



## COMPENDIUM OF CANADA'S ENGAGEMENT IN INTERNATIONAL ENVIRONMENTAL AGREEMENTS AND INSTRUMENTS

### *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention)*

**SUBJECT CATEGORY:**

Marine/Oceans

**TYPE OF AGREEMENT / INSTRUMENT:**

Multilateral

**FORM:**

Legally-binding treaty

**STATUS:**

- Ratified by Canada October 2, 2009
- In force in Canada January 2, 2010
- In force internationally November 21, 2008

**LEAD & PARTNER DEPARTMENTS:**

*Lead:* Transport Canada

**FOR FURTHER INFORMATION:****Web Links:**

[International Convention on Civil Liability for Bunker Oil Pollution Damage](#)

**Contacts:**

[ECCC Inquiry Centre](#)

**COMPENDIUM EDITION:**

October 2018

**PLAIN LANGUAGE SUMMARY**

The *International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001*, (Bunkers Convention) was adopted by the International Maritime Organization to make shipowners strictly liable for oil pollution damage from the ship and thus ensuring that compensation is available. The Bunkers Convention covers all ships and the pollution from the bunker oil used in their propulsion and operation. It also provides for compulsory insurance for shipowners to cover their liability.

**OBJECTIVE**

The objective of this Convention is to ensure that compensation is available to those who suffer oil pollution damage from ships in a State Party. Bunker oil spills occur more frequently than spills from oil tankers.

**KEY ELEMENTS**

The Bunkers Convention places the liability for oil pollution damage on the owner of the ship from which the polluting oil escaped or was discharged. Oil pollution damage includes loss or damage caused by contamination, reasonable measures to reinstate the environment and preventive measures to prevent or minimize further damage.

Subject to certain defences, this liability is strict. The Bunkers Convention also allows a shipowner to limit their liability based on limits set out in the *International Convention on the Limitation for Liability for Maritime Claims*, which are based on the tonnage of the ship.

A shipowner cannot limit liability if it is proved that the pollution damage resulted from the shipowner's personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

The Bunkers Convention requires ships to maintain adequate insurance or other financial security in sums equivalent to the owner's total liability. State parties issue certificates attesting that insurance or financial security is in place.

The Bunkers Convention applies to all seagoing vessels carrying oil in bulk as cargo, but only ships of 1,000 gross tons or more are required to maintain insurance in respect of oil pollution damage.

## EXPECTED RESULTS

This convention continues to allow Canada to ensure compensation from shipowners is provided to those who are affected by oil pollution from ships.

## CANADA'S INVOLVEMENT

Maritime shipping is an important part of trade and the Canadian economy. Through international agreements, Canada can ensure losses and damage from oil pollution are covered.

On June 23, 2009, amendments to the [Marine Liability Act](#) received Royal Assent and implemented the Bunkers Convention in Canada. Subsequently, on October 2, 2009, Canada ratified the Convention.

## RESULTS / PROGRESS

### *Activities*

In 2015, the International Maritime Organization adopted amendments to the limits of liability under the International

Convention on the Limitation of Liability for Maritime Claims. [Regulations Amending Schedule 1](#) to the Marine Liability Act came into effect June 8, 2015 amending these limits.

Canada remains active in the international discourse on the implementation of the Bunkers Convention at the Legal Committee of the International Maritime Organization

### *Reports*

Under the Bunkers Convention, Canada issues certificates of financial security to shipowners who require them in accordance with the Convention's requirements.

### *Results*

The results of being party to the Bunkers Convention is that Canada promotes global uniformity and ensures that a liability regime is in place for oil pollution damage from ships in its waters.