央人民政府的命令，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，命令公佈委內瑞拉共和國政府照會的西班牙文正式文本及中華人民共和國政府照會的中文正式文本。

上述協議自一九九九年十二月二十日起生效。

二零一三年四月二十四日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 15/2013

O Governo da República de Venezuela (actualmente, República Bolivariana da Venezuela) e o Governo da República Popular da China concluíram, por troca de notas, o acordo relativo à extensão da área de jurisdição consular do Consulado Geral da República de Venezuela na Região Administrativa Especial de Hong Kong à Região Administrativa Especial de Macau. Neste sentido, 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, por ordem do Governo Popular Central, a Nota do Governo da República de Venezuela no seu texto autêntico em língua espanhola, e a Nota do Governo da República Popular da China no seu texto autêntico em língua chinesa.

O referido acordo entrou em vigor em 20 de Dezembro de 1999.

Promulgado em 24 de Abril de 2013.

O Chefe do Executivo, *Chui Sai On*.

Nota de la República de Venezuela, 30 de Septiembre de 1999

“(…)

La Embajada de la República de Venezuela en China saluda atentamente al Ministerio de Relaciones Exteriores de la República Popular China, y se complace en confirmar, en nombre del Gobierno de la República de Venezuela que el Gobierno de la República de Venezuela y el Gobierno de la República Popular China, animados por la voluntad común de desarrollar aún más

las relaciones amistosas entre los dos países y a través de consultas amistosas, han llegado al siguiente Acuerdo en relación con la ampliación de la circunscripción consular del Consulado General de la República de Venezuela en la Región Administrativa Especial de Hong Kong:

El Gobierno de la República Popular China manifiesta su conformidad en que el Consulado General de la República de Venezuela en la Región Administrativa Especial de Hong Kong amplíe su circunscripción consular a la Region Administrativa Especial de Macao, a partir del 20 de diciembre de 1999, día en que el Gobierno de la República Popular China reasuma el ejercicio de su soberanía sobre Macao.

Si el Ilustre Ministerio de Relaciones Exteriores confirmara, en representación del Gobierno de la República Popular China, el contenido arriba mencionado en una Nota de Respuesta, la presente y la Nota de Respuesta del Ministerio de Relaciones Exteriores, constituirán un acuerdo entre el Gobierno de la República de Venezuela y el Gobierno de la República Popular China, que entrará en vigencia a partir del 20 de diciembre de 1999.

(...)"

中華人民共和國一九九九年十月十一日照會

“.....

中華人民共和國外交部向委內瑞拉共和國駐華大使館致意，並謹收到大使館一九九九年九月三十日第373/99號照會，內容如下：

‘委內瑞拉駐華大使館向中華人民共和國外交部致意，並謹代表委內瑞拉共和國政府確認，委內瑞拉共和國政府和中華人民共和國政府本着進一步發展兩國之間友好關係的共同願望，經過友好協商，就擴大委內瑞拉共和國駐香港特別行政區總領事館領區問題達成協議如下：

中華人民共和國政府同意，自一九九九年十二月二十日中華人民共和國政府恢復對澳門行使主權之日起，委內瑞拉共和國政府將其駐香港特別行政區總領事館領區擴大至澳門特別行政區。

上述內容，如蒙外交部代表中華人民共和國政府覆照確認，本照會和外交部的覆照即構成委內瑞拉共和國政府和中華人民共和國政府之間的一項協議，並自一九九九年十二月二十日起生效。’

外交部謹代表中華人民共和國政府確認，同意上述照會內容。

.....”

第 16/2013 號行政長官公告

尼泊爾王國（現為“尼泊爾聯邦民主共和國”）政府與中華人民共和國政府以換文方式就尼泊爾王國將其駐香港特別行政區總領事館領區擴大至澳門特別行政區達成協議。按照中央人民政府的命令，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，命令公佈尼泊爾王國政府照會的英文正式文本及中華人民共和國政府照會的中文正式文本。

上述協議於二零零一年二月六日生效。

二零一三年四月二十四日發佈。

行政長官 崔世安

Aviso do Chefe do Executivo n.º 16/2013

O Governo do Reino do Nepal (actualmente, República Democrática Federal do Nepal) e o Governo da República Popular da China concluíram, por troca de notas, o acordo relativo à extensão da área de jurisdição consular do Consulado Geral do Reino do Nepal na Região Administrativa Especial de Hong Kong à Região Administrativa Especial de Macau. Neste sentido, 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, por ordem do Governo Popular Central, a Nota do Governo do Reino do Nepal no seu texto autêntico em língua inglesa, e a Nota do Governo da República Popular da China no seu texto autêntico em língua chinesa.

O referido acordo entrou em vigor em 6 de Fevereiro de 2001.

Promulgado em 24 de Abril de 2013.

O Chefe do Executivo, *Chui Sai On*.

Note of the Kingdom of Nepal, of 10 January 2001

“(...)

The Royal Nepalese Embassy in Beijing presents its compliments to the Consular Department, Ministry of Foreign Affairs of the People's Republic of China and has the honour to refer the Embassy's Note No-Bej/056-57/34 dated November 27, 2000 regarding the approval of the Government of the People's Republic of China for the extension of consular district of the Royal Nepalese Consulate General in Hong Kong to Macao Special Administrative Region also and concurrently accredit the Royal Nepalese Consul General in Hong Kong.

(...)”

中華人民共和國二零零一年二月六日照會

.....

中華人民共和國外交部向尼泊爾王國駐華大使館致意並謹就大使館二零零一年一月十日第Bej/056-57/34號照會答覆如下：

中華人民共和國政府同意尼泊爾王國駐香港特別行政區總領事館的領區擴大至澳門特別行政區。

.....

二零一三年四月二十四日於行政長官辦公室

辦公室主任 譚俊榮

Gabinete do Chefe do Executivo, aos 24 de Abril de 2013.

— O Chefe do Gabinete, *Alexis, Tam Chon Weng.*



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