

汉英对照国际海事条约库

# 班轮公会行动守则

交通部国际合作司 编



大连海事大学出版社

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# 1974 年班轮公会行动守则公约

本公约各缔约国，

希望改进班轮公会制度，

认识到需要有一个普遍接受的班轮公会行动守则，

考虑到发展中国家在承运其对外贸易货物的班轮公会的活动方面的特殊需要和问题，

兹同意在守则内反映出下列基本目标和原则：

- (a) 目标：便利世界海洋货运的有秩序扩展；
- (b) 目标：促进适应贸易需要的、定期的和有效率的班轮服务的发展；
- (c) 目标：保证班轮航运服务的提供者和使用者之间的利益均衡；
- (d) 原则：公会的各种办法不应对任何国家的船东、托运人或对外贸易有任何歧视；

# **Convention on a Code of Conduct for Liner Conferences, 1974**

## *Objectives and Principles*

The Contracting Parties to the present Convention,

Desiring to improve the liner conference system,

Recognizing the need for a universally acceptable code of conduct for liner conferences,

Taking into account the special needs and problems of the developing countries with respect to the activities of liner conferences serving their foreign trade,

Agreeing to reflect in the Code the following fundamental objectives and basic principles:

- (a) The objective to facilitate the orderly expansion of world sea-borne trade;
- (b) The objective to stimulate the development of regular and efficient liner services adequate to the requirements of the trade concerned;
- (c) The objective to ensure a balance of interests between suppliers and users of liner shipping services;
- (d) The principle that conference practices should not involve any discrimination against the shipowners, shippers or the foreign trade of any country;

(e) 原则:公会与托运人组织、托运人代表和托运人就共同关心的事项进行有意义的协商,如经请求,有关当局亦可参加;

(f) 原则:公会应向涉及其权益的各方提供有关其活动的资料,并应公布有关其活动的有意义的信息。

兹协议如下:

## 第一编

### 第 I 章 定 义

#### 班轮公会或公会

两个或两个以上使用船舶的运输商的团体,这些运输商在特定的地理范围内,在某一条或数条航线上提供运送货物的国际班轮服务,并在一项不论何种性质的协定或安排的范围内,按照划一的或共同的运费率及任何其他有关提供班轮服务的协议条件而经营业务。

#### 国家航运公司

某一国家的国家航运公司,是指其经营总部及其实际控制设在该国,并为该国有关当局或依照该国法律所如此承认的使用船舶的运输商。

牵涉到两个或两个以上国家的合营事业所拥有和经营的航运

- (e) The principle that conferences hold meaningful consultations with shippers' organizations, shippers' representatives and shippers on matters of common interest, with, upon request, the participation of appropriate authorities;
- (f) The principle that conferences should make available to interested parties pertinent information about their activities which are relevant to those parties and should publish meaningful information on their activities.

Have agreed as follows:

## Part One

### Chapter I Definitions

#### *Liner conference or conference*

A group of two or more vessel-operating carriers which provides international liner services for the carriage of cargo on a particular route or routes within specified geographical limits and which has an agreement or arrangement, whatever its nature, within the framework of which they operate uniform or common freight rates and any other agreed conditions with respect to the provision of liner services.

#### *National shipping line*

A national shipping line of any given country is a vessel-operating carrier which has its head office of management and its effective control in that country and is recognized as such by an appropriate authority of that country or under the law of that country.

Lines belonging to and operated by a joint venture involving



公司,其权益的大部分为这些国家的公(或)私利益所拥有,而其经营总部及其实际控制设在这些国家中之一国,则可被这些国家的有关当局承认为国家航运公司。

### 第三国航运公司

在两国之间使用船舶经营货运而并非该两国国家航运公司的运输商。

### 托运人

为了运送对他有利益的货物而同一个公会或航运公司订立或表示愿意订立合约性或其他协议的个人或实体。

### 托运人组织

促进、代表和保护托运人的利益,并为其所代表的托运人的国家的有关当局——如这些当局要这样做的话——承认其具有此种身份的会社或相等团体。

### 公会承运的货物

公会会员航运公司按照公会协议运输的货物。

### 有关当局

一个政府或由一个政府或国家立法指定来执行本守则中规定属于此种当局的任何职务的机构。

two or more countries and in whose equity the national interests, public and or private, of those countries have a substantial share and whose head office of management and whose effective control is in one of those countries can be recognized as a national line by the appropriate authorities of those countries.

#### *Third-country shipping line*

A vessel-operating carrier in its operations between two countries of which it is not a national shipping line.

#### *Shipper*

A person or entity who has entered into, or who demonstrates an intention to enter into, a contractual or other arrangement with a conference or shipping line for the shipment of goods in which he has a beneficial interest.

#### *Shippers' organization*

An association or equivalent body which promotes, represents and protects the interests of shippers and, if those authorities so desire, is recognized in that capacity by the appropriate authority or authorities of the country whose shippers it represents.

#### *Goods carried by the conference*

Cargo transported by shipping lines members of a conference in accordance with the conference agreements.

#### *Appropriate authority*

Either a government or a body designated by a government or by national legislation to perform any of the functions ascribed to such authority by the provisions of this Code.

### 促进贸易性运费率

为了促进运输有关国家的非常规出口物而制订的运费率。

### 特别运费率

除促进贸易性运费率外,可由有关当事各方商订的优惠运费率。

## 第 II 章 会员公司间的关系

### 第 1 条 会 籍

1 任何国家的航运公司,在符合第 1 条第 2 款所定标准的条件下,都有权成为承运其国家对外贸易货物的公会的正式会员。不是公会任何航线上的国家航运公司的航运公司,在符合第 1 条第 2 款和第 3 款所定标准并遵守涉及第三国航运公司的第 2 条关于货载份额的规定的条件下,有权成为该公会的正式会员。

2 申请参加公会的航运公司应提出证据,证明其有能力和愿望,按照公会协议的规定,在公会营运范围内,长期地经营定期的、适当的和有效率的航运服务,只要符合本项的标准,也可以使用租船;保证遵守公会协议的一切条款,并应于公会协议中有此规定时,提出财务担保,以便在以后退会、会籍中断或被开除会籍时,能够履行未清偿的债务。

### *Promotional freight rate*

A rate instituted for promoting the carriage of non-traditional exports of the country concerned.

### *Special freight rate*

A preferential freight rate, other than a promotional freight rate, which may be negotiated between the parties concerned.

## **Chapter II Relations Among Member Lines**

### **Article 1 Membership**

1 Any national shipping line shall have the right to be a full member of a conference which serves the foreign trade of its country, subject to the criteria set out in Article 1, paragraph 2. Shipping lines which are not national lines in any trade of a conference shall have the right to become full members of that conference, subject to the criteria set out in Article 1, paragraphs 2 and 3, and to the provisions regarding the share of trade as set out in Article 2 as regards third-country shipping lines.

2 A shipping line applying for membership of a conference shall furnish evidence of its ability and intention, which may include the use of chartered tonnage, provided the criteria of this paragraph are met, to operate a regular, adequate and efficient service on a long-term basis as defined in the conference agreement within the framework of the conference, shall undertake to abide by all the terms and conditions of the conference agreement, and shall deposit a financial guarantee to cover any outstanding financial obligation in the event of subsequent withdrawal, suspension or expulsion from membership, if so required under the conference agreement.

3 在审查不是有关公会任何航线上的国家航运公司的航运公司的人入会申请时,除第 1 条第 2 款的规定外,并应特别考虑到下列各点:

- (a) 公会经营航线的现有货运量及其增长的前景;
- (b) 公会经营的航线对现有和预期的货运量是否有足够的舱位;
- (c) 接纳该航运公司加入公会后,对公会航运业务的效率和质量可能发生的影响;
- (d) 该航运公司目前是否在相同的航线上参加公会经营范围以外的货运;和
- (e) 该航运公司目前是否在相同的航线上参加别的公会经营范围以内的货运。

以上各点不得用来阻止执行第 2 条内关于参加货载承运的规定。

4 关于入会或重新入会的申请,公会应迅速做出决定并迅速通知申请人,无论如何不得迟于从申请之日起算 6 个月。公会如拒绝一个航运公司入会或重新入会,应同时以书面形式说明其拒绝的理由。

3 In considering an application for membership by a shipping line which is not a national line in any trade of the conference concerned, in addition to the provisions of Article 1, paragraph 2, the following criteria, *inter alia*, should be taken into account:

- (a) The existing volume of the trade on the route or routes served by the conference and prospects for its growth;
- (b) The adequacy of shipping space for the existing and prospective volume of trade on the route or routes served by the conference;
- (c) The probable effect of admission of the shipping line to the conference on the efficiency and quality of the conference service;
- (d) The current participation of the shipping line in trade on the same route or routes outside the framework of a conference; and
- (e) The current participation of the shipping line on the same route or routes within the framework of another conference.

The above criteria shall not be applied so as to subvert the implementation of the provisions relating to participation in trade set out in Article 2.

4 An application for admission or readmission to membership shall be promptly decided upon and the decision communicated by a conference to an applicant promptly, and in no case later than six months from the date of application. When a shipping line is refused admission or readmission the conference shall, at the same time, give in writing the grounds for such refusal.

5 公会审查入会申请时,应考虑公会承运其货载的国家的托运人和托运人组织所表示的意见,并于有关当局要求时考虑它们的意见。

6 申请重新入会的航运公司,除第 1 条第 2 款所定的人会标准外,并应提出证据,证明业已依照第 4 条第 1 款和第 4 款的规定履行其义务。公会可以特别查询该航运公司以前脱离公会的原因。

## 第 2 条 参加货载承运

1 被接纳为会员的任何航运公司,应在公会所经营的航线范围内享有航次和装货的权利。

2 公会实行公摊制度时,在公摊制度的范围内参加货载承运的所有会员公司都有权参加该航线的公摊。

3 为决定会员公司有权取得的货载承运份额起见,每一国的国家航运公司,不论公司数目多少,应被视为该国的一个单一的航运公司集团。

4 在按照第 2 条第 2 款规定,确定个别会员公司及(或)国家航运公司集团的公摊货载份额时,除彼此间另有协议外,应遵守有关其参加公会承运货载的权利的下列原则:

(a) 两国之间的对外贸易由公会承运其货载时,这两国的国家航运公司集团参加承运彼此间对外贸易的、由公会承

5 When considering applications for admission, a conference shall take into account the views put forward by shippers and shippers' organizations of the countries whose trade is carried by the conference, as well as the views of appropriate authorities if they so request.

6 In addition to the criteria for admission set out in Article 1, paragraph 2, a shipping line applying for readmission shall also give evidence of having fulfilled its obligations in accordance with Article 4, paragraph 1 and 4. The conference may give special scrutiny to the circumstances under which the line left the conference.

## **Article 2 Participation in Trade**

1 Any shipping line admitted to membership of a conference shall have sailing and loading rights in the trades covered by that conference.

2 When a conference operates a pool, all shipping lines members of the conference serving the trade covered by the pool shall have the right to participate in the pool for that trade.

3 For the purpose of determining the share of trade which member lines shall have the right to acquire, the national shipping lines of each country, irrespective of the number of lines, shall be regarded as a single group of shipping lines for that country.

4 When determining a share of trade within a pool of individual member lines, and/or groups of national shipping lines in accordance with Article 2, paragraph 2, the following principles regarding their right to participation in the trade carried by the conference shall be observed, unless otherwise mutually agreed:

- (a) The group of national shipping lines of each of two countries the foreign trade between which is carried by the con-



运的货物,在运价和数量上享有同等的权利;

(b) 倘有第三国的航运公司参加该航线的货载承运,它们有权获得运价和数量中一个相当大的部分,例如 20%。

5 如公会承运其货载的任何国家,没有国家航运公司参加承运其货载,则按照第 2 条第 4 款规定由国家航运公司承运的货载份额,应在参加货运的各个会员公司之间按照它们各自的份额比例加以分配。

6 如一国的国家航运公司决定不承运它们的全部货载份额,则它们货载份额中它们不承运的部分,应在参加承运的各个会员公司之间按照它们各自份额的比例加以分配。

7 如有关国家的国家航运公司不参加公会营运范围内的这些国家之间的营运,公会承运的这些国家之间的货载份额,应在参加的第三国会员公司之间通过商业谈判加以分配。

8 一个地区内的国家航运公司,即公会经营的航线的一端的公会会员,可以按照第 2 条第 4 款至第 7 款规定互相商定把分配给它们的货载份额在它们之间重新分配。

9 除遵守第 2 条第 4 款至第 8 款关于各个航运公司之间或各个航运公司集团之间货载份额的规定外,公会应按照公摊协议或