

1992 年国际油污损害民事责任公约

本公约各缔约国，
意识到由于全球海上散装油类运输而引起的污染危险，
确信有必要对由于船舶溢出或排放油类造成污染而遭受损害的人给予适当的赔偿，
深愿通过统一的国际规则和程序确定在上述情况下的责任问题和提供适当的赔偿，
兹协议如下：

第一条

就本公约而言：

1. “船舶”系指为运输散装油类货物而建造或改建的任何类型的海船和海上航行器；但是，能够运输油类和其他货物的船舶，仅在其实际载运散装油类货物时，以及在此种运输之后的任何航行期间，方能被视作船舶，但能证明船上没有此种散装油类运输的残余物者除外。
2. “人”系指任何个人或合伙人或任何公共或私营机构，不论是否为法人，包括国家或其任何下属单位。
3. “船舶所有人”系指登记为船舶所有人的人，如果没有这种登记，则是指拥有该船的人。但如船舶为国家所有，并由在该国登记为船舶经营人的公司所经营，“船舶所有人”即指这种公司。
4. “船舶登记国”，就登记的船舶而言，系指对船舶进行登记的国家，就未登记的船舶而言，是指其船旗国。
5. “油类”系指任何持久性烃类矿物油，如原油、燃料油、重柴油和润滑油，不论是在船上作为货物运输还是在此种船舶的燃料舱中。
6. “污染损害”系指：
 - (a) 因船舶泄漏或排放油类造成的在该船之外的损失或损害，不论此种泄漏或排放发生在何处；但是，对环境损害（不包括此种损害的利润损失）的赔偿，仅限于已实际采取或行将采取的合理恢复措施的费用；
 - (b) 预防措施的费用及因预防措施造成的进一步损失或损害。
7. “预防措施”系指事故发生后为防止或减轻污染损害而由任何人所采取的任何合理措施。
8. “事故”系指造成污染损害或产生此种损害的严重和紧迫威胁的任何一起事件或具有同一起源的一系列事件。
9. “本组织”系指国际海事组织。

10. “1969年责任公约”系指《1969年国际油污损害民事责任公约》。就该公约的1976年议定书的缔约国而言,则应视为包括经该议定书修正的《1969年责任公约》。

第二条

本公约仅适用于:

- (a) 在下列区域内造成的污染损害:
 - (i) 缔约国的领土,包括领海;和
 - (ii) 缔约国按照国际法设立的专属经济区;或者,如果缔约国尚未设立此种区域,则为该国按照国际法所确立的、在其领海之外并与其领海毗连的、从测量其领海宽度的基线向外延伸不超过200海里的区域;
- (b) 不论在何处采取的用以防止或减少此种损害的预防措施。

第三条

1. 除本条第2款和第3款规定外,在事故发生时的船舶所有人,或者,如果该事故系由一系列事件构成,则第一起此种事件发生时的船舶所有人,须对船舶因该事故而造成的任何污染损害负责。
2. 船舶所有人如证明损害系属于以下情况,则不得由其承担油污损害责任;
 - (a) 由于战争行为、敌对行为、内战、暴动,或特殊的、不可避免的和不可抗拒性质的自然现象所引起的损害;或
 - (b) 完全是由于第三方故意造成损害的行为或不作为所引起的损害;或
 - (c) 完全是由于负责维护灯标或其他助航设施管理的政府或其他主管当局在履行该职责时的疏忽或其他错误行为所造成的损害。
3. 如果船舶所有人证明,污染损害完全或部分地是由于遭受损害的人故意造成损害的行为或不作为所引起,或是由于该人的疏忽造成,则船舶所有人可全部或部分地免除对该人所负的责任。
4. 除按照本公约规定外,不可以向船舶所有人提出污染损害赔偿请求。在本条第5款的前提下,不论根据本公约与否,不可以向下列人等提出污染损害赔偿请求:
 - (a) 船舶所有人的雇员或代理人,或船员;
 - (b) 引航员或为船舶提供服务但非属船员的任何其他人员;
 - (c) 船舶的任何承租人(不论如何定义,包括光船承租人)、管理人或经营人;
 - (d) 经船舶所有人同意或根据主管公共当局指示进行救助作业的任何人员;
 - (e) 采取预防措施的任何人;
 - (f) 第(c)、(d)和(e)项中所述人员的所有雇员或代理人;除非该损害系由故意造成此种损害或明知可能造成此种损害而轻率地采取的个人行为或不作为造成。
5. 本公约的任何规定不得影响船舶所有人向第三者追偿的权利。

第四条

当发生涉及两艘或两艘以上船舶的事故并造成污染损害时,全部有关船舶的所有人,除

按第三条免责外,须对所有无法合理区分的此种损害负连带责任。

第五条

1. 对于任何一次事故,船舶所有人有权将本公约对其规定的赔偿责任限制在以下列方式计算得出的合计数额:
 - (a) 对于不超过 5000 吨位单位的船舶为 451 万计算单位;
 - (b) 对于超过 5000 吨位单位的船舶,除第(a)项所述者外,每增加 1 吨位单位,另加 631 计算单位。
 但该合计数额在任何情况下不得超过 8977 万计算单位。
2. 如证明该污染损害系由船舶所有人故意造成或明知可能造成此种损害而轻率地采取的个人行为或不作为所致,则该船舶所有人无权根据本公约限制其赔偿责任。
3. 为了取得本条第 1 款规定的限制其赔偿责任的权利,船舶所有人须在按第九条提起诉讼的任一缔约国法院或其他主管当局设立总金额相当于其赔偿责任限额的基金;如未提起诉讼,则须在按第九条可以提起诉讼的任一缔约国法院或其他主管当局设立此种基金。设立该基金的方式,可以是交存该金额,也可以是提交根据基金设立地缔约国法律可以接受的、法院或其他主管当局认为足够的银行担保或其他担保。
4. 该项基金须在索赔人之间按其确定的索赔额比例分配。
5. 在分配基金之前,如船舶所有人或其任何雇佣人员或代理人,或向其提供保险或其他财务担保的任何人员,由于有关事故而支付了油污的损害赔偿,则上述人员在其已支付数额的范围内须以代位获得该受偿的人根据本公约应享有的权利。
6. 本条第 5 款所规定的代位权,也可由该款所提到的人员以外的对油污损害已支付任何赔偿金额的任何人行使,但这种代位权以所适用的国内法所许可的范围为限。
7. 如船舶所有人或任何其他他人认定,他可能在以后被强制支付此种赔偿金额的全部或一部分,并由此可依本条第 5 款或第 6 款享有代位权,如果赔偿在基金被分配之前已经付出,则基金所在国法院或其他主管当局可命令暂时留出一个足够数目,使该人以后能向基金索赔。
8. 对因船舶所有人主动防止或减轻油污损害而引起的合理费用或所作的合理牺牲所提出的索赔,须在基金分配中与其他索赔处于同等地位。
9. (a) 本条第 1 款所指“计算单位”,系指国际货币基金组织规定的特别提款权。第 1 款中所述数额,须根据本条第 3 款所述基金的设立之日该国货币相对于特别提款权的价值折算成该国货币。如缔约国为国际货币基金组织的成员,则其国内货币相对于特别提款权的价值,须按照在上述日期中国际货币基金组织在营业和交易中使用的现行定值方法计算。如缔约国不是国际货币基金组织的成员,则其国内货币相对于特别提款权的价值,须以该国确定的方式计算。
 - (b) 但是,如果缔约国不是国际货币基金组织的成员,且其法律不允许适用第 9(a) 款的规定,则该国可以在批准、接受、核准或加入本公约时,或在其后的任何时候宣布;第 9(a) 款所述计算单位等于 15 金法郎。本款所述的金法郎相当于纯度为千分之九百的黄金 65.5 毫克。金法郎折算为国家货币时,须按该国的法律办理。

- (c) 第9(a)款最后一句中所述的计算和第9(b)款中所述的折算,须尽量做到以该缔约国的国内货币表示的第1款金额与按第9(a)款前三句所规定方法而获得金额具有同一实际价值。缔约国在交存批准、接受、核准或加入本公约的文件时,以及上述计算或折算发生变动时,须视情况将其按第9(a)款进行计算的方法,或第9(b)款中所述的折算结果通知保存人。
10. 在本条中,船舶吨位须为按照《1969年国际船舶吨位丈量公约》附则I中的吨位丈量规则计算的总吨位。
11. 保险人或提供财务担保的其他人有权按照本条规定设立基金,其条件和效力与船舶所有人设立的基金相同。即使根据第2款规定船舶所有人无权限制其赔偿责任,仍可设立此种基金,但在这种情况下,基金的设立不得损害任何索赔人对船舶所有人的索赔权。

第六条

1. 如船舶所有人在事故发生后已按第五条规定设立一项基金,并有权限制其赔偿责任,则:
- (a) 对上述事故造成的油污损害提出索赔的任何人,无权就其索赔对船舶所有人的任何其他财产行使任何权利;
- (b) 各缔约国的法院或其他主管当局,须下令退还由于对该事故造成的油污损害提出索赔而扣留的属于船舶所有人的任何船舶或其他财产,对为避免扣留而提出的保证金或其他保证也同样须予退还。
2. 但是上述规定只在索赔人能向管理基金的法院提出索赔,并且该项基金对其索赔确能支付的情况之下,方可适用。

第七条

1. 在缔约国登记的载运2000吨以上散装油类货物的船舶的所有人,须按第五条第1款中规定的责任限额进行保险或取得其他财务担保,例如银行保证或国际赔偿基金出具的证书等,以便按本公约规定承担其对油污损害应负的责任。
2. 缔约国的有关当局在确信第1款的要求已获得满足之后,须为每艘船舶签发一份证书,证明保险或其他财务担保根据本公约的规定确属有效。对于在缔约国登记的船舶,这种证书须由船舶登记国的主管当局签发或认证;对于不在缔约国登记的船舶,证书可由任何一个缔约国的主管当局签发或认证。证书的格式以所附范本为准,并须包括下列各项:
- (a) 船名和船籍港;
- (b) 船舶所有人姓名及其主要营业地点;
- (c) 担保的类别;
- (d) 保险人或提供担保的其他人的姓名及其主要营业地点,并根据情况,包括所设立的保险或担保的营业地点;
- (e) 证书的有效期限,该有效期限不得长于保险或其他担保的有效期限。

3. 证书须以签发国的一种或数种官方文字签发,如所用文字既非英文又非法文,则须包括译成该两种文字之一的译文。
4. 证书须随船携带,其一份副本须交由保管该船登记记录的当局收存,或如该船未在缔约国登记,则须由签发或认证此证书的国家主管当局收存。
5. 一项保险或其他财务担保,如果并非由于本条第 2 款所述证书上规定的该保险或担保的有效期限届满的原因,而是在向本条第 4 款所指的当局送交终止通知书之日起满三个月以前即可能终止,便属于不符合本条的要求,除非该证书已送交上述有关当局,或在此期间内已签发新的证书。上述规定须同样适用于使保险或担保不再满足本条各项要求的任何修改。
6. 船舶登记国须按本条各项规定决定证书的签发条件和有效期限。
7. 缔约国按照第 2 款签发或认证的证书,就本公约而言,须为其他缔约国所接受,而且即使是对不在缔约国登记的船舶所签发或认证的证书,亦须由其他缔约国视为与其签发或认证的证书具有同等效力。如一缔约国认为,证书上所列的保险人或担保人在财务上不能承担本公约所规定的义务,则可随时要求与签发或认证国进行协商。
8. 对油污损害的任何索赔,可向承担船舶所有人油污损害责任的保险人或提供财务担保的其他人直接提出。在这种情况下,即使船舶所有人无权按照第五条第 2 款限制其赔偿责任,被告人仍可利用第五条第 1 款中规定的责任限额。被告人还可以进一步援引船舶所有人本人有权援引的抗辩(船舶所有人已告破产或结束营业者不在此例)。除此以外,被告人可以提出抗辩,说明油污损害是由于船舶所有人有意的不当行为所造成,但不得援引他在船舶所有人向他提出的诉讼中可能有权援引的任何其他抗辩。在任何情况下,被告人有权要求船舶所有人参加诉讼。
9. 按照本条第 1 款规定由保险或由其他财务担保所提供的任何款项,须仅用于根据本公约提出的索赔。
10. 除非根据本条第 2 款或第 12 款已签发证书,各缔约国不得允许本条所适用的、悬挂其旗帜的船舶从事营运。
11. 在本条的各项规定的前提下,各缔约国须根据其国内法担保:在本条第 1 款规定范围内的保险或其他担保,对于进入或驶离其领土内的某一港口,或抵达或驶离其领海范围内的某一海上装卸站的任一船舶,不论该船在何处登记,只要它确实装有 2000 吨以上的散装油类货物,均属有效。
12. 如果为缔约国所有的船舶未进行保险或未取得其他财务担保,本条与此有关的各项规定便不适用于该船;但该船须备有一份由船舶登记国有关当局签发的证书,声明该船为该国所有,并在第五条第 1 款规定的限度内承担责任。上述证书须尽实际可能符合本条第 2 款所规定的范本。

第八条

如果不在损害发生之日起 3 年内提出诉讼,按本公约要求赔偿的权利即告失效。但是无论如何不得在引起损害的事故发生之日起 6 年之后提出诉讼,如该事故包括一系列事件,6 年的期限须自第一起事件发生之日起算。

第九条

1. 当某一事故在一个或多个缔约国的领土(包括第二条所述的领海或区域)内造成了污染损害时,或在这种领土(包括领海或区域)内采取了防止或减少污染损害的预防措施时,赔偿诉讼仅可向上述任何一个或多个缔约国的法院提起。上述任何诉讼的适当通知,均须送交被告人。
2. 各缔约国须保证它的法院具有处理上述赔偿诉讼的必要管辖权。
3. 在按照第五条规定设立基金之后,基金所在国的法院是唯一有法定资格决定有关基金分摊和分配的一切事项的法院。

第十条

1. 由具有管辖权的法院按照第九条作出的任何判决,如可在原判决国家实施而无需通常的复审手续,须为各缔约国所承认,但下列情况除外:
 - (a) 判决是以欺诈行为取得的;或
 - (b) 未给予被告人适当的通知和陈述其立场的公正机会。
2. 按本条第1款确认的判决,一经履行各缔约国所规定的各项手续之后,便须在该国立即实施。在各项手续中不得允许对案情作重审。

第十一条

1. 本公约各项规定,不适用于军舰或其他为国家所有或经营的、在当时仅用于政府的非商业服务的船舶。
2. 关于为一缔约国所有而用于商业目的之船舶,每一国家都须接受第九条所规定的管辖权范围内的诉讼,并放弃一切以主权国地位为根据的抗辩。

第十二条

本公约自开放供签字之日起,须替代现行的或处于开放供签字、批准或加入状态的任何国际公约,但只限于与本公约有抵触者;但是,本规定不得影响缔约国根据上述国际公约对非缔约国应负的各项义务。

第十二之二条 过渡规定

下列过渡规定,须适用于在事故发生时既是本公约又是《1969年责任公约》缔约国的国家。

- (a) 对于已造成本公约范围内的污染损害的事故,如按《1969年责任公约》也产生赔偿责任,则在此范围内,视为履行本公约的赔偿责任;
- (b) 对于已造成本公约范围内的污染损害的事故,如该国既是本公约又是《1971年设立国际油污损害赔偿基金国际公约》的缔约国,则仅在适用所述《1971年公约》之后污染损害仍未得到赔偿的范围内,才根据本公约产生在适用本条第(a)项后仍

待履行的赔偿责任；

- (c) 在适用本公约第三条第 4 款时,“本公约”一词须酌情解释为系指本公约或《1969 年责任公约》;
- (d) 在适用本公约第五条第 3 款时,须从有待建立的基金总额中减去按本条第 (a) 项已视为被履行的赔偿责任的数额。

第十二之三 最后条款

本公约的最后条款应为《修正〈1969 年责任公约〉的 1992 年议定书》的第十二至十八条。本公约中提及的缔约国系指该议定书的缔约国。

《1969 年国际油污损害民事责任公约》1992 年议定书的 最后条款

第十二条 签署、批准、接受、核准和加入

1. 本议定书将于 1993 年 1 月 15 日至 1994 年 1 月 14 日在伦敦开放供各国签署。
2. 在符合第 4 款规定的情况下,任何一个国家均可按下列方式成为本议定书的缔约国:
 - (a) 签署而有待批准、接受或核准,随后予以批准、接受或核准;或
 - (b) 加入。
3. 批准、接受、核准或加入本议定书,须向本组织秘书长交存相应的正式文件方为有效。
4. 《1971 年设立国际油污损害赔偿基金国际公约》(以下称《1971 年基金公约》)的任何缔约国,仅在其同时也批准、接受、核准或加入修正该公约的《1992 年议定书》时,方可批准、接受、核准或加入本议定书,除非该国退出《1971 年基金公约》,并使退出在本议定书对该国生效之日生效。
5. 属本议定书的缔约国但非属《1969 年责任公约》缔约国的国家,就与经本议定书修正的《1969 年责任公约》的其他缔约国的关系而言,受经本议定书修正的《1969 年责任公约》的规定约束,但就与《1969 年责任公约》的缔约国的关系而言,则不受《1969 年责任公约》的规定约束。
6. 在经本议定书修正的《1969 年责任公约》的某一修正案生效之后交存的任何批准、接受、核准或加入文件,须视为适用于由此项修正案修改的经本议定书修正的公约。

第十三条 生效

1. 本公约须自 10 个国家,其中包括 4 个各自拥有不少于 100 万油船总吨单位的国家,向本组织秘书长交存了批准、接受、核准或加入文件之日后 12 个月生效。
2. 但是,《1971 年基金公约》的任何缔约国,可在其交存本议定书的批准、接受、核准或加

入文件时,声明在《修正〈1971年基金公约〉的1992年议定书》第三十一条所规定的6个月期限终止之前,就本条而言,该文件应视作无效。非《1971年基金公约》缔约国的国家,如交存了《修正〈1971年基金公约〉的1992年议定书》的批准、接受、核准或加入文件,也可同时按本款规定作出声明。

3. 按上一款作出声明的任何国家,可在任何时候向本组织秘书长发出通知,将其声明撤回。任何这种撤回将在收到通知之日生效,但此种国家须视为已于该日已交存了本议定书的批准、接受、核准或加入文件。
4. 对于在第1款规定的生效条件已获满足后批准、接受、核准或加入本议定书的国家,本议定书将自该国交存适当文件之日起12个月后生效。

第十四条 修订与修正

1. 本组织可召集修订或修正《1992年责任公约》的会议。
2. 经不少于三分之一的缔约国的要求,本组织须召集修订或修正《1992年责任公约》的缔约国会议。

第十五条 限额的修正案

1. 应至少四分之一的缔约国的请求,秘书长须向本组织的所有会员国和所有缔约国分发有关修正经本议定书修正的《1969年责任公约》第五条第1款中规定的责任限额的任何提案。
2. 按上述方式提出并分发的任何修正案,须提交本组织法律委员会,供其在分发之日后至少6个月的某一日期审议。
3. 经本议定书修正的《1969年责任公约》的所有缔约国,不论是否为本组织的会员国,均有权参加法律委员会审议和通过修正案的议项。
4. 修正案须在按第3款规定的扩大法律委员会上,由出席并参加投票的缔约国的三分之二多数通过,但投票时须至少有半数缔约国出席。
5. 对修正限额的提案采取行动时,法律委员会须考虑以往的事故,特别是其造成的损害数额、币值的变化以及所提修正案对保险费用的影响。委员会还须考虑经本议定书修正的《1969年责任公约》第五条第1款的限额与《1992年设立国际油污损害赔偿基金国际公约》第四条第4款的限额之间的关系。
6. (a) 在1998年1月15日前,或自按本条作出的前一修正案的生效之日起不足5年的期间内,不可审议本条规定的有关责任限额的任何修正案。本条规定的任何修正案不得在本议定书生效之前予以审议。
(b) 限额的增加不得超过按照经本议定书修正的《1969年责任公约》所规定的限额,从1993年1月15日起,以复利年均增长率(每年递增)为6%计算所达到的数额。
(c) 限额的增加不得超过经本议定书修正的《1969年责任公约》所规定的限额的

3 倍。

7. 根据第 4 款通过的任何修正案,须由本组织通知所有缔约国。该修正案在通知之日后的 18 个月的期限结束时,须视为已获接受,除非在此期限内,有不少于四分之一的在法律委员会通过该修正案时为缔约国的国家通知本组织不接受该修正案,在此情况下,该修正案即被否决,并属无效。
8. 根据第 7 款视为已获得接受的修正案,须在获得接受后 18 个月生效。
9. 所有缔约国均须受该修正案的约束,除非它们根据第十六条第 1 款和第 2 款,在该修正案生效之前至少 6 个月退出本议定书。而此种退出,须在该修正案生效时生效。
10. 一项修正案已被法律委员会通过,但 18 个月的接受期限尚未结束,如该修正案生效,则在此期间成为缔约国的国家须受其约束。在此期限之后成为缔约国的国家,须受根据第 7 款获得接受的修正案的约束。在本款所述的情况下,缔约国应在修正案生效时,或在本议定书对该国生效时,如迟于前者,受该修正案的约束。

第十六条 退 出

1. 任何缔约国在本议定书对其生效之日以后,可随时退出本议定书。
2. 退出本公约须向本组织秘书长交存文件方为有效。
3. 退出本议定书,须在向本组织秘书长交存文件起 12 个月或在退出文件中载明的较此为长的期限生效。
4. 在本议定书的缔约国之间,任何国家根据《1969 年责任公约》第十六条退出《1969 年责任公约》,不得以任何方式解释为退出经本议定书修正的《1969 年责任公约》。
5. 对于仍为《1971 年基金公约》缔约国的国家,退出《修正〈1971 年基金公约〉的 1992 年议定书》须视为退出本议定书。这种退出须在按《修正〈1971 年基金公约〉的 1992 年议定书》第三十四条规定的退出该议定书的生效之日生效。

第十七条 保 存 人

1. 本议定书以及按照第十五条被接受的任何修正案,须交由本组织秘书长保存。
2. 本组织秘书长须:
 - (a) 将下列事项通知已签署或加入本议定书的所有国家:
 - (i) 每一新的签署或文件交存,及其日期;
 - (ii) 根据第十三条规定的每一声明和通知和根据《1992 年责任公约》第五条第 9 款规定的每一声明和通知;
 - (iii) 本议定书的生效日期;
 - (iv) 按第十五条第 1 款提出的修正责任限额的任何提案;
 - (v) 按第十五条第 4 款被通过的任何修正案;
 - (vi) 根据第十五条第 7 款视为已获得接受的任何修正案及按照该条第 8 款和第 9 款规定的该修正案应生效的日期;

- (vii) 交存退出本议定书的任何文件及其交存日期和生效日期；
- (viii) 根据第十六条第 5 款视为已作出的任何退出；
- (ix) 本议定书任何条款所要求的任何通知。

(b) 将本议定书核证无误的副本分送本议定书的所有签署国和所有加入国。

3. 本议定书一经生效,本组织秘书长即须按照联合国宪章第一百零二条的规定将其文本送交联合国秘书处,以供登记和公布。

第十八条 语 言

本议定书正本一份,用阿拉伯文、中文、英文、法文、俄文和西班牙文写成,每种文本同等作准。

1992 年 11 月 27 日订于伦敦。

下列具名者,均经各自政府正式授权,特签署本议定书,以昭信守^❶。

❶ 签字从略。

附件

油污损害民事责任保险或其他财务担保证书

根据《1992 年国际油污损害民事责任公约》第七条的规定签发。

船名	船舶编号或呼号	船籍港	船舶所有人名称和地址

兹证明,上述具名船舶具有满足《1992 年国际油污损害民事责任公约》第七条要求的有效保险单或其他财务担保。

担保类别_____

担保期限_____

保险人和/或担保人的名称和地址

名称_____

地址_____

本证书的有效期至_____

由_____政府签发或认证
(国家全称)

发证地点_____ 发证日期_____

签发或认证官员的签字和职务_____

说明:

1. 如果需要,国家名称中可包括发证国家主管当局名称。
2. 如担保总额由一个以上的来源提供,应列明每一来源的数额。
3. 如担保是以多种方式提供,应将各种方式一一列举。
4. 填写“担保期限”时必须注明担保的生效日期。

International Convention on Civil Liability for Oil Pollution Damage, 1992 (1992 Civil Liability Convention)

The States Parties to the present Convention,
CONSCIOUS of the dangers of pollution posed by the worldwide maritime carriage of oil in bulk,
CONVINCED of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,
DESIRING to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,
HAVE AGREED as follows:

Article 1

For the purposes of this Convention:

1. “Ship” means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard.
2. “Person” means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.
3. “Owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a State and operated by a company which in that State is registered as the ship’s operator, “owner” shall mean such company.
4. “State of the ship’s registry” means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.
5. “Oil” means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil, whether carried on board a ship as cargo or in the bunkers of such a ship.
6. “Pollution damage” means:
 - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, provided

that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken;

- (b) the costs of preventive measures and further loss or damage caused by preventive measures.
7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.
 8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage.
 9. "Organization" means the International Maritime Organization.
 10. "1969 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1969. For States Parties to the Protocol of 1976 to that Convention, the term shall be deemed to include the 1969 Liability Convention as amended by that Protocol.

Article 2

This Convention shall apply exclusively:

- (a) to pollution damage caused:
 - (i) in the territory, including the territorial sea, of a Contracting State, and
 - (ii) in the exclusive economic zone of a Contracting State, established in accordance with international law, or, if a Contracting State has not established such a zone, in an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than 200 nautical miles from the baselines from which the breadth of its territorial sea is measured;
- (b) to preventive measures, wherever taken, to prevent or minimize such damage.

Article 3

1. Except as provided in paragraphs 2 and 3 of this Article, the owner of a ship at the time of an incident, or, where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.
2. No liability for pollution damage shall attach to the owner if he proves that the damage:
 - (a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or
 - (b) was wholly caused by an act or omission done with intent to cause damage by a third party, or
 - (c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the ex-

ercise of that function.

3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.
4. No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with this Convention. Subject to paragraph 5 of this Article, no claim for compensation for pollution damage under this Convention or otherwise may be made against:
 - (a) the servants or agents of the owner or the members of the crew;
 - (b) the pilot or any other person who, without being a member of the crew, performs services for the ship;
 - (c) any charterer (howsoever described, including a bareboat charterer), manager or operator of the ship;
 - (d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;
 - (e) any person taking preventive measures;
 - (f) all servants or agents of persons mentioned in subparagraphs (c), (d) and (e);unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.
5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

Article 4

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

Article 5

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount calculated as follows:
 - (a) 4,510,000 units of account for a ship not exceeding 5,000 units of tonnage;
 - (b) for a ship with a tonnage in excess thereof, for each additional unit of tonnage, 631 units of account in addition to the amount mentioned in sub-paragraph (a);provided, however, that this aggregate amount shall not in any event exceed 89,770,000 units of account.
2. The owner shall not be entitled to limit his liability under this Convention if it is proved that the pollution damage resulted from his personal act or omission, committed with the intent to cause

such damage, or recklessly and with knowledge that such damage would probably result.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this Article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States in which action is brought under Article IX or, if no action is brought, with any Court or other competent authority in any one of the Contracting States in which an action can be brought under Article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or other competent authority.
4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.
5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.
6. The right of subrogation provided for in paragraph 5 of this Article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.
7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this Article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.
8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.
9. (a) The “unit of account” referred to in paragraph 1 of this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in paragraph 1 shall be converted into national currency on the basis of the value of that currency by reference to the Special Drawing Right on the date of the constitution of the fund referred to in paragraph 3. The value of the national currency, in terms of the Special Drawing Right, of a Contracting State which is a member of the International Monetary Fund shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect on the date in question for its operations and transactions. The value of the national currency, in terms of the Special Drawing

Right, of a Contracting State which is not a member of the International Monetary Fund shall be calculated in a manner determined by that State.

- (b) Nevertheless, a Contracting State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 9 (a) may, at the time of ratification, acceptance, approval of or accession to this Convention or at any time thereafter, declare that the unit of account referred to in paragraph 9(a) shall be equal to 15 gold francs. The gold franc referred to in this paragraph corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. The conversion of the gold franc into the national currency shall be made according to the law of the State concerned.
 - (c) The calculation mentioned in the last sentence of paragraph 9(a) and the conversion mentioned in paragraph 9(b) shall be made in such manner as to express in the national currency of the Contracting State as far as possible the same real value for the amounts in paragraph 1 as would result from the application of the first three sentences of paragraph 9(a). Contracting States shall communicate to the depositary the manner of calculation pursuant to paragraph 9(a), or the result of the conversion in paragraph 9(b) as the case may be, when depositing an instrument of ratification, acceptance, approval of or accession to this Convention and whenever there is a change in either.
10. For the purpose of this Article the ship's tonnage shall be the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.
 11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this Article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even if, under the provisions of paragraph 2, the owner is not entitled to limit his liability, but its constitution shall in that case not prejudice the rights of any claimant against the owner.

Article 6

- 1 Where the owner, after an incident, has constituted a fund in accordance with Article V, and is entitled to limit his liability,
 - (a) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;
 - (b) the Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.
2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

Article 7

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in Article V, paragraph 1 to cover his liability for pollution damage under this Convention.
2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship after the appropriate authority of a Contracting State has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a Contracting State such certificate shall be issued or certified by the appropriate authority of the State of the ship's registry; with respect to a ship not registered in a Contracting State it may be issued or certified by the appropriate authority of any Contracting State. This certificate shall be in the form of the annexed model and shall contain the following particulars:
 - (a) name of ship and port of registration;
 - (b) name and principal place of business of owner;
 - (c) type of security;
 - (d) name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
 - (e) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.
3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French, the text shall include a translation into one of these languages.
4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry or, if the ship is not registered in a Contracting State, with the authorities of the State issuing or certifying the certificate.
5. An insurance or other financial security shall not satisfy the requirements of this Article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this Article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this Article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.
6. The State of registry shall, subject to the provisions of this Article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State in accordance with paragraph 2 shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them even if issued or certified in respect of a ship not registered in a Contracting State. A Contracting State may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.
8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, even if the owner is not entitled to limit his liability according to Article V, paragraph 2, avail himself of the limits of liability prescribed in Article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.
9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available exclusively for the satisfaction of claims under this Convention.
10. A Contracting State shall not permit a ship under its flag to which this Article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this Article.
11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this Article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.
12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this Article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits prescribed by Article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this Article.

Article 8

Rights of compensation under this Convention shall be extinguished unless an action is brought there under within three years from the date when the damage occurred. However, in no

case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

Article 9

1. Where an incident has caused pollution damage in the territory, including the territorial sea or an area referred to in Article II, of one or more Contracting States or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea or area, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.
2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.
3. After the fund has been constituted in accordance with Article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

Article 10

1. Any judgment given by a Court with jurisdiction in accordance with Article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:
 - (a) where the judgment was obtained by fraud; or
 - (b) where the defendant was not given reasonable notice and a fair opportunity to present his case.
2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each Contracting State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

Article 11

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on government non-commercial service.
2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in Article IX and shall waive all defences based on its status as a sovereign State.

Article 12

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to

the extent that such Conventions would be in conflict with it; however, nothing in this Article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

Transitional provisions

Article 12 *bis*

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

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

Article 12 *ter*

Final clauses

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

Final Clauses of the Protocol of 1992 to amend the 1969 Civil Liability Convention

Article 12

Signature, ratification, acceptance, approval and accession

1. This Protocol shall be open for signature at London from 15 January 1993 to 14 January 1994

by all States.

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

Article 13

Entry into force

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

provided that such State shall be deemed to have deposited its instrument of ratification, acceptance, approval or accession in respect of this Protocol on that date.

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

Article 14

Revision and amendment

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

Article 15

Amendments of limitation amounts

1. Upon the request of at least one quarter of the Contracting States any proposal to amend the limits of liability laid down in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol shall be circulated by the Secretary-General to all Members of the Organization and to all Contracting States.
2. Any amendment proposed and circulated as above shall be submitted to the Legal Committee of the Organization for consideration at a date at least six months after the date of its circulation.
3. All Contracting States to the 1969 Liability Convention as amended by this Protocol, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the Legal Committee for the consideration and adoption of amendments.
4. Amendments shall be adopted by a two-thirds majority of the Contracting States present and voting in the Legal Committee, expanded as provided for in paragraph 3, on condition that at least one half of the Contracting States shall be present at the time of voting.
5. When acting on a proposal to amend the limits, the Legal Committee shall take into account the experience of incidents and in particular the amount of damage resulting therefrom, changes in the monetary values and the effect of the proposed amendment on the cost of insurance. It shall also take into account the relationship between the limits in Article V, paragraph 1, of the 1969 Liability Convention as amended by this Protocol and those in Article 4, paragraph 4, of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992.
6. (a) No amendment of the limits of liability under this Article may be considered before 15 January 1998 nor less than five years from the date of entry into force of a previous a-

ment under this Article. No amendment under this Article shall be considered before this Protocol has entered into force.

- (b) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol increased by 6 per cent per year calculated on a compound basis from 15 January 1993.
 - (c) No limit may be increased so as to exceed an amount which corresponds to the limit laid down in the 1969 Liability Convention as amended by this Protocol multiplied by 3.
7. Any amendment adopted in accordance with paragraph 4 shall be notified by the Organization to all Contracting States. The amendment shall be deemed to have been accepted at the end of a period of eighteen months after the date of notification, unless within that period not less than one quarter of the States that were Contracting States at the time of the adoption of the amendment by the Legal Committee have communicated to the Organization that they do not accept the amendment in which case the amendment is rejected and shall have no effect.
 8. An amendment deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
 9. All Contracting States shall be bound by the amendment, unless they denounce this Protocol in accordance with Article 16, paragraphs 1 and 2, at least six months before the amendment enters into force. Such denunciation shall take effect when the amendment enters into force.
 10. When an amendment has been adopted by the Legal Committee but the eighteen-month period for its acceptance has not yet expired, a State which becomes a Contracting State during that period shall be bound by the amendment if it enters into force. A State which becomes a Contracting State after that period shall be bound by an amendment which has been accepted in accordance with paragraph 7. In the cases referred to in this paragraph, a State becomes bound by an amendment when that amendment enters into force, or when this Protocol enters into force for that State, if later.

Article 16

Denunciation

1. This Protocol may be denounced by any Party at any time after the date on which it enters into force for that Party.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.
3. A denunciation shall take effect twelve months, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.
4. As between the Parties to this Protocol, denunciation by any of them of the 1969 Liability

Convention in accordance with Article XVI thereof shall not be construed in any way as a denunciation of the 1969 Liability Convention as amended by this Protocol.

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

Article 17

Depositary

1. This Protocol and any amendments accepted under Article 15 shall be deposited with the Secretary-General of the Organization.
2. The Secretary-General of the Organization shall:
 - (a) inform all States which have signed or acceded to this Protocol of:
 - (i) each new signature or deposit of an instrument together with the date thereof;
 - (ii) each declaration and notification under Article 13 and each declaration and communication under Article V, paragraph 9, of the 1992 Liability Convention;
 - (iii) the date of entry into force of this Protocol;
 - (iv) any proposal to amend limits of liability which has been made in accordance with Article 15, paragraph 1;
 - (v) any amendment which has been adopted in accordance with Article 15, paragraph 4;
 - (vi) any amendment deemed to have been accepted under Article 15, paragraph 7, together with the date on which that amendment shall enter into force in accordance with paragraphs 8 and 9 of that Article;
 - (vii) the deposit of any instrument of denunciation of this Protocol together with the date of the deposit and the date on which it takes effect;
 - (viii) any denunciation deemed to have been made under Article 16, paragraph 5;
 - (ix) any communication called for by any Article of this Protocol;
 - (b) transmit certified true copies of this Protocol to all Signatory States and to all States which accede to this Protocol.
3. As soon as this Protocol enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article 18

Languages

This Protocol is established in a single original in the Arabic, Chinese, English, French,

Russian and Spanish languages, each text being equally authentic.

DONE AT LONDON this twenty-seventh day of November one thousand nine hundred and ninety-two.

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

❶ Signatures omitted.

ANNEX

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

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

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

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

Type of Security _____

Duration of Security _____

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

Name _____

Address _____

This certificate is valid until _____

Issued or certified by the Government of _____

(Full designation of the State)

At _____ On _____

(Place)

(Date)

Signature and Title of
issuing or certifying official

Explanatory Notes:

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