



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

### *Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (2010 HNS Protocol)*

**SUBJECT CATEGORY:**

Marine/Oceans.

**TYPE OF AGREEMENT / INSTRUMENT:**

Multilateral.

**FORM:**

Legally-binding treaty

**STATUS:**

- Signed by Canada: October, 25, 2011
- Ratified by Canada: April, 23, 2018
- In force in Canada: not yet in force
- In force internationally: not yet in force

**LEAD & PARTNER DEPARTMENTS:**

*Lead: Transport Canada*

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

[International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea](#)  
[HNS Convention Website](#)

**Contacts:**

[ECCC Inquiry Centre](#)

**COMPENDIUM EDITION:**

October 2018

**PLAIN LANGUAGE SUMMARY**

The *Protocol of 2010 to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996* (2010 HNS Protocol), was adopted by the International Maritime Organization to establish a global liability and compensation regime for losses and damage resulting from the incidents involving dangerous goods carried by ships.

**OBJECTIVE**

The objective of the 2010 HNS Protocol is to provide compensation for damage caused by the carriage of HNS by ships.

**KEY ELEMENTS**

The 2010 HNS Protocol creates a two-tier regime of liability and compensation covering HNS carried both in bulk and packages/containers.

First, it creates strict liability for the shipowner, with certain defences. It also establishes the limits of liability for the shipowner in accordance with the type of HNS carried and the tonnage of the ship.

Second, the 2010 HNS Protocol creates a new international compensation fund, which supplements the shipowner's liability and is made up of contributions collected from receivers of bulk HNS cargoes received in State Parties.

The regime provides compensation up to 250 million Special Drawing Rights for a single incident.

The 2010 HNS Protocol covers a wide range of losses and damage, including loss of life, personal injury, preventive measures, clean-up costs, economic losses and environmental damage.

**EXPECTED RESULTS**

This Protocol is expected to allow Canada to ensure adequate compensation is provided to those who are affected by pollution and other damage from ships carrying HNS.

**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.

Canada was active in leading the development of the both the original 1996 HNS Convention (which never entered into force) and the 2010 HNS Protocol at the International Maritime Organization. Canada signed both, subject to ratification.

Since 2010, Canada has led the promotion of the entry into force of the 2010 HNS Protocol and facilitated the adoption of guidelines and a resolution, hosted and chaired workshops, and developed information products to assist states in their implementation of the Protocol.

On December 9, 2014, amendments to the [Marine Liability Act](#) received Royal Assent and implemented the 2010 HNS Protocol in Canada. Subsequently, on October 14, 2016, the [Marine Liability and Information Returns Regulations](#) were adopted to establish the HNS reporting requirements prior to ratification.

On April 23, 2018, Canada became the [second State to ratify the 2010 HNS Protocol](#).

## **RESULTS / PROGRESS**

### ***Activities***

Canada is now a Contracting State to the 2010 HNS Protocol and will be a Member State of the new HNS Fund Assembly, once the Protocol comes into force. Canada will work with other States in the interim period on the necessary administrative tasks to establish the new HNS Fund.

### ***Reports***

As a Member State, Canada is obliged to annually report total quantities of contributing bulk HNS cargo received by sea in Canada.

### ***Results***

The results of being party to the 2010 HNS Protocol is that, once it enters into force, Canada promotes global uniformity and ensures that a liability regime is in place for damage from ships carrying HNS in its waters.