

2001 年国际燃油污染损害民事责任公约

本公约各缔约国，

忆及《1982 年联合国海洋法公约》第一百九十四条关于各国须采取所有必要措施防止、减少和控制污染海洋环境的规定，

还忆及该公约第二百三十五条关于各国须开展合作进一步制订相关国际法律规则，为确保对海洋环境的污染损害提供迅速和充分的赔偿的规定，

注意到《1992 年国际油污损害民事责任公约》和《1992 年设立国际油污损害赔偿基金国际公约》，在确保因海上散装运输油类的溢出或排放污染事故而蒙受污染损害的人获得赔偿方面的成功，

还注意到为了对海上运输有毒有害物质导致的损害提供足够、迅速和有效的赔偿而通过了《1996 年国际海上运输有毒有害物质损害责任和赔偿公约》，

认识到确立联系该责任程度的适当限制的、对各种形式油污的严格责任的重要性，

考虑到补充措施对于确保对因船舶燃油的溢出或排放而造成的污染损害作出充分、迅速和有效赔偿是必要的，

期望通过统一的国际规则和程序以确定此类事故的责任问题并提供足够的赔偿，兹协议如下：

第一条 定 义

就本公约而言：

1. “船舶”系指任何类型的海船或海上航行器。
2. “人”系指任何个人或合伙或任何公共或私人机构，无论是否系法人，包括国家或其下属机构。
3. “船舶所有人”系指船舶的所有者，包括船舶的登记所有人、光船承租人、船舶管理人和经营人。
4. “登记所有人”系指登记为船舶所有人的一个或多个人。如果没有此种登记，则指拥有该船的人。但是，船舶若为国家所有并且由在该国登记为船舶经营人的公司所经营，登记所有人须系指此种公司。
5. “燃油”系指用于或拟用于操作或推进船舶的任何碳氢矿物油及此类油的任何残余物，包括润滑油。
6. “民事责任公约”系指经修正的《1992 年国际油污损害民事责任公约》。
7. “预防措施”系指在事故发生后，为防止或减轻污染损害而由任何人采取的任何合理

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事件或具有同一起源的一系列事件。
9. “污染损害”系指：
 - (a) 燃油从船上的溢出或排放引起的污染在该船之外所造成的损失或损害,不论此种溢出或排放发生于何处;但是,对环境损害(不包括此种损害的利润损失)的赔偿,须限于已实际采取或将要采取的合理恢复措施的费用;及
 - (b) 预防措施的费用及预防措施造成的新的损失或损害。
10. “船舶登记国”就登记的船舶而言,系指对该船进行登记的国家;就未登记的船舶而言,系指其船旗国。
11. “总吨位”系指根据《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出的总吨位。
12. “本组织”系指国际海事组织。
13. “秘书长”系指本组织秘书长。

第二条 适用范围

本公约须仅适用于：

- (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类区域,则为该国按照国际法确立的,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于防止或减少此种损害的预防措施。

第三条 船舶所有人的责任

1. 除本条第 3 款和第 4 款另有规定外,在事故发生时,船舶所有人须对船载燃油或源自船舶的任何燃油引起的污染事故负责;但是,如果事故包括一系列具有同一起源的事件,则此系列事件的首起事件发生时的船舶所有人须承担责任。
2. 根据第 1 款规定,如果有一个以上的人负有责任,则须为连带责任。
3. 船舶所有人若能证明以下情况,则不得由该船舶所有人承担污染损害责任：
 - (a) 损害系由战争、敌对、内战、暴动行为或特殊的、不可避免和不可抗拒性质的自然现象所引起的损害;或
 - (b) 损害完全系由于第三方有意造成损害的行为或不作为所引起;或
 - (c) 损害完全系由于负责维护灯标或其他助航设施的政府或其他主管当局在该履行职责时的疏忽或其他错误行为所引起。
4. 如果船舶所有人证明,污染损害完全或部分地系由遭受损害的人有意造成损害的行为

或不作为所引起,或是由于该人的疏忽所引起,则船舶所有人可全部或部分地免除对该人所负的责任。

5. 除按照本公约规定外,不得向船舶所有人提出任何污染损害赔偿请求。
6. 本公约的任何规定不得影响独立于本公约的、船舶所有人的任何追索权利。

第四条 除 外 规 定

1. 本公约不适用于《民事责任公约》中规定的污染损害,不论根据该公约是否应对其作出赔偿。
2. 除第3款另有规定外,本公约各项规定不适用于军舰、海军辅助船或其他为国家所有或经营的、在当时仅用于政府非商业服务的其他船舶。
3. 缔约国可决定将本公约适用于第2款规定的军舰或其他船舶,在此情况下,该缔约国须通知秘书长并列明此种适用的条件。
4. 关于缔约国所有并用于商业目的的船舶,各国须接受第九条规定的管辖权范围内的起诉,并放弃其以主权国地位为基础的所有抗辩。

第五条 涉 及 两 艘 或 两 艘 以 上 船 舶 的 事 故

当发生涉及两艘或两艘以上船舶的事故并引起污染损害时,所有有关的船舶所有人,除按第三条规定被免责者外,须对所有无法合理分开的此类损害负连带责任。

第六条 责 任 限 制

本公约的任何规定均不得影响船舶所有人或提供保险或其他财务担保一个或多个人,根据任何可适用的国内或国际制度,如经修正的《1976年海事索赔责任限制公约》,限制其责任的权利。

第七条 强 制 保 险 或 财 务 担 保

1. 在缔约国登记的1000总吨以上船舶的登记所有人,须持有保险或其他财务担保,例如银行或类似的金融机构出具的担保,以担保登记所有人与可适用的国内或国际责任限制制度规定的赔偿限额等额的污染损害责任。但在所有情况下均不得超过根据经修正的《1976年海事索赔责任限制公约》计算出的限额。
2. 缔约国有关主管当局在确定第1款的要求已经得到履行后,须为每一船舶签发证书,证明根据本公约规定,保险或其他财务担保实属有效。对于在缔约国登记的船舶,此种证书须由船舶登记国有关主管当局签发或认证;对于未在缔约国登记的船舶,证书可由任何缔约国有关主管当局签发或认证。证书的格式须以本公约附件所列范本为准,并须包括下列各项:

- (a) 船名、船舶编号或呼号、船籍港；
 - (b) 登记所有人的姓名及其主要营业地点；
 - (c) 国际海事组织船舶识别号；
 - (d) 担保的种类和期限；
 - (e) 保险人或其他提供担保者的姓名及其主要营业地点，并在适当时，包括确立保险或担保的营业地点；
 - (f) 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. (a) 缔约国可以授权经其认可的机构或组织签发第 2 款所述的证书。此种机构或组织须就签发的每一证书通知该缔约国。在所有情形里，该缔约国均须完全保证如此签发的证书的完整性和准确性，并须承诺确保作出履行该义务的必要安排。
- (b) 缔约国须将下列事项通知秘书长：
- (i) 主管当局授权给经其认可的机构或组织的具体责任和条件；
 - (ii) 此种授权的撤销；和
 - (iii) 此种授权或撤销此种授权的生效日期。
- 在送交秘书长通知书之日起的 3 个月内，该授权不得生效。
- (c) 根据本款规定被授权签发证书的机构或组织须至少有权撤销未保持发证条件的证书。在所有情形里，该机构或组织均须向代其签发证书的国家报告此种撤销。
4. 证书须以签发国的一种或数种官方语言签发。如所用语言不是英文、法文或西班牙文，则条文须包括其中一种语言的译文。如该国决定在证书上省略其官方语言，则可省略之。
5. 该证书须随船携带，并须将副本送交保存船舶登记记录的当局存档。如该船未在缔约国登记，则须交由签发或认证此证书的当局保存。
6. 保险或其他财务担保，如果由于本条第 2 款所述证书中规定的保险或担保有效期届满之外的原因，在向本条第 5 款所述的当局送交终止通知之日起算满 3 个月以前失效，便属于不符合本条的要求，除非在上述期限内向这些当局交出了该证书或签发了新证书。上述规定须同样适用于引起保险或担保不再满足本条各项要求的任何修改。
7. 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性。
8. 本公约的任何规定均不得被理解为妨碍缔约国对从其他国家或本组织或其他国际组织获得的、关于本公约中保险人或财务担保人财务状况资料的信赖。在此种情况下，信赖这些资料的缔约国未被解除第 2 款规定的发证国的责任。
9. 就本公约而言，经缔约国授权签发或认证的证书，即使系对未在缔约国登记的船舶所签发或认证的证书，须为其他缔约国所接受，并须被其他缔约国视为与其签发或认证的证书具有同等效力。如缔约国认为证书上所列的保险人或担保人在经济上不能履行本公约所规定的义务，则可随时要求与发证或认证国家进行协商。
10. 任何污染损害索赔均可直接向为登记所有人的污染损害责任提供财务担保的保险人或其他人提出。在此种情况下，被告人可以援引船舶所有人有权援引的抗辩（船舶所有人已告破产或关闭者不在此例），包括第六条规定的责任限额。即使船舶所有人无权享受第六条规定的责任限制，被告人仍可以将其责任限制在按照第 1 款要求持有的保险或

其他财务担保相等的金额。此外,被告人还可以行使污染损害系由船舶所有人有意的不当行为所引起的抗辩,但是被告人不得援引船舶所有人向被告提出的诉讼中被告人可能有权援引的任何其他抗辩。在任何情况下,被告人均须有权要求船舶所有人参加诉讼。

11. 除非根据本条第 2 款或第 14 款规定签发了证书,否则缔约国任何时候都不得允许本条所适用的悬挂其国旗的船舶从事运营。
12. 在本条规定的前提下,各缔约国须根据其国内法律保证,在任何地点登记的、进入或离开其领土中的港口或抵达或离开其领海中的离岸设施的 1000 总吨以上的任何船舶,均须有第 1 款规定范围内的有效保险或其他担保。
13. 尽管有第 5 款的规定,如签发第 2 款规定的证书的缔约国已经通知秘书长它有以电子方式保存的、可供所有缔约国调取的记录来证明该证书的存在,并能使各缔约国履行第 12 款规定的义务,则该缔约国可通知秘书长,就第 12 款而言,船舶在进入或离开其领土内的港口,或抵达或离开其领土内的近海设施时,无需在船上携带或出示第 2 款要求的证书。
14. 如果对缔约国拥有的船舶未保持保险或其他财务担保,则本条的相关各项规定不得适用于该船。但该船须携带一份由其登记国有关当局签发的证书,声明该船为该国所有,并承担第 1 款规定的责任限额。上述证书须尽可能符合第 2 款所述的范本。
15. 在批准、接受、核准或加入该公约时,或在此后的任何时候,缔约国可宣布本条不适用于仅在该国第 2(a)(i) 条所述区域内运营的船舶。

第八条

时 限

除非在损害发生之日起 3 年内提出诉讼,否则本公约规定的赔偿权利即告失效。但是,在任何情况下都不得在引起损害的事故发生之日起超过 6 年提出诉讼。如该事故包括一系列事件,则该 6 年的期限须自第一起事件发生之日起计算。

第九条

管 辖 权

1. 如已在一个或多个缔约国的领土包括领海或第 2(a)(ii) 条所述区域内发生了污染事故,或已在此种领土包括领海或此种区域内采取了防止或减轻污染损害的预防措施,则对船舶所有人、保险人或为船舶所有人责任提供担保的其他人提起的赔偿诉讼,可仅在任何此种缔约国的法院中提起。
2. 根据第 1 款提起的任何诉讼的适当通知,均须送交被告人。
3. 每一缔约国须确保其法院具有受理本公约规定的赔偿诉讼的管辖权。

第十条

承认和执行

1. 由具有第九条规定的管辖权的法院作出的任何判决,如可在原判决国家执行而无需再

进行通常形式的复审手续时,须为任何缔约国所承认,下列情况除外:

- (a) 判决系以欺诈取得的;或
 - (b) 被告人未得到适当的通知和陈述其案件的公正机会。
2. 根据第 1 款得到承认的判决,一旦满足该国所规定的各项手续,则可在每一缔约国执行。但这些手续不得允许对案情作重新审理。

第十一条 取代条款

本公约须取代在本公约开放供签署之日处于施行或开放供签署、批准或加入状态的任何公约,但仅限于此种公约与其冲突的范围内。但是本条规定不得影响此种公约引起的、缔约国对非本公约缔约国的义务。

第十二条 签署、批准、接受、核准和加入

1. 本公约自 2001 年 10 月 1 日至 2002 年 9 月 30 日在本组织总部开放供签署,并于此后继续开放供加入。
2. 各国均可通过下列方式表示同意受本公约约束:
 - (a) 签署,并对批准、接受或核准无保留;
 - (b) 签署,但有待批准、接受或核准,随后予以批准、接受或核准;或
 - (c) 加入。
3. 批准、接受、核准或加入须向秘书长交存相应的文书方为有效。
4. 凡在本公约修正案对现有各缔约国生效之后或在完成了该修正案对这些缔约国生效所需的所有措施后交存的任何批准、接受、核准或加入文书,须被视为适用于经修正案修订的本公约。

第十三条 具有一个以上法律制度的国家

1. 如一国具有对本公约所涉事项使用不同法律制度的两个或多个领土单元,该国可在签署、批准、接受、核准或加入时声明,本公约将适用于其所有领土单元,或仅适用于其中一个或多个单元,并可随时提出另一声明对该声明加以修改。
2. 任何此种声明均须通知秘书长,并须明确指明本公约适用的领土单元。
3. 对于作出此种声明的缔约国:
 - (a) 第一条第 4 款“登记所有人”定义中,对国家的提及须解释为对此种领土单元的提及;
 - (b) 对船舶登记国的提及,和就强制保险证书而言,对发证和认证国的提及,须解释为分别系指船舶登记的领土单元及发证或认证的领土单元;
 - (c) 本公约中对国家法律要求的提及须解释为对有关领土单元的法律要求的提及;和
 - (d) 第九条和第十条中对法院和必须在各个缔约国中得到承认的判决的提及,须解释

为分别系指有关领土单元的法院和必须在有关领土单元中得到承认的判决。

第十四条 生 效

1. 本公约将在包括各有累计总吨位不少于 100 万的 5 个国家在内的 18 个国家签署了公约并对批准、接受或核准无保留之日,或将批准、接受、核准或加入文书交存秘书长之日之后一年生效。
2. 对于第 1 款中的生效条件得到满足以后批准、接受、核准或加入的任何国家,本公约将在此种国家交存相应文书之日后 3 个月生效。

第十五条 退 出

1. 任何缔约国可在本公约对该国生效之日后随时退出本公约。
2. 退出须向秘书长交存文书方为有效。
3. 退出须在秘书长收到文书后一年,或退出文书可能规定的较此为长的期限生效。

第十六条 修订或修正

1. 本组织可召开修订或修正本公约的会议。
2. 本组织须在不少于三分之一的缔约国提出要求后,召开修订或修正本公约的缔约国会议。

第十七条 保 存 人

1. 本公约须交秘书长保存。
2. 秘书长须：
 - (a) 将下列事项通知签署或加入本公约的所有国家：
 - (i) 每一新的签署或文书交存,及其日期;
 - (ii) 本公约的生效日期;
 - (iii) 退出本公约的任何文书的交存及交存日期和退出生效日期;及
 - (iv) 根据本公约作出的其他声明和通知。
 - (b) 将本公约的核证无误副本发送所有签字国和已加入本公约的所有国家。

第十八条 发送联合国

本公约一经生效,秘书长须按《联合国宪章》第一百零二条将其文本发送联合国秘书处,以供登记与公布。

第十九条 语 言

本公约正本一份,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。

2001 年 3 月 23 日订于伦敦。

下列具名者,均经各自政府正式授权,特签署本公约,以昭信守。

附件

燃油污染损害民事责任保险或其他财务担保证书

根据《2001 年国际燃油污染损害民事责任公约》第七条各项规定签发

船名	船舶编号或呼号	IMO 船舶识别号	船籍港	登记所有人的姓名及其主要营业地的详细地址

兹证明,上述具名的船舶具有符合《2001 年国际燃油污染损害民事责任公约》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/或担保人姓名和地址

姓名 _____

地址 _____

本证书有效期至 _____

由 _____ (国家全称) 政府签发或认证

或者

适用第七条第 3 款的缔约国应使用下列条文

本证书系经 _____ (国家全称) 政府授权

由 _____ (机构或组织名称) 签发

签发地点 _____ 签发日期 _____

(地点)

(日期)

(发证或认证官员的签字和职务)

说明:

1. 如需要,国家名称中可包括对发证地国主管公共当局的提及。
2. 如担保总额系多个来源提供,则应列明每一来源的金额。
3. 如担保系由几种形式提供,则应对其一一列举。
4. 填写“担保期限”栏时必须注明此种担保的生效日期。
5. 填写保险人和/或担保人“地址”时必须注明该保险人和/或担保人的主要营业地。

如果合适,应注明作出保险或其他担保的营业地。

International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (BUNKERS 2001)

The States Parties to this Convention,

RECALLING article 194 of the United Nations Convention on the Law of the Sea, 1982, which provides that States shall take all measures necessary to prevent, reduce and control pollution of the marine environment,

RECALLING ALSO article 235 of that Convention, which provides that, with the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall co-operate in the further development of relevant rules of international law,

NOTING the success of the International Convention on Civil Liability for Oil Pollution Damage, 1992 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 in ensuring that compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil carried in bulk at sea by ships,

NOTING ALSO the adoption of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 in order to provide adequate, prompt and effective compensation for damage caused by incidents in connection with the carriage by sea of hazardous and noxious substances,

RECOGNIZING the importance of establishing strict liability for all forms of oil pollution which is linked to an appropriate limitation of the level of that liability,

CONSIDERING that complementary measures are necessary to ensure the payment of adequate, prompt and effective compensation for damage caused by pollution resulting from the escape or discharge of bunker 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 Definitions

For the purposes of this Convention:

1. “Ship” means any seagoing vessel and seaborne craft, of any type whatsoever.
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. “Shipowner” means the owner, including the registered owner, bareboat charterer, manager and operator of the ship.
4. “Registered 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, “registered owner” shall mean such company.
5. “Bunker oil” means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, and any residues of such oil.
6. “Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended.
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. “Pollution damage” means:
 - (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker 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; and
 - (b) the costs of preventive measures and further loss or damage caused by preventive measures.
10. “State of the ship’s registry” means, in relation to a registered ship, the State of registration of the ship and, in relation to an unregistered ship, the State whose flag the ship is entitled to fly.
11. “Gross tonnage” means gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.
12. “Organization” means the International Maritime Organization.
13. “Secretary-General” means the Secretary-General of the Organization.

ARTICLE 2

Scope of application

This Convention shall apply exclusively:

- (a) to pollution damage caused:

- (i) in the territory, including the territorial sea, of a State Party, and
 - (ii) in the exclusive economic zone of a State Party, established in accordance with international law, or, if a State Party 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

Liability of the shipowner

1. Except as provided in paragraphs 3 and 4, the shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences.
2. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.
3. No liability for pollution damage shall attach to the shipowner if the shipowner proves that:
 - (a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or
 - (b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or
 - (c) the damage 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 exercise of that function.
4. If the shipowner 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 shipowner may be exonerated wholly or partially from liability to such person.
5. No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with this Convention.
6. Nothing in this Convention shall prejudice any right of recourse of the shipowner which exists independently of this Convention.

ARTICLE 4

Exclusions

1. This Convention shall not apply to pollution damage as defined in the Civil Liability Convention, whether or not compensation is payable in respect of it under that Convention.
2. Except as provided in paragraph 3, the provisions of this Convention shall not apply to war-

ships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

3. A State Party may decide to apply this Convention to its warships or other ships described in paragraph 2, in which case it shall notify the Secretary-General thereof specifying the terms and conditions of such application.
4. With respect to ships owned by a State Party and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article 9 and shall waive all defences based on its status as a sovereign State.

ARTICLE 5

Incidents involving two or more ships

When an incident involving two or more ships occurs and pollution damage results therefrom, the shipowners of all the ships concerned, unless exonerated under article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

ARTICLE 6

Limitation of liability

Nothing in this Convention shall affect the right of the shipowner and the person or persons providing insurance or other financial security to limit liability under any applicable national or international regime, such as the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

ARTICLE 7

Compulsory insurance or financial security

1. The registered owner of a ship having a gross tonnage greater than 1000 registered in a State Party shall be required to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime, but in all cases, not exceeding an amount calculated in accordance with the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.
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 State Party has determined that the requirements of paragraph 1 have been complied with. With respect to a ship registered in a State Party 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 State Party it may be issued or certified by the appropriate authority of any State Party. This certificate shall be in the form of the model set out in the annex to this Convention

and shall contain the following particulars :

- (a) name of ship, distinctive number or letters and port of registry;
 - (b) name and principal place of business of the registered owner;
 - (c) IMO ship identification number;
 - (d) type and duration of security;
 - (e) 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;
 - (f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.
3. (a) A State Party may authorize either an institution or an organization recognized by it to issue the certificate referred to in paragraph 2. Such institution or organization shall inform that State of the issue of each certificate. In all cases, the State Party shall fully guarantee the completeness and accuracy of the certificate so issued and shall undertake to ensure the necessary arrangements to satisfy this obligation.
- (b) A State Party shall notify the Secretary-General of :
- (i) the specific responsibilities and conditions of the authority delegated to an institution or organization recognised by it;
 - (ii) the withdrawal of such authority; and
 - (iii) the date from which such authority or withdrawal of such authority takes effect.
- An authority delegated shall not take effect prior to three months from the date on which notification to that effect was given to the Secretary-General.
- (c) The institution or organization authorized to issue certificates in accordance with this paragraph shall, as a minimum, be authorized to withdraw these certificates if the conditions under which they have been issued are not maintained. In all cases the institution or organization shall report such withdrawal to the State on whose behalf the certificate was issued.
4. The certificate shall be in the official language or languages of the issuing State. If the language used is not English, French or Spanish, the text shall include a translation into one of these languages and, where the State so decides, the official language of the State may be omitted.
5. 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 State Party, with the authorities issuing or certifying the certificate.
6. 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 5 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.

7. The State of the ship's registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.
8. Nothing in this Convention shall be construed as preventing a State Party from relying on information obtained from other States or the Organization or other international organisations relating to the financial standing of providers of insurance or financial security for the purposes of this Convention. In such cases, the State Party relying on such information is not relieved of its responsibility as a State issuing the certificate required by paragraph 2.
9. Certificates issued or certified under the authority of a State Party shall be accepted by other States Parties for the purposes of this Convention and shall be regarded by other States Parties 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 State Party. A State Party may at any time request consultation with the issuing or certifying State should it believe that the insurer or guarantor named in the insurance certificate is not financially capable of meeting the obligations imposed by this Convention.
10. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered owner's liability for pollution damage. In such a case the defendant may invoke the defences (other than bankruptcy or winding up of the shipowner) which the shipowner would have been entitled to invoke, including limitation pursuant to article 6. Furthermore, even if the shipowner is not entitled to limitation of liability according to article 6, the defendant may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained in accordance with paragraph 1. Moreover, the defendant may invoke the defence that the pollution damage resulted from the wilful misconduct of the shipowner, but the defendant shall not invoke any other defence which the defendant might have been entitled to invoke in proceedings brought by the shipowner against the defendant. The defendant shall in any event have the right to require the shipowner to be joined in the proceedings.
11. A State Party shall not permit a ship under its flag to which this article applies to operate at any time, unless a certificate has been issued under paragraphs 2 or 14.
12. Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance or other security, to the extent specified in paragraph 1, is in force in respect of any ship having a gross tonnage greater than 1000, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an offshore facility in its territorial sea.
13. Notwithstanding the provisions of paragraph 5, a State Party may notify the Secretary-General that, for the purposes of paragraph 12, ships are not required to carry on board or to produce the certificate required by paragraph 2, when entering or leaving ports or arriving at or leav-

ing from offshore facilities in its territory, provided that the State Party which issues the certificate required by paragraph 2 has notified the Secretary-General that it maintains records in an electronic format, accessible to all States Parties, attesting the existence of the certificate and enabling States Parties to discharge their obligations under paragraph 12.

14. If insurance or other financial security is not maintained in respect of a ship owned by a State Party, 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 authority 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 limit prescribed in accordance with paragraph 1. Such a certificate shall follow as closely as possible the model prescribed by paragraph 2.
15. A State may, at the time of ratification, acceptance, approval of, or accession to this Convention, or at any time thereafter, declare that this article does not apply to ships operating exclusively within the area of that State referred to in article 2(a)(i).

ARTICLE 8

Time limits

Rights to compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought more than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six-years' period shall run from the date of the first such occurrence.

ARTICLE 9

Jurisdiction

1. Where an incident has caused pollution damage in the territory, including the territorial sea, or in an area referred to in article 2(a)(ii) of one or more States Parties, or preventive measures have been taken to prevent or minimise pollution damage in such territory, including the territorial sea, or in such area, actions for compensation against the shipowner, insurer or other person providing security for the shipowner's liability may be brought only in the courts of any such States Parties.
2. Reasonable notice of any action taken under paragraph 1 shall be given to each defendant.
3. Each State Party shall ensure that its courts have jurisdiction to entertain actions for compensation under this Convention.

ARTICLE 10

Recognition and enforcement

1. Any judgement given by a Court with jurisdiction in accordance with article 9 which is en-

forceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognised in any State Party, except:

- (a) where the judgement was obtained by fraud; or
 - (b) where the defendant was not given reasonable notice and a fair opportunity to present his or her case.
2. A judgement recognised under paragraph 1 shall be enforceable in each State Party 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

Supersession clause

This Convention shall supersede any Convention in force or open for signature, ratification or accession at the date on which this Convention is opened for signature, but only to the extent that such Convention would be in conflict with it; however, nothing in this article shall affect the obligations of States Parties to States not party to this Convention arising under such Convention.

ARTICLE 12

Signature, ratification, acceptance, approval and accession

1. This Convention shall be open for signature at the Headquarters of the Organization from 1 October 2001 until 30 September 2002 and shall thereafter remain open for accession.
2. States may express their consent to be bound by this Convention by:
 - (a) signature without reservation as to ratification, acceptance or approval;
 - (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
 - (c) accession.
3. Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.
4. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention with respect to all existing State Parties, or after the completion of all measures required for the entry into force of the amendment with respect to those State Parties shall be deemed to apply to this Convention as modified by the amendment.

ARTICLE 13

States with more than one system of law

1. If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial

units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

2. Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.
3. In relation to a State Party which has made such a declaration:
 - (a) in the definition of “registered owner” in article 1(4), references to a State shall be construed as references to such a territorial unit;
 - (b) references to the State of a ship’s registry and, in relation to a compulsory insurance certificate, to the issuing or certifying State, shall be construed as referring to the territorial unit respectively in which the ship is registered and which issues or certifies the certificate;
 - (c) references in this Convention to the requirements of national law shall be construed as references to the requirements of the law of the relevant territorial unit; and
 - (d) references in articles 9 and 10 to courts, and to judgements which must be recognized in States Parties, shall be construed as references respectively to courts of, and to judgements which must be recognized in, the relevant territorial unit.

ARTICLE 14

Entry into force

1. This Convention shall enter into force one year following the date on which 18 States, including five States each with ships whose combined gross tonnage is not less than 1 million, have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General.
2. 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 Convention shall enter into force three months after the date of deposit by such State of the appropriate instrument.

ARTICLE 15

Denunciation

1. This Convention may be denounced by any State Party at any time after the date on which this Convention comes into force for that State.
2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General.
3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General.

ARTICLE 16

Revision or amendment

1. A conference for the purpose of revising or amending this Convention may be convened by the

Organization.

2. The Organization shall convene a conference of the States Parties for revising or amending this Convention at the request of not less than one-third of the States Parties.

ARTICLE 17

Depositary

1. This Convention shall be deposited with the Secretary-General.
2. The Secretary-General shall:
 - (a) inform all States which have signed or acceded to this Convention of:
 - (i) each new signature or deposit of instrument together with the date thereof;
 - (ii) the date of entry into force of this Convention;
 - (iii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit and the date on which the denunciation takes effect; and
 - (iv) other declarations and notifications made under this Convention.
 - (b) transmit certified true copies of this Convention to all Signatory States and to all States which accede to this Convention.

ARTICLE 18

Transmission to United Nations

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

ARTICLE 19

Languages

This Convention 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-third day of March two thousand and one.

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

ANNEX

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

Issued in accordance with the provisions of article 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Name of Ship	Distinctive Number or letters	IMO Ship Identification Number	Port of Registry	Name and full address of the principal place of business of the registered 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 7 of the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001.

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)

OR

The following text should be used when a State Party avails itself of article 7(3)

The present certificate is issued under the authority of the Government of _____

(full designation of the State) by _____ (name of institution or organization)

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.

5. The entry “Address” of the insurer(s) and/or guarantor(s) must indicate the principal place of business of the insurer(s) and/or guarantor(s). If appropriate, the place of business where the insurance or other security is established shall be indicated.