

2000-02

2000. 11

,

—	:	1	5
—	:	3	, 4

• • •

(	)
(	)
(	)
(	)
(	)

20

21

가

가 ,

가 .

가 , 가 .

가 .

. 1967 (Torry Canyon)

가 .

가

가

. IMO

69 CLC 71 FC ,

HNS

가

. 69 CLC 71 FC .

, ,

가 ,

. .

IMO 1996

(Bunker ) , 2001

3

Bunker

가

가

,

韓國海洋水產開發院  
院 長 李 廷 旭

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2.	13
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---

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---

< >

- **Bunker** : International Convention on Civil Liability for Bunker Oil Pollution Damage ( : 2001 3 )
- **CLC** : International Convention on Civil Liability for Oil Pollution Damage ( : 1969 , 1992 )
- **FC** : International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage ( : 1971 , 1992 )
- **HNS** : International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea ( . : 1996 )
- **HNS** : Hazardous and Noxious Substances ( . )
- **IOPC Fund** : International Oil Pollution Compensation Fund (FC )
- **IMO** : International Maritime Organization ( )
- **LLMC** : Convention on Limitation of Liability for Maritime Claims ( : 1924 , 1957 • 1976 • 1996 )
  - 1957 LLMC : 1954
  - 1976 LLMC : 1974
  - 1996 LLMC : 1996
- **P&I** : Protection and Indemnity Club ( )

< >

1

1.

- IMO “Bunker 가”
  - 가
  - ,
  - 가
  - 가 , 가
- 2001 3 Bunker
  - 가
  - 가
  -

2.

- - : IMO
  - 
  - : CLC/FC HNS , LLMC
  - : , ,

2

, 가

○

-

- Bunker

-

가

-

( )

2

## 1. CLC/FC

○ CLC

-

IMO 1969

(CLC)

(1992 )

-

가

가

, 2  
가

○ FC

- 가 CLC

가

1971

(1992 )

○

- CLC

-

:

-

:

,

-

:

-

· 5 : 300

· 5 300

+

× 420

(

5,970 )

- 2 : 1 3,500

## 2. HNS

○

- 1996 .  
(HNS )  
- 1 CLC  
FC

○ HNS

- : LNG, LPG, .  
- : ( 가  
)  
- :  
-  
· 2,000 : 1 SDR  
· 2,001 50,000 : 1 SDR + 1,500SDR  
· 50,000 : + 360SDR  
- 가 :  
- 2 : HNS Fund 2 5 SDR

## 3.

○

- 가 3  
가

○

- , ,  
, (1924



- : ( )
- : ( 가 )
- : /
- ( ) ( 가 )
- : , ,
- :
- : 76 LLMC
- 
- 가 : ( )
- :
- :
- 
- 가 가

#### 4 Bunker

##### 1.

- 5 (1995 1999) Bunker : 79.7%
- 5 Bunker 100kℓ : 55%

##### 2. Bunker

- : 8 9,936

### 3. Bunker

#### ○ 가

- : G/T 1
- G/T 5 G/T
- : 150 250 , 400 500  
( 82 )
- ,
- 가
- 가
- : 103
- 300 : 870
- 
- : 가
- 가
- : 300 500

#### ○

- 
- (가 ) : 10 , 12 15
- 가 : 6 , 12 18
- 가 : 가 3 12 가
- :

#### ○

- 
- 24 LLMC 57 LLMC 96 LLMC가
- 76 LLMC 96 LLMC



- - 1993 76 LLMC 가 96 LLMC
  - 96 LLMC 76 LLMC
  - , 96 LLMC 76 LLMC

#### 4. Bunker

##### ○ Bunker

- - : P&I 가 ,
  - : 1,500 2,500
  - : 2,400 7,200
  - :
  - : Bunker 가 ( 가 )
- : 가
- - : Bunker P&I 가
  - 가
  - :
  - 가
- : 1,654 가
- 가

##### ○ Bunker

##### - Bunker

·

- ,
- 
- Bunker
  - 가 Bunker
  - ,
  - (Bunker : 76 LLMC, : 92 CLC)
  - 2 ,
  - Bunker 2
- - 
  - 
  - , 가
- Bunker

## 5

## 1.

- 가
- - 1 G/T 5 G/T .
  - 가
  - IMO 250 500 ,  
가가 300 500
  - 가 300

· Bunker , P&I  
가 (CLC )  
가

·  
P&I Bunker  
가

-  
· Bunker 가 300 가  
500

○  
- 가  
· 10 , 12 15  
· HNS 76 LLMC 12  
-  
· 6 , 12 18  
·  
- 가  
· 가 3 12 가  
·

○  
-  
· 76 LLMC 96 LLMC가  
-  
· 76 LLMC

96 LLMC

- 
- 96 LLMC 76 LLMC ,
- 96 LLMC 76 LLMC
- 가

## 2. Bunker

- Bunker 가 Bunker
- 
- Bunker
- 
- 가 “”(
- )

# 1

1.

· (IMO)  
가 69  
CLC<sup>1)</sup> 71 FC<sup>2)</sup>  
· 92 CLC 92 FC · IMO  
1996 · 가  
3) HNS  
·  
CLC FC ,  
(persistent oil)<sup>4)</sup> ·  
HNS (non-persistent oil) HNS  
·  
1993 69 CLC 71 FC  
, 1997 92 CLC 92 FC

- 
- 1) ‘The International Convention on Civil Liability for Oil Pollution Damage, 1969’ . , (strict liability) 1957  
2 가 , , , ,  
·
- 2) ‘International Convention on the Establishment of International Fund for Compensation for Oil Pollution Damage, 1971’ .
- 3) ‘International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea’ . 1996 5 .
- 4) 가  
( , , C ).

가 , ,

가 ,

IMO  
( ‘Bunker ’ )

Bunker ,  
) , )  
, )  
가 , )

가

IMO Bunker  
2001 3 19  
Bunker  
, , , LPG/  
LNG,  
가

가 Bunker  
) Bunker  
, ) IMO 가  
300  
2001 3  
가  
Bunker

·  
Bunker  
·

2.

1)

Bunker

IMO

가

가

, Bunker

IMO

,

, Bunker

가

CLC/FC, HNS

LLMC

가

2)

가

Bunker 가 .

, 1 2 Bunker 가 .

Bunker Bunker 가 .

, 3 Bunker ,

가 4

, 4 5 Bunker

, 가

가

,

, 5



## 1. CLC/FC

## 1) CLC FC

(1) 69 CLC 71 FC

69 CLC

1954

5)

. 1967 3

(Toory Canyon)

6)가

,

.

, 1954

가

가, ,

가, ,

가

가,

, 1957

가, ,

5) 'International Convention for the Prevention of the Sea by Oil, 1954' .

6) 灣

(11 8,285DWT)

(Cirry)

18

14

30km, 6.5km,

46cm

가

3

54

28

, .  
가

,

.

가 .

(IMO) 前身)가 (CMI) 69 CLC (IMCO :  
 69 CLC , (Strict Liability) , ,  
 , ,  
 7) 2 1  
 2 2 1  
 , .

71 FC  
 69 CLC 가 .

2 가

가

가

IMCO

1971 4 71 FC가 .  
 71 FC 69 CLC  
 가 .

1957

---

7) 57 LLMC .

1 2 ,

가

(roll back system)

1 ( 80 ) 가

, 가 50% 500 (

40 )

.

(2) 92 CLC FC

69 CLC 71 FC 20

,<sup>8)</sup>

가

가

OPA '90

1992 11 69 CLC 71 FC

92 CLC FC

92 CLC FC , )

9) , )

, )

EEZ ,

,

(< 2-1> ).

---

8) 1969

9) ) 5 14 ) 5 300 SDR 가 300 SDR ,

( , 5,970 SDR )

6 SDR 1 3,500 SDR(92 CLC )

.

< 2-1>      69 CLC      71 FC      92 CLC/ FC

	69 CLC (1975.6.19 )	92 CLC (1996.5.30 )	71 FC (1978.10.16 )	92 FC (1996.5.30 )
	/	/	( 15 )	
		, 가	69 CLC	92 CLC
	, ,	69 CLC	CLC	71 FC
		가	69 CLC	92 CLC
		EEZ	69 CLC	92 CLC
	2			71 FC
	- , , - - 3 -			
			69 CLC	92 CLC
(1 =0.92 )	- : 2 (100SDR)/ - 2 1 (1,400 SDR)	- 5 : 300 SDR - 5 14 : 300 + 420SDR/ ( 5,970 SDR)	- 3 9 (6 SDR) - :500 (33.3SDR)/ ( 8,500 (567 SDR))	92 CLC
	8 (100 :5 )	10 (100 6 )	8 7.5	8 4.5
	SDR	SDR	SDR	SDR

2)

(1)

( )

( )

, , ,

(2)

92 CLC 10)

가  
. 11)

(3)

가

가  
가  
( 6 ). , 5  
300 , 5  
300 420  
( 5,970 )

10)

, “1969

, 1974. 4, p.45.

②”, 「 ,

11)

4 5 .

.12)

200

.13)

(4) 2

1

가

,

2

가

,

1 3,500 SDR

.

## 2. HNS

1)

HNS .

1996

.

92 CLC/FC

1

가

HNS Fund

2

.

HNS

1

CLC

FC

,

HNS

‘

(general account)’ ‘

(separate account)’

.

가 (&lt; 2-2&gt; ).

12) 9 .

13) 14 15 .

&lt; 2-2&gt;

HNS

2	(HNS )	(			
			( . )	LNG	LPG
1	(P&I)	( )			

: HNS , i) : 4 , ii) : 3 5  
 , iii) LNG : 2 , iv) LPG : 1,500 .

## 2) HNS

(1)

HNS 92 CLC ( )

.

(damage) 가 ,14)

) HNS

) HNS

) HNS

(loss of profit)

)

가

69 CLC 가

---

14) HNS 1 6 .

92 CLC .<sup>15)</sup> HNS

)  
) HNS

) 1969 CLC  
) 1960 , 1963

) 가 . ,

(2)

HNS HNS CLC  
16) LNG, LPG .

IMO

. 6 (< 2-3> ).

CLC FC  
가 . , CLC FC  
2 ( ) , , ,

가 HNS .

---

15) 92 CLC가

(CMI) 1994

16) HNS 4 3 : This convention shall not apply to pollution damage as defined in the International Convention on Civil Liability for Oil Pollution Damage, 1969(or any amendments).



HNS

(3)

3

.

.

HNS

가

가

• ,

( 7 4 ).

) , , , 가 가

) 3 가

)

(4)

가

,

가 가 .

(5)

가 2 17)  
1 SDR( 117 ) . 2,001 5  
1 SDR 1,500SDR .  
1 SDR (1,170 ) (<

2-4> ).

< 2-4>

**HNS**

	2,000 : 1 SDR
	2,001 50,000 : + 1,500SDR
	50,000 : + 360SDR
	, 1 SDR .
	가

: HNS

: SDR(Special Drawing Right) (IMF) .

17) 가 2 HNS  
46.7%가 2 .

(6) 가  
HNS

, HNS

가

CLC 2

, HNS

, CLC  
가

가

(7)

HNS

(Hazardous and Noxious Substances Fund, 'HNS Fund'  
) 가  
, HNS Fund

(8)

HNS Fund

2

HNS

가

) HNS

: 2

가 HNS

Fund

3

12 5

, HNS  
가 가

18)가  
 ) HNS  
 : HNS  
 가  
 가  
 ,  
 가 HNS  
 가  
 가  
 가  
 ,  
 HNS Fund  
 ) HNS  
 가  
 :  
 HNS Fund  
 가  
 .  
 HNS  
 가 HNS  
 가  
 HNS  
 .  
 HNS  
 . , )  
 )  
 가 HNS  
 Fund  
 . , )  
 HNS Fund  
 .  
 HNS Fund HNS  
 가  
 HNS  
 .  
 CLC FC  
 가  
 가 가  
 HNS  
 .  
 HNS Fund  
 .

18)

HNS Fund

가

.

,

) HNS 가 , , ,  
가

HNS

) HNS 가 1 2

(9)

HNS 가 HNS Fund

2 5 SDR . HNS

Fund

.

.

( 10)

HNS Fund

HNS

가

.

.

,

가

2

,

가

15 ,

2

가

.

HNS Fund

HNS

2

,

(receiver)

.

가

HNS

가

가

HNS

Fund

가

‘事後精算制度’

.

CLC

.

HNS Fund

2

HNS

. , (general account)

HNS

, (separate account)

. HNS

가 (LNG), 가 (LPG) 3 .

.

3.

1)

(1)

가

3

가

.

가 3

가

.

.

(package limitation)가 ,

(global limitation) .

(dual liability system) .

(2)

가

가

,

가

. , )

가

가 .

) 가가 가 ,

.

. )

. )

. )

가

.

가

가

,

. 가 ‘ ,

.

(3)

. , 69 CLC 5 1 92 CLC 6 1 , HNS

9

.

.

가 . ,

,

가

.

가

가

.

가

.

CLC

HNS

CLC

HNS

LLMC

.

.

LLMC

가

.





## (3) 57 LLMC

1957 1968 5 . 57  
 LLMC 24 LLMC  
 (< 2-6> ).

) 24 LLMC ( ,  
 가 가 ) .  
 ) ,  
 .  
 ) .  
 , 57 LLMC 가 , , , 가 4  
 .

&lt; 2-6&gt;

## 57 LLMC

	○ 1924 . - -
	○ - 1,000 ( 66.67 SDR) ○ - 3,100 ( 206.67 SDR) ○ . - 3,100 (206.67SDR) 2,100 (140SDR) , 1,000 (66.67SDR) 가 .
	○ ○ ,

: 57 LLMC .

: 57 LLMC 1979 1984 . ( )

## (4) 76 LLMC

76 LLMC 1979 12 1986 12  
 . 57 LLMC가 20 , i) 1960  
 , ii) , iii)  
 . 76 LLMC 57 LLMC , i)  
 , ii) 가  
 (IMF) (SDR : ) (<  
 2-7> ). 2000 8 76 LLMC 가 , , ,  
 35 , 1991  
 5 .

&lt; 2-7&gt;

## 76 LLMC

	<ul style="list-style-type: none"> <li>○</li> <li>- (maritime claims)</li> <li>- 가</li> </ul>
	<ul style="list-style-type: none"> <li>○</li> <li>- × 46,666SDR</li> <li>, 1 2,500 SDR</li> <li>○</li> <li>- 500 : 330,000SDR</li> <li>- 500 : 1</li> <li>(SDR) 가</li> <li>○</li> <li>- 500 : 167,000SDR</li> <li>- 500 : 1</li> <li>(SDR) 가</li> </ul>
	<ul style="list-style-type: none"> <li>○ 가</li> <li>.</li> <li>○</li> <li>○ 69 CLC ,</li> </ul>

: 76 LLMC .

## (5) 96 LLMC

IMO 1996 76 LLMC

,  
 96 LLMC가 . 76 LLMC  
 ( ) ( )  
 ) , , i)  
 , ii) .

96 LLMC 76 LLMC  
 . , 500 2  
 , 가  
 76 LLMC (< 2-8> ).

&lt; 2-8&gt; 76 LLMC 96 LLMC

76 LLMC	<p>) 500 : 167,000SDR</p> <p>) 501 30,000 : ) + 500 167SDR 가</p> <p>) 30,001 70,000 : ) + 30,000 125SDR 가</p> <p>) 70,001 : ) + 70,000 83SDR 가</p>
96 LLMC	<p>) 2,000 : 100 SDR</p> <p>) 2,001 30,000 : ) + 2,000 400SDR 가</p> <p>) 30,001 70,000 : ) + 30,000 300SDR 가</p> <p>) 70,001 : ) + 70,000 200SDR 가</p>

3)

## (1) 76 LLMC

76 LLMC , 1991

19)  
 ( 746 752 2) 76 LLMC 가 . , 76  
 LLMC 300  
 20)  
 , 300  
 16 7 ,  
 8 3

(2)

, , , , ,  
 , , 21)

가 ,

4

---

19) 746 ( )  
 747

가

1.

2.

3. 1 2

4. 1 3

20) 76 LLMC 15 2 (a), (b) .

21)

, , ,  
 , , ,  
 ,

6,666 ( 5 ) 2,500  
 ( 250 ) . 76 LLMC 7  
 , 가 가  
 가 .

.  
 ) 300 : 16 7,000 ,  
 ) 300 500 : 33 3,000 ,  
 ) 501 3,000 : ) + 500 500  
 ) 3,001 30,000 : ) + 3,000 333  
 ) 30,001 70,000 : ) + 30,000 205 가  
 ) 70,001 : ) + 70,000 83 가

.  
 ) 300 : 8 3  
 ) 301 500 : 16 7  
 ) 501 30,000 : ) + 500 167  
 ) 30,001 70,000 : ) + 3,000 125  
 ) 70,001 : ) + 70,000 167 가

가

( 746 ).

가

) , 가 ,  
 , ,  
 ) , )



### 3 Bunker

#### 1. Bunker

1)

69 CLC 71 FC  
 , 1996 5 HNS  
 .  
 .  
 가  
 ,  
 ,  
 ,<sup>23)</sup>  
 ,  
 가 ,  
 가  
 .

2)

가 1994 IMO  
(MEPC) 36  
MEPC  
1996 10 74  
가 1999 10 80 2001  
( < 3-1 > ).

---

23) (AMSA) 1975  
가 83%가  
20  
1  
1992 1996  
, 3  
( , “IMO  
75 가 ”, p.10).

&lt; 3-1&gt;

**Bunker**

MEPC 36 (1994. 8)	- “ ” ( ) - MEPC
LEG 73 (1995. 10)	- HNS 96 LLMC -
LEG 74 (1996. 10)	- -
LEG 75 (1997. 4)	- , , , 7 - : , : - : ( , ), -
LEG 76 (1997. 10)	- : - : 가 - :
LEG 77 (1998. 4)	- : - : - : LLMC - : , 가
LEG 78 (1998. 11)	- : 76 LLMC 96 LLMC , - (agent of shipowner) · (crew) · (maritime pilot) 가
LEG 79 (1999. 4)	- , 8 - : , (“Company” 가 ) - 7 ( 가 ) : , :
LEG 80 (1999. 10)	- 가 : (registered owner) - (Responder Immunity) : - : “Bunker oil” “Lubricating oil” 가 - 2000/01 2 4 1
LEG 81 (2000. 3)	- : ( 가 ) - 1 : demise charterer bareboat charterer - 7 : 가 가 - 14 : 가 가 가
LEG 82 (2000. 10)	- Bunker 가 81 - 가 300 500



## 2. Bunker

1)

(1)

Bunker ( ) <sup>24)</sup>(EEZ : Exclusive Economic Zone)

<sup>25)</sup>

92 CLC FC<sup>26)</sup> 96 HNS <sup>27)</sup>

.

,

1982 <sup>28)</sup>

領海測定基線 200

(nautical mile)

가 .

(2)

Bunker “ ”

<sup>29)</sup>

<sup>30)</sup>

24)

,

,

,

,

,

( 5 55 ).

1996 8

( 5151 ) .

25) 2 .

26) CLC 2 FC 3 .

27) HNS 3 .

28) 5 ( 55 75 ) .

29) 1 (1).

30)

,

.

( , )

.

3

가

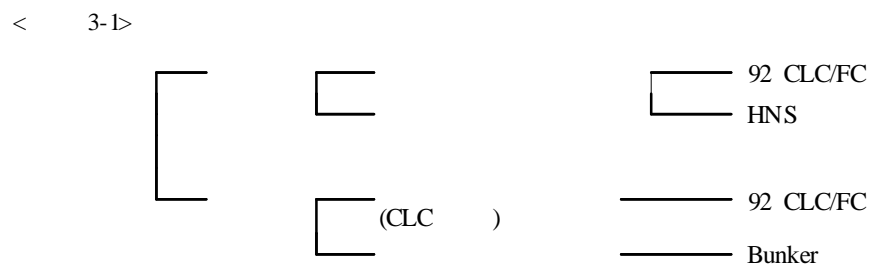
(LEG 75/WP.1).

31) 가 가

32) 가 CLC CLC

(3) Bunker “ ” ( ) 33)

< 3-1>



(4) Bunker 92 CLC 34)

,

31) Bunker “ ” CLC HNS  
(DWT)

32)

(CLC 4 3 ).

33) 1 5 .

34) 92 CLC 1 6 .

가

35)

HNS 36)

37)

92 CLC FC

38)

39)

가

69

CLC 71 FC

92 CLC FC

, 69 CLC , ‘

,

,

(IOPC Fund)<sup>40)</sup>

92 CLC

41).

가 가

35) Bunker 1 9 .

36) IMO HNS 6 .

37) IMO LEG 75/WP.1, p.12.

38) LEG 75 WP.1, p.12.

39) IMO LEG 77/WP.3, p.22 .

40) IOPC Fund(International Oil Pollution Compensation Fund) 71 FC

가 ,

41) 1992 CLC 가

(CMI) 1994

‘

,

가 (pollution damage)  
 가, 가 가  
 42).  
 1990 ( 'OPA 90' )<sup>43)</sup>  
 (natural resource) (非金錢的)  
 가 .<sup>44)</sup>  
 가  
 가  
 가 .<sup>45)</sup> 92 CLC  
 69 CLC  
 , Bunker .  
 2)  
 Bunker 가  
 가  
 가 92 CLC  
 HNS ,  
 ,  
 .  
 69 CLC 92 CLC HNS  
 92 CLC HNS

42) Mans Jacobsson and Norbert Trotz, The Definition of Pollution Damage in 1984 Protocols to the 1969 Civil Liability Convention and the 1971 Fund Convention, Journal of Maritime Law and Commerce, Vol. 17, No. 4, October, 1986, p. 479.

43) U.S. Oil Pollution Act, 1990.

44) 가  
 (Norbert Trotz, Edgar Gold, Anthony Bessemer Clark, Lloyd Watkins and Colin de la Rue, "Assessment of Claim for Pollution Damage", CMI conference 1994, Draft August 10, 1993, p.6 ).

45) , “ ”, 「 ,  
 ( ), , 1996, p.469.

2

가

Bunker

2

가

.46)

47),

가

가

.48)

, 92 CLC

가

. , )

, , , )

, )

( ,49)

), , , )

, )

,

) ) )

.50)

Bunker

.51) ,

가

.52)

46) CLC HNS 가 Bunker  
2

가  
가

(IMO LEG 75/WP.1, p.12

IMO LEG 77/WP.3, p.23. ).

47) , 「IMO 80 가 」, pp.7 8; IMO LEG 80/  
WP.5, pp.16 17.

48) Bunker 3 2 .

49) CLC CLC가

( 2 2 ).

50) 92 CLC 4 4 .

51) P&I 가  
, 가

,

(IMO LEG 79/WP. 3, p.21; , 「IMO

80 가 」 pp.9 10).

52) Bunker 3 4 .

## Bunker

.53)

Bunker

.54)

3)

Bunker

가

92 CLC(69 CLC ) HNS  
가 ,

Bunker

69 CLC 92

CLC

가

, )

)

가

, ) 2

Bunker

. , Bunker

2

,

가

,

가

.55)

Bunker

가

.56)

53) Bunker

3

6

.

P&amp;I

.

, 가

가

.

80

가

, 가  
], p.11 ).

( , 「IMO

54) Bunker

3

6

.

,

가

가

가

55) CMI Guideline on Oil Pollution Damage, 1994, CMI Pollution/Sydney, p.3.

56) IMO LEG 77/WP.3, p.12 13.

가  
 , 가  
 ,  
 ,  
 CLC HNS  
 (< 3-2> ).  
 가 가  
 ( 3  
 4 ). , 가  
 ,  
 ( 3 3 ).  
 ) , , 가 가  
 ) 3 가  
 )

< 3-2>

	- , ,	-
	-	- (strict liability)
	- - 가 - 3 -	- 가 - 3 -

4)

Bunker	CLC	HNS
--------	-----	-----

가 76 LLMC

.57)

76 LLMC      96 LLMC

Bunker

76 LLMC

, 76 LLMC      96 LLMC

57 LLMC

80

가

Bunker

24 LLMC

57 LLMC

가

## Bunker

81

24 LLMC

57 LLMC

96 LLMC가

, 76 LLMC 96 LLMC가

.58)

5)

(1) 가

## Bunker

가 .

가

59)

가

57) Bunker 6 .

58) IMO LEG 82/3/3.

59) Bunker 7 2 .



가

가

가

가

,

,

.60)

(2) 가

가

.61) 가

,

,

.

.62)

(3)

Bunker

가

.63)

Bunker

CLC

,

.

가

가

가

가

.

)

가

가

P&amp;I

, Bunker

60) CMI Report, p.12.

61) Bunker

CLC

( , “IMO

75

가 ”, p.19).

62) IMO LEG 79/WP. 3, pp.21 22.

63) IMO LEG 81/11, pp.5 6.

, , ) 가 , )

.<sup>64)</sup>

(4)

Bunker .<sup>65)</sup>  
가가 Bunker

.<sup>66)</sup>  
가 가  
가 가

Bunker  
“ 가 가  
”<sup>67)</sup>  
.<sup>68)</sup> Bunker

---

64) Banker 3 6 .  
65) P&I

가

66) Bunker 7 8 . 69 CLC 7 8 .  
67) 'pay to be paid'  
68) The Fanti and the Padre Island, H. L.[1990] 2 Lloyd's Rep. 191.

“pay to be paid”

Bunker

가

6)

가 가

69).

Bunker

Bunker

IMO

.70)

---

69) Bunker	7	2	.
70) Bunker	7	12	.

4 Bunker

1.

1995 1999 5  
1,948 , 2 2,374kℓ . Bunker  
1,552  
79.7% (< 4-1> ).

< 4-1> 5 ( )  
( : , kℓ)

		Bunker							
1995		228	65	134	29	41	21	9	299
		1,885	1,020	841	24	13,850	40	1	15,776
1996		249	53	151	45	37	33	18	337
		692	584	53	55	956	69	3	1,720
1997		305	65	197	43	35	31	8	379
		960	814	117	29	2,466	14	1	3,441
1998		391	68	269	54	27	37	15	470
		1,030	814	157	59	15	4	1	1,050
1999		379	68	247	64	28	35	21	463
		320	49	166	105	21	45	1	387
		1,552	319	998	235	168	157	711	1,948
		4,887	3,281	1,334	272	17,308	172	7	22,374

: .

,  
, , 2 2,374kℓ .

Bunker

2 2,245kℓ 1 7,308kℓ  
 4,937kℓ , 22%  
 (< 4-2> ).  
 5 100kℓ  
 18 , 1 5,736kℓ . 8 가  
 8 2 . 100kℓ  
 Bunker  
 가 55%  
 가  
 (< 4-3> ).

< 4-2>

5

( )

( : , kℓ)

1995		78	83	84	40	285	12	2	299
		4,353	5,747	76	5,597	15,773	3	-	15,776
1996		66	113	84	49	312	21	4	337
		525	628	26	480	1,659	58	3	1,720
1997		64	132	115	46	357	20	2	379
		2,397	688	17	326	3,428	13	-	3,441
1998		71	136	171	64	442	25	3	470
		831	176	18	13	1,038	11	1	1,050
1999		68	131	169	62	430	28	5	463
		54	130	39	124	347	39	1	387
		347	595	623	261	1,826	106	16	1,948
		8,160	7,369	176	6,540	22,245	124	5	22,374

: .

< 4-3> 5 ( ) ( : , 100kℓ)

1995		4	1	2	7
		9,326	916	265	10,507
1996		2	2	0	4
		808	514	0	1,322
1997		2	3	0	5
		2,419	753	0	3,172
1998		0	2	0	2
		0	735	0	735
1999		0	0	0	0
		0	0	0	0
		8	8	2	18
		12,553	2,918	265	15,736

: .

2. Bunker

Bunker ‘  
舟艇’ .71) 92 CLC  
72) Bunker 92 CLC  
‘ , ‘  
,  
.73) Bunker

71) Bunker	1	1	.
72) Bunker	4	1	.
73)	2		

1 2 ( ) : “ ” .

1. : (

2. : ) (

3. : )

1999 4 1

(sea-going vessel)

9

(

)

.<sup>74)</sup>

가

.<sup>75)</sup>

가 ( 843 849 ),

가

( 839 2 ).

가

가

92 CLC

92 CLC FC

가

<sup>74)</sup> . , 「 , 1987, p.456.

<sup>75)</sup> (Sea-going vessel) 内水, 9 1 , , )  
( 351  
同郡 同郡 1  
( , 「 」  
, 1987, p.40).

. HNS  
 , HNS  
 92 CLC  
 FC HNS Bunker  
 2000 6 9 4,852  
 85,458  
 6,457 92 CLC  
 4,478 Bunker  
 8 5,458 4,210 92 CLC  
 FC 268 8 9,936  
 , 81 300  
 .76)

< 4-4>

(1999. 12 )

( : G/T, )

			CLC					
100	69	258	165	150	860	192	2,138	3,786
100 200	44	21	65	39	193	404	66	832
200 500	41	58	37	12	59	695	32	934
500 1,000	5	71	35	36	5	217	14	383
1,000 2,000	1	69	36	22	0	60	8	196
2,000 5,000	8	106	30	9	0	19	8	180
5,000	5	113	11	0	0	13	4	144
	173	696	379	268	1,071	1,600	2,270	6,457

: , « 2000», 2000.

: 1) .

2) (CLC ) .

76) IMO LEG 8/11, p.15.



&lt; 4-5&gt;

(2000. 8 )

( : G/T, )

	200	201 300	301 400	401 500	501 2,000	2,001 5,000	5,001 10,000	10,000	
	52	45	161	187	77	15	5	1	543
	84,761	154	0	0	0	0	0	0	84,915
	84,813	199	161	187	77	15	5	1	85,458

: , 「 2000」  
:

### 3. Bunker

#### 1) 가

Bunker

가 , ,  
2000 3 IMO 81  
가  
2001  
3  
가  
IMO 81 300  
2000 10 IMO 82  
가  
가 77) 2001  
IMO 81  
IMO 82 가  
Bunker  
(G/T)

77) (IMO LEG 82/3).

가

가

(1)

(G/T)

IMO 81

G/T

(G/T)

(IACS)

G/T

가

,

IMO

.78)

(2)

500G/T, 1 G/T 2 G/T

, 500 , 1

2

가

2

(G/T)

(Bulkier)

,

가

,

가

가

,

,

.

500G/T, 1 G/T 2 G/T

( )

59 , 100

116

, 2 G/T

79)

(< 4-6> < 4-8> ).

6 G/T, 1

G/T 2 G/T

530 , 1

2

.

78) IMO LEG 82/3/1.

79) 2 G/T

,

plant)

(fuel treatment

(IMO LEG 81/4/2, p.3).

&lt; 4-6&gt;

**500 G/ T**

		(G/T)	( )	(D.O)
ARENA		530	10.5	45.5
ASAHI MARU NO. 17		498	12.0	81.5
ATHANASIOS K		499	12.0	70.0
BELLA		492	9.5	30.5
BEN ELLAN		538	9.0	23.5
BEN VANE		541	9.5	70.0
BERJASA		499	11.5	55.0
BETHANY ABADI		499	12.0	107.5
BLAK		505	10.5	50.0
BINTANG PALAPA		556	9.5	55.0

&lt; 4-7&gt;

**1 G/ T**

		(G/T)	( )	(D.O)
ARDUA		952	10	81
ARION		1,090	10	90
ATIATALLAH		1,131	11	86
AUNBORG		1,086	14	127
AVANTIS		987	11	72
AXIS 1		1,184	9	135
BADR EL MUSTAFA		1,105	11	78
BAHLAWAN		996	12	70
BARIS B		999	-	115
BAY ISLAND EXPRESS		1,003	12.0	142

&lt; 4-8&gt;

2 G/ T

		(G/T)	( )	(D.O)
ARGO		1,991	10.0	116
ARICA		1,948	10.0	113
ARULA		1,948	10.0	99
BALTIC		1,948	10.0	99
BALTIC BORG		1,999	11.5	161
BALTIETS-7		2,014	10.0	116
BALTIUSKIY-9		1,948	10.0	104
BARCO		1,923	12.7	120
BEWA		1,920	10.0	98
BONASTAR		2,081	11.0	128

, 500 , 1 2 가  
 5 G/T, 1 G/T, 2 G/T (< 4-9> < 4-11> ).

&lt; 4-9&gt;

500

가

		(G/T)	( )	(D.O)
LING YUN		5,941	15.0	502
XIANG YUN		6,241	15.0	502
ADNAN KALKAVAN 1		4,070	13.0	490
AGAATHA		5,381	12.0	483
AHORA		5,261	16.0	564
AIDA		4,927	12.0	485
AIZAN		6,734	14.0	569.5
ALEXANDROS P		8,980	15.0	563
ALK		6,362	16.5	576
AMRUMTRADER		5,941	-	560

&lt; 4-10&gt;

1

가

		(G/T)	( )	(D.O)
AN SHAN		9,445	14.0	1001
FENG AN SHAN		13,367	17.0	956
FENG MAO		10,365	17.0	1068
FENG XLANG		10,365	15.0	943
GU YUAN HAI		21,155	14.0	935
HUANG SHAN		9,445	14.0	1001
QI XLA SHAN		9,513	14.0	1040
SEA MARCELA R	Ro-Ro	9,753	18.0	994

&lt; 4-11&gt;

2

가

		(G/T)	( )	(D.O)
FEN HE		16,108	18.0	1954
HENG SHAN		18,060	15.5	2074
HUA XI		20,422	12.0	2044
XI HAI		20,569	14.0	2015
ARCTIC		40,504	14.5	2028.5

		(bunker oil)			
		69 CLC		2	
(DWT)		가			
	Bunker	가		1 G/T	
80)		가		500	
	가	, 5 G/T		가	
		.			
(3)					
				H	
			2 4 G/T		
	250	(F.O)		, 5	
G/T	540 , 8 G/T	690	(F.O)	가	
		가	(< 4-12> )		
		H	2		
			5		
6		(F.O)			
	(< 4-13> )	25			
	(F.O)				
	S 가				
		,			
	2 G/T				
		F.O			
80) CLC	(DWT)	, CLC		2	
	(G/T)	1			

&lt; 4-12&gt; H

				(F.O)
		F.O	D.O	
NOVA	1,863	269.7	53.1	270
HPUS	1,864	269.7	53.1	
VELA	2,468	440.8	103.3	254
HJPT	3,300	254.5	53.6	
GNBR	3,809	254.7	70.9	
VENS	4,628	414.5	100.6	540
HSEL	4,914	544.3	150.1	
HUSN	4,914	544.3	150.1	
HTYO	4,914	544.3	150.1	
HNGO	4,914	544.3	150.1	
HHKG	8,213	690.6	99.1	690
HBKK	8,273	690.6	99.1	
HSIN	8,276	690.6	99.1	
HMNL	8,299	688.8	98.8	
HJKT	8,299	688.8	98.8	

&lt; 4-13&gt; H

(TEU)	(G/T)	( )	( )
2,200	21,611	22	2,358
4,400	51,836	25.1	8,107
5,500	64,054	25.6	9,067

< 4-14> S

		F.O	D.O
SUNHO NOBLE	1,355	117	47
KOREA GAS	3,980	365	71
NAMHAE GAS	4,190	656	113
SAMSUN HONOUR	11,685	1,441	245
ATARAXIA	12,844	1,149	193
SAMSUN GALAXY	15,192	1,423	158
SAMSUN BANNER	15,305	1,489	190
SAMSUN APOLLO	15,980	1,703	274
SAMSUN BOOSTER	18,236	1,575	229
SAMSUN EARNEST	19,035	1,472	211
PRETTY FLOURISH	27,563	2,025	191
PRETTY PROSPERITY	27,663	2,025	191

. D  
가 60% 가 ,  
50% (< 4-15>).  
6  
가 35 40%  
(< 4-16> ).  
가 .

< 4-15> D

	(G/T)	(ton)	
A	665	427	MD/O
B	232	300	MD/O
A	498	284	MG/O
B	424	290	MG/O



&lt; 4-16&gt;

	(G/T)	(ton)	
	2,866	1,055	MG/O
	2,951	1,227	MG/O
3	3,221	1,283	MG/O
	3,636	1,316	MG/O
	4,054	1,227	MG/O
	4,055	1,328	MG/O
	4,443	1,100	MD/O
	5,210	2,000	MD/O
	5,377	2,187	F/O
	5,549	2,235	MD/O

(4) 가

1  
Bunker 가 103 (< 4-17> ).  
5 가  
124 가  
가 10 : 1  
1 . < 4-15>  
2 : 1 . 400  
가 285  
1 45 330  
(< 4-18> ).

< 4-17>

( : G/T, )

200	113	279	1,007	189	2,204	84,813	88,605
201 300	24	16	51	6	11	199	307
301 500	17	42	8	6	21	348	442
501 2,000	6	140	5	58	22	77	308
2,001 5,000	8	106	0	9	8	15	146
5,001 10,000	2	13	0	0	3	3	21
10,001 20,000	1	43	0	0	1	1	46
20,000	0	57	0	0	0	0	57
	171	696	1,071	268	2,270	85,458	89,932

: 92 CLC .

< 4-18>

( : G/T, )

		200	201 300	301 400	401 500	501 2,000	2,001 5,000	5,001 10,000	10,000
	85,458	84,813	199	161	187	77	15	5	1
	543	52	45	161	187	77	15	5	1
	84,915	84,761	154	0	0	0	0	0	0

: 1) 2000 8 .  
2) , ,

300

150 250 , 400 500  
82 .<sup>81)</sup> 150 250

81) IMO, LEG 82/32/2.

가 , 가 가 가  
 ,  
 . 400 MARPOL  
 ,  
 ,  
 가  
 500  
 ,  
 가  
 .  
 2000 10 IMO 82  
 Bunker  
 가  
 가  
 가 .  
 가 .  
 가가 300 500  
 82) , MARPOL  
 400 LLMC 300  
 . 가가 300  
 가  
 1,208 446  
 1,654 , 500 772  
 98 870 가 .  
 (5) 가  
 Bunker  
 . Bunker ,

---

82) 300 500 가 , , , , 가 ,  
( . , 82 가 ,  
p.16).

가  
5  
1 가  
가  
5 1  
가  
2001 3  
Bunker ( )  
가 가 가 가  
가  
HNS CLC  
가  
Bunker 가  
가 76 LLMC 76  
LLMC  
Bunker  
가

가

. Bunker 가

가 가 . 가

가 2 .

2)

Bunker 15 가 가

가

82

가 , 가 , 가 가

가 10 , 12

15 .

) 10 96 LLMC 92 CLC

가

가 . ) 15

MARPOL OPRC 가가

Bunker . )

HNS 76 LLMC 12

가 가 6

, 12 18 . 6

, 18 HNS

12

, IMO

Bunker 가 가

3 12 2가 . 12  
 CLC  
 , 3  
 HNS, 76 96 LLMC, MARPOL, OPRC  
 .  
 12 가 12  
 , 가 가 3  
 . 가 76  
 96 LLMC, MARPOL, OPRC 가  
 가 .

3)

Bunker 가 76 LLMC 96 LLMC  
 .  
 Bunker 76 LLMC , 76 LLMC 96  
 LLMC 24 LLMC 57 LLMC  
 . IMO 81  
 24 LLMC 57 LLMC 96 LLMC가  
 , 76 LLMC 96 LLMC가  
 ,  
 .  
 1991 12 57 LLMC  
 76 LLMC 1993 1 1  
 .  
 가 96 LLMC  
 96 LLMC 76 LLMC  
 , 96 LLMC 76 LLMC  
 가 .

#### 4. Bunker

##### 1) Bunker

Bunker

가 .

(1)

Bunker ,

가 , Bunker 가 가 , Bunker P&I .

Bunker  
가

가 P&I 가 가 P&I 가

Bunker 가

2000 10 82 가 .  
300 500 가  
300 가  
가 가 가

43 , 396  
9 387 (< 4-19>

Bunker

). 76 LLMC

P&I 가 . Bunker

Bunker ,83)  
Bunker

. Bunker

가 가 P&I

가

. 가 P&I 가  
가

< 4-19>

								LPG LNG	
	65	70	12	80	131	9	20	9	396

: , 「 2000」, 2000.  
:

P&I 가

가

가 P&I UK P&I 84) 1988 2 1  
1997 1 10  
10  
3,719 85), 176 5 ,

83)

가

가

가

84) UK P&I

20% 5

85)

UK P&I

2%

72%



5%

, 19% (< 4-20> ).

&lt; 4-20&gt;

**U K P & I**

	40	27
	30	20
	9	16
	8	11
	5	19
	8	7

: <http://www.ukpandi.com/press/3pr90917.html>

: 1988 1997 10

, P&amp;I

가

가

가

P&amp;I

P&amp;I

33.4% U K P &amp; I

가 (&lt; 4-21&gt; ).

&lt; 4-21&gt;

**P & I 가**

			LPG /LNG	/	/	/	/
UK	35	24	5	7	20	9	
Britania	42	34	0	0	23	1	
Steamship	27	37	4	8	22	2	
Standard	27	27	0	8	30	8	
Sklud	30	36	6	16	11	1	
North England	29	41	0	3	24	3	
Gard	40	23	4	11	13	9	
London	37	44	2	0	16	1	

: P&amp;I , 1999.

UK P&I  
 가 P&I  
 가 20% .

Bunker P&I  
 가 .

8 4,915 543  
 8 5,458 . Bunker 가  
 300 가  
 300 .  
 300 446 . Bunker  
 가 P&I 가  
 161 36% . 285  
 Bunker 가  
 P&I 가 < 4-22> .  
 , P&I 가 161

가

,  
 P&I ,

5  
 가 . P&I 가  
 < 4-23> .  
 가 ,

,  
 가 < 4-20>  
 45% .

가 Bunker  
 P&I 가 < 4-23>  
 300 400 2,500 45% 1,125 , 400 500  
 2,700 45% 1,215 , 500 600 3,500 45%  
 1,575 , 600 800 4,700 45% 2,115 가  
 P&I  
 < 4-20>

< 4-22>

( : G/T, )

	200	200 300	300 400	400 500	500 2,000	2,000 5,000	5,000 10,000	10,000	
	52	45	161	187	77	15	5	1	543
	84,761	154	0	0	0	0	0	10	84,915
	84,813	199	161	187	77	15	5		85,458

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< 4-23>

P & I 가

(1999. 12 )

	300	300 400	400 500	500 1,000	1,000 2,000	2,000	
	97	161	187	54	23	21	543
P&I 가	5	32	52	49	17	11	166
	-	2,000 3,000	2,500 3,700	3,500 5,000	6,000 8,000	-	-

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( ) 941  
 Bunker 가 300  
 214 ,  
 P&I 가 113 Bunker 가  
 가 300 가  
 101 ( )  
 P&I 가 < 4-24> .  
 , P&I 가  
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 < 4-24> 300 3  
 P&I 1 3  
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 20% 80%  
 19% 24% .  
 가 Bunker  
 P&I 가  
 2,400 7,200 가 ,  
 가

< 4-24> P & I 가

		300	300 500	500 1,000	1,000 3,000	3,000 5,000	5,000
	941	727	34	71	59	32	18
P&I 가	147	34	11	13	34	28	18
	-	3,700 12,000	8,000	8,000 30,000	15,000 24,000	20,000 32,000	23,000 40,000

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Bunker 가 173 . 300  
 가 38  
 가  
 , , P&I  
 가 35 Bunker  
 P&I 가 (< 4-25> ).  
 P&I 가 Bunker  
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 -C  
 가 Bunker  
 P&I 가

< 4-25> P & I 가

		300	300 500	500 1,000	1,000 3,000	3,000 5,000	5,000
	173	137	19	3	3	6	5
P&I 가	0	0	0	0	0	0	3

: , 「 , 2000.

92 CLC FC Bunker  
 . < 4-26> 92 CLC FC  
 268 , 300 가  
 73 .  
 300  
 92 CLC FC

가 .  
 가 200DWT  
 ( 100G/T) Bunker  
 가 .

< 4-26> (92 CLC ) P & I 가

		300	300 500	500 1,000	1,000 5,000	5,000
	268	195	6	36	31	0
P&I 가	-	-	6	36	31	0

(2)

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Bunker

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 P&I , ,  
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 (Mutual  
 Premium Basis) 가 (Fixed Premium)  
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 British Marine ( )  
 1998 92 CLC  
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< 4-27>

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가  
 P&I Bunker  
 Bunker  
 가 가

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(4)

Bunker

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.<sup>86)</sup>

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가

CLC

200 (DWT)

282

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가

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734

.<sup>87)</sup>

Bunker

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(1) Bunker

Bunker

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HNS

가 76 LLMC(96 LLMC )

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Bunker

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86) Bunker 7 2 .

87) , 「 . (HNS)

2000. 8. pp.40 41.



69 CLC

76 LLMC

. 69 CLC

가

.88)

76 LLMC

69 CLC

. Bunker

69 CLC

가

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,

,

(consequential loss resulting therefrom)<sup>89)</sup>

가

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(pure economic loss)<sup>90)</sup>

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가

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가

.91)

88) 748 3 .

89) (consequential loss) (pure economic loss)  
(92 Fund Claims Manual, p.22 23 ).

90)

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(proximity) 가

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746 3 ‘  
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748 4 , , ,

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76 LLMC 2  
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76 LLMC , , ,

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746 4 93) 748 4  
746 748

.94)

92) 가

(Patrick Griggs and Richard Williams,  
Limitation of Liability for Maritime Claims, 3rd ed(1998), p.17).

93) 746 4 가  
, ,

94) , 748 ( ) , ( )  
, 1999, p.69) ; , “ , ”, 1  
22 1 , , 2000, p.96.

95).

69 CLC

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76 LLMC

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96)

76 LLMC

## (2) Bunker

Bunker

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( 2000. 8. 22.

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96) 76 LLMC 2 1 (f)

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**Bunker**

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	76 LLMC	76 LLMC	92 CLC
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Bunker 69 CLC 71 FC  
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 Bunker

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 IMO  
 LLMC CLC ,  
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57 LLMC

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69 CLC 71 FC .

69 CLC

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(Strict Liability)

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57 LLMC 2

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69

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71 FC가

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71 FC

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71 FC

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92 CLC FC가

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92 CLC FC

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1996

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HNS CLC/FC LNG, LPG HNS  
가 1 HNS Fund 2  
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CLC FC 92 CLC  
FC 1.5  
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가

가 가 24  
LLMC , 57 LLMC 76 LLMC가 , 96 LLMC  
가 . 2000 8 76 LLMC 가 , ,  
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## 2) Bunker

CLC FC  
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Bunker 가 1994 IMO (MEPC) 36  
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74 99 10 80  
, 2001 3 .

Bunker , )  
 ( ) 92 CLC FC 96 HNS  
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 92 CLC

가 , . )  
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 HNS , ) 76 LLMC(96  
 LLMC ) , )  
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### 3) Bunker

1995 1999 5  
 1,948 Bunker 79.7%  
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 Bunker  
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 Bunker 3,765  
 4,208 92 CLC FC  
 258 8 9,924 . 가  
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 , , Ro-Ro  
 G/T , CLC  
 가 2 (DWT)  
 Bunker 가 1 G/T 5 G/T  
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G/T

1 G/T 가

330 .

가 150 250 , 400

500 82

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가가 300 500

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Bunker , ,

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가 가 , P&I

가 Bunker 가

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) Bunker 387 , P&I

가 Bunker

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300 , 446 가 .

161 P&I 가 가 Bunker

P&I 가

300 400 1,125 , 400 500 1,215

. ) 가 214 ,

P&I 가 113 . Bunker

2,400 7,200

. ) Bunker 가 가

38 , 35 P&I 가 .

. ) 92 CLC FC

Bunker 가

73 .

200 가

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가 .  
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15 HNS 76 LLMC 12

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12 가 3

76 96 LLMC, MARPOL, OPRC

가 . Bunker

96 LLMC 76 LLMC 96

LLMC가

76 LLMC

96 LLMC

96 LLMC 76 LLMC  
 , 96 LLMC  
 76 LLMC 가 .

## 2) Bunker

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 HNS 가 “ .  
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 , 「IMO 82 가 」, 1989.  
 , “ ”, 「  
 」, 1996. 12.  
 , 「 748 ( ) 」,  
 , 1999. 2.  
 , 「 」, 1990.  
 · ( ) 「 」, 1987.  
 · ( ), 「 」, 1987.  
 , 「 ( )」 , 1993.  
 , 「P&I 」, 1988.  
 , “ ”, 「 」, 13 1 , 1991.  
 12.  
 , “ ”, 「 」,  
 22 1 , 2000. 2.  
 , 「IMO 75 가 」.  
 \_\_\_\_\_, 「IMO 77 가 」.  
 \_\_\_\_\_, 「IMO 80 가 」.  
 \_\_\_\_\_, 「IMO 81 가 」.  
 , 「 1992  
 」, 1996. 5.  
 , 「 」, 2000.  
 , 「 」, 2000.  
 , 「 . (HNS) 」,  
 2000. 8.

< >

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\_\_\_\_, LEG 79/WP.3.

\_\_\_\_, LEG 80/WP.5.

\_\_\_\_, LEG 81/11.

\_\_\_\_, LEG 81/4/2.

\_\_\_\_, LEG 82/3.

\_\_\_\_, LEG 82/3/1.

\_\_\_\_, LEG 82/32/2.

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2. 300 500 16 7
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- 7 125 7
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- 가
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- 9 ( ) 7 1
- 10 ( )
- 11 ( 가 ) 가 7
- 12 ( ) 5 1 2
- 가 3
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- 13 ( ) 5
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477 2 “ 203  
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” “ 28 ”  
, 10 “ 747 1  
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8 ” , 11 1 “ 747  
1 4 ” “ ” ,  
17 1 “ 752 1 ” “ 7 2 ” ,  
18 1 “ 747 1  
” “ ” , 2  
“ 6 1 ” , 53 “  
747 1 ” “ ” ,  
56 “ 747 1  
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66 2 “ 747 1  
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- 39 ( ) 1 500 1 500
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2. 22 1  
3. 22 2  
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2 가 3

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## 2 : Bunker ( )

### : DRAFT INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

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,

,  
1982 194

,

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,

235 ,

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 the maritime carriage of certain oil,

1992

1992

,

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 the maritime carriage of hazardous and noxious substances,

.

1996

.

,

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 prompt and adequate compensation for damage caused by oil carriage as fuel on ships,

가

,

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

### 1

#### Definitions

1. "Ship" means any seagoing vessel and seaborne craft, of any type whatsoever.
1. " " .
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.
2. " " 가 .
3. "Shipowner" means the owner, including the registered owner, bareboat charterer, manager and operator of the ship.
3. " " , , .
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.
4. " " ,

가 가

“ ” .

5. “Bunker oil” mean 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,

5. “ ”

,

6. “Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended.

6. “ ” 1992

7. “Preventive measures” means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

7. “ ” 가

.

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.

8. “ ”

.

9. “Pollution damage” means:

9. “ ” .

(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

(a)

(b) the costs of preventive measures and further loss or damage caused by preventive measures.

(b)

가

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.

10. " "

11. "Organization" means the International Maritime Organization.

11. " "

12. "Secretary-General" means the Secretary-General of the Organization.

12. " "

## Article 2

### 2

#### Scope of application

This Convention shall apply exclusively:

(a) to pollution damage caused:

(a)

( ) in the territory, including the territorial sea, of a State Party, and

( )

( ) 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;

( )

가

가

200

(b) to preventive measures, wherever taken, to prevent or minimize such damage

(b)



Article 3

3

Liability of the shipowner

1. Except as provided in paragraphs 3 and 4 of this article, 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

1. 3 4 ,

. 가  
가

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2. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.

2. 1 가

.

3. No liability for pollution damage shall attach to the shipowner if it is proven that:

3. 가

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(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

(a) , , , 가 가 ,

(b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or

(b) 3 가 ,

(c) the damage was wholly caused by the negligence or other wrongful maintenance of lights or other navigational aids in the exercise of that function

(c)

,

4. If it is proven 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.

4. 가 가

가 ,  
가 .

5. No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with this Convention.

5.

.

6. Nothing in this Convention shall prejudice any right of recourse of the shipowner which exists independently of this Convention.

6.

#### Article 4

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.

1.

2. Except as provided in paragraph 3, the provisions of this Convention shall not apply to warships, naval auxiliary or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. 3 , 가

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.

3. 2

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.

4. 가  
 , 9  
 가 .

#### Article 5

5

#### Incidents involving two or more ship

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.

가 2 ,  
 가 , 3  
 ( ) .

#### Article 6

6

#### Limitation of liability

Nothing in this Convention shall affect the right of the shipowner and the

person(s) 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.

, 가 1976

#### Article 7

7

#### Compulsory insurance or financial security

1. The registered owner of a ship having a gross tonnage greater than [ ] 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 for Maritime Claims, 1976, as amended.

1. [ ]

1976

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 I 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:

2.

1

가

(a) name of ship, distinctive number or letters and port of registry;

(a) ,

(b) name and principal place of business of the registered owner;

(b)

(c) IMO ship identification number;

(c) IMO

(d) type and duration of security;

(d)

(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;

(e)

가

(f) period of validity of the certificate which shall not be longer than the period of validity of the insurance or other security.

(f)

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.

(a)

2

(b) A State Party shall notify the Secretary-General of:

(b)

( ) the specific responsibilities and conditions of the authority delegated to an institution or organization recognised by it;

( )

:

( ) the withdrawal of such authority; and

( )

:

( ) 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 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.

(c)

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 in to one of these languages and, where the State so decides, the official language of the State may be omitted.

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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.

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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 of 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.

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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.  
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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 organizations 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.

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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.

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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 case the defendant may, even if the shipowner is not entitled to limitation of liability according to article 6, 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. The defendant may further invoke the defences (other than the bankruptcy or winding up of the shipowner) which the shipowner would have been entitled to invoke, including limitation pursuant to article 6. Furthermore, 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 proceeding 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.

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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 of this article.

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12. Subject to the provisions of this article, each State Party shall ensure, under its national law, that insurance of other security, to the extent specified in paragraph 1, is in force in territorial respect of any ship having a gross tonnage greater than [      ], wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore facility in its territorial sea.

12. [ ]

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13. Notwithstanding the provisions of paragraph 5, a State party may notify the Secretary General that, for the purposes of paragraph 12, ships to which paragraph 1 applies 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 leaving from offshore facilities in its territory, provided that the State Party which has the obligation to issue 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.

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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 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 limit prescribed in accordance with paragraph 1. Such a certificate shall follow as closely as possible the

model prescribed by paragraph 2 of this article.

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#### Article 8

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#### 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.

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## 9

## 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)( ) 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.

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2. Reasonable notice of any action taken under paragraph I shall be given to each defendant

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3. Each State Party shall ensure that its courts have jurisdiction to entertain actions for compensation under this Convention.

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Article 10

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Recognition and enforcement

1. Any judgement given by a Court with jurisdiction in accordance with article 9 which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognised in any State Party, except;

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(a) where the judgement was obtained by fraud; or

(a) ,

(b) where the defendant was not given reasonable notice and a fair opportunity to present his or her case.

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2. A judgement recognised under paragraph 1 of this article 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.

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## Article 11

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## 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.

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## Article 12

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## Signature, ratification, acceptance, approval and accession

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1. This Convention shall be open for signature at the Headquarters of the Organization from ---- until ---- and shall thereafter remain open for accessin.

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2. States may express their consent to be bound by this Convention by;



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

(a) ,

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

(b) ,

(c) accession.

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

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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.

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## Article 13

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States with more than one system of law

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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.

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2. Any such declaration shall be notified to the Secretary-General and shall state expressly the territorial units to which this Convention applies.

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3. In relation to a State Party which has made such a declaration:

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- (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;

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(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

(b) , ,

(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

(c) .

(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.

(d) 9 10 ,

## Article 14

14

## Entry into Force

1. This Convention shall enter into force [ ] following the date on which [ ] States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification,



Secretary-General.

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## Article 16

16

### Revision or amendment

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

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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.

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## Article 17

17

### Depositary

1. This Convention shall be deposited with the Secretary- General.

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2. The Secretary-General shall:

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(a) Inform all States which have signed or acceded to this Convention of:

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( ) each new signature or deposit of instrument together with the date thereof;

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( ) the date of entry into force of this Convention;

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( ) 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

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## Article 18

18

## Transmission to United Nations

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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.

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Article 19

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Languages

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

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DONE AT LONDON this .....day of.....

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

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