

# 中国船东互保协会文件

中船保董〔2021〕3号

## 关于修改协会保险条款的通知

各会员公司：

2021年2月19日，中国船东互保协会第十二届会员大会第十次会议（特别）审议并通过了《关于修改协会2021保险年度保险条款的提案》。新的保险条款中第三条和第四条及与之有关的条款自2021年2月20日格林威治标准时间12时起实施；第五条及与之有关的条款追溯自2021年1月1日北京时间零时起实施。

特此通知。

附件：协会2021保险年度保险条款修改表



## 附件

### 协会 2021 保险年度保险条款修改表

| 中文条款                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 英文条款                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 修改说明                                                                                                                      |
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| <p><b>1. 第三条 保险承保风险</b></p> <p>对第三条第(二十)款进行修改, 增加下划线字部分内容, 删除带删除线部分的内容:</p> <p><b>(二十) 罚款</b></p> <p>1. 任何法院、法庭或主管当局就入会船因下述第2 至65 项列明原因, 向下列第1) 至3) 类人员课以的罚款或处罚: .....</p> <p>2. 货物短卸或溢卸或溢交, 或未遵守有关物品申报规定或有关入会船货物文件的规定 (因走私或企图走私货物或物品而产生的罚款或处罚除外);</p> <p><del>3. 走私或违反任何有关入会船建造、改装、改造或装备的海关法或海关规定;</del></p> <p><del>43. 违反任何有关移民的法律或规定;</del></p> <p><del>54. 意外排放或泄漏油类或其他物质, 或这种威胁.....</del></p> <p><del>65. 任何罚款 (不包括上述第2至54项所规定的罚款), 但应以符合以下两项情况的为限:</del></p> <p>1) 会员使董事会相信, 其为避免导致该项罚款的事件的发生已采取了合理的措施; 且</p> <p>2) 董事会决定会员应当得到赔偿, 董事会对其决定无需说明理由。</p> <p><del>76. 入会船被没收.....</del></p> | <p><b>1. Rule 3 – Protection &amp; Indemnity Risks Covered</b></p> <p><i>Amend Rule 3 Section 20 by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p><b>Section 20 Fines</b></p> <p>A. Fines as set out in paragraphs [B] to [FE] below when and to the extent that they are imposed in respect of an entered ship by any court, tribunal or authority and are imposed: .....</p> <p>B. Fines for short or overlanding or over delivery of cargo, or for failure to comply with regulations relating to declaration of goods or to documentation of the entered ship in respect of her cargo (<u>other than fines or penalties arising from the smuggling of goods or cargo or any attempt thereat</u>);</p> <p><del>C) Fines for smuggling or for any infringement of any Customs law or Customs regulation relating to the construction, adaptation, alteration or fitment of the entered ship;</del></p> <p><del>DC.</del> Fines for contravention of any law or regulation relating to immigration;</p> <p><del>ED.</del> Fines in respect of an accidental discharge or escape of oil or other substance .....</p> <p><b>FE.</b> Any fine (other than those specified in paragraphs [B]-[ED] above) to the extent that:</p> <p>i. the Member has satisfied the Directors that he took such steps as appear to the Directors to be reasonable to avoid the event giving rise to such fine, and</p> <p>ii. the Directors in their discretion and without having to give any reasons for their decision, decide that the Member should recover.</p> <p><del>GF.</del> Confiscation of the entered ship.....</p> | <p>为走私罚款提供保险赔偿, 可能会破坏此类罚款预期的矫正效果。结合国内有关规定并参考国际保赔协会最新保险条款修改情况, 走私相关的罚款不再作为明确规定的可获赔罚款。未列明的罚款是否可获得赔偿将根据第 5 项的规定由董事会酌情裁量。</p> |

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| <p><b>2. 第八条 通用规则</b></p> <p>对第八条第（四）款除外责任第 5 项进行修改，增加下划线字部分内容，删除带删除线部分的内容：</p> <p>（四）除外责任</p> <p>5. 救助船、钻探船、挖掘船及其他船、特殊作业、潜水作业等产生的某些责任、开支和费用。</p> <p>……</p> <p>3) 特殊作业</p> <p>会员在实施特殊作业中所产生的责任、开支和费用，这种特殊作业包括但不限于挖掘、爆破、打桩、探井、电缆或管道的建筑、铺设或维修、矿样采集、矿土处置、<u>发电、拆除作业</u>，<del>专业溢油反应，或专业溢油反应训练和油舱清洗（在入会船上的作业除外，但不含灭火作业）</del>，以因下述事项而产生的责任、开支和费用为限……</p> | <p><b>2. Rule 8 – Conditions, Exceptions and Limitations</b></p> <p><i>Amend Rule 8 - D. Exclusions -v. Exclusion of certain liabilities, costs and expenses of salvage ships, drilling ships, dredgers and others, specialist operation, diving etc. by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p><b>D. Exclusions</b></p> <p><b>v. Exclusion of certain liabilities, costs and expenses of salvage ships, drilling ships, dredgers and others, specialist operation, diving etc.</b></p> <p>……</p> <p>(iii) Specialist operations</p> <p>Liabilities, costs and expenses incurred by a Member during the course of performing specialist operations including but not limited to dredging, blasting, pile-driving, well-stimulation, cable or pipelaying, construction, installation or maintenance work, core sampling, depositing of spoil, <u>power generation, decommissioning</u> <del>professional oil spill response or professional oil spill response training and tank cleaning (otherwise than on the entered ship) (but excluding fire fighting)</del> to the extent that such liabilities, costs and expenses arise as a consequence of ……</p> | <p>参考国际保赔协会的规定和修改，结合实际情况，调整特殊作业的范围。</p> |
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| <p><b>3. 第八条 通用规则</b></p> <p>对第八条第(十二)款证书的英文条款进行修改, 增加下划线字部分的内容:</p> <p><b>(十二) 证书</b></p> <p>.....</p> <p>但是:</p> <p>1. 对于本协会仅因出具担保、保证或证书而承担的责任、开支和费用, 会员应将其从标准保赔战争保险中获得的赔款补偿给本协会, 如会员未安排标准保赔战争保险或虽安排了但因未完全履行该保险项下的义务从而无权从该保险项下获得赔款, 则应将其视同安排了标准保赔战争保险且完全履行了该保险项下的义务从而有权从该保险项下获得赔款。在此情况下, 会员应将其本应从标准保赔战争保险中获得的赔款补偿给本协会。并且.....</p> | <p><b>3. Rule 8 – Conditions, Exceptions and Limitations</b></p> <p><i>Amend Rule 8 - L. Certificates by addition of the words in underlined type indicated below:</i></p> <p><b>L. Certificates</b></p> <p>.....</p> <p>PROVIDED ALWAYS that</p> <p>a. The Member shall indemnify the Association to the extent that any payment under any such guarantee, undertaking or certificate in discharge of the said liabilities, costs and expenses is or would have been recoverable in whole or in part under a standard P&amp;I war risk policy had the Member <u>entered into such policy and</u> complied with the terms and conditions thereof, and.....</p>                                                                                                                                                                                                         | <p>确保英文条款表述与中文条款表述一致, 避免因中英文表述差异导致歧义和争议, 并与国际保赔协会的规定保持一致。</p> |
| <p><b>4. 第十一条 集团会员入会保险</b></p> <p>对第十一条第(一)款进行修改, 增加下划线字部分内容, 删除带删除线部分的内容:</p> <p>(一) 经理机构可根据这样的条款接受任何船舶在本协会入会保险, 即, 在本条下述第(二), <del>和</del>(三)和(四)款规定的限度内, 以及根据该两三款规定的条件, 本协会就该船向会员提供的保险将延展至附属或关联于该会员的任何人员或公司。本协会与任何该等人员或公司(均被称之为“集团会员”)之间的权利和义务, 在符合下述第(二), <del>和</del>(三)和(四)款规定的情况下, 应为该会员与经理机构书面同意的权利和义务.....</p>             | <p><b>4. Rule 11 – Group Affiliate Cover</b></p> <p><i>Amend Rule 11 A by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p>A. The Managers may accept the entry of any ship upon terms that within the limits and upon the conditions set out in paragraphs [B], <del>and</del> [C] <u>and [D]</u> of this Rule, the benefit of the cover afforded by the Association to the Member in respect of that ship shall be extended to persons or companies affiliated or associated with that Member. The rights and obligations as between the Association and any such persons or companies (both referred to hereafter in this Rule as Group Affiliates) shall, subject always to paragraphs [B], <del>and</del> [C] <u>and [D]</u> of this Rule, be such as may be agreed between the Member and the Managers.....</p> | <p>明确本条集团会员入会保险的相关要求和规定, 确保条款规定与实务操作相一致, 并与国际保赔协会的规定保持一致。</p> |

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| <p><b>5. 第十三条 再保险</b></p> <p>对第十三条第（二），（三）款进行修改，增加下划线字部分内容，删除带删除线部分的内容：</p> <p><del>（二）本协会可成为或继续成为国际保赔集团分摊协议或任何类似性质或目的的其他协议的成员。</del></p> <p><u>（二）</u> 经理机构有权代表本协会以其认为合适的条款对本协会所承保的任何风险（包括本条上述第（一）或<u>（二）</u>款所提及的再保险或根据国际保赔集团分摊协议而可能承担的任何风险）向其认为合适的再保险人分出保险。</p> | <p><b>5. Rule 13 – Reinsurance</b></p> <p><i>Amend Rule 13 B and C by addition of the words in underlined type and by deletion of the words indicated below:</i></p> <p><del>B. The Association may become or continue to be a party to the Pooling Agreement or to any other agreement of a similar nature or purpose.</del></p> <p><u>C</u><del>B</del>. The Managers shall have the right in their discretion to effect on behalf of the Association the reinsurance or ceding of any risks insured by the Association (including any risk which may fall on the Association by reason of a reinsurance <del>or pooling agreement</del> referred to in paragraphs [A] <del>or [B]</del> of this Rule) with such reinsurers and on such terms as the Managers shall consider appropriate.</p> | <p>该条第二款的表述容易引发歧义，删除该表述以避免争议。本条修改不影响再保险的主要规定和实务操作。</p> |
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