



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

### *2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (Supplementary Fund Protocol)*

**SUBJECT CATEGORY:**

Marine/Oceans.

**TYPE OF AGREEMENT / INSTRUMENT:**

Multilateral.

**FORM:**

Legally-binding treaty.

**STATUS:**

- Ratified by Canada: October 2<sup>nd</sup>, 2009.
- In force in Canada: January 2<sup>nd</sup>, 2010.
- In force internationally: March 3<sup>rd</sup>, 2005.

**LEAD & PARTNER DEPARTMENTS:**

*Lead: Transport Canada.*

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

[2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 \(Supplementary Fund Protocol\).](#)

[International Oil Pollution Compensation Funds](#)

**Contacts:**

[ECCC Inquiry Centre](#)

**COMPENDIUM EDITION:**

October 2018

**PLAIN LANGUAGE SUMMARY**

The *2003 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992* (Supplementary Fund Protocol) was adopted by the International Maritime Organization to establish an additional tier of compensation for pollution damage from ships carrying persistent oil as cargo.

**OBJECTIVE**

The Supplementary Fund Protocol establishes an optional third tier of compensation in the form of an international compensation fund made up of contributions from receivers of oil by ship in State Parties

**KEY ELEMENTS**

The Supplementary Fund Protocol is intended to supplement both the shipowners liability under the *International Convention on Civil Liability for Oil Pollution Damage, 1992* and the compensation available from the 1992 Fund. Thus, it ensures the sharing of the financial burden between the shipowner and the cargo interests.

The Supplementary Fund Protocol creates a separate supplementary fund part of the International Oil Pollution Compensation Funds and sets out the governance of the Fund. It also sets out the obligations for reports and contributions to be made annually to the Fund.

The total amount of compensation for a single incident is 750 million Special Drawing Rights, including the shipowners' liability and the amount available under the 1992 Fund.

**EXPECTED RESULTS**

This Supplementary Fund Protocol ensures significantly higher compensation is made available for those who suffer losses or damage from oil pollution from tankers.

**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 Supplementary Fund Protocol in Canada. Subsequently, on October 2, 2009, Canada ratified the Protocol.

As a Member State, Canada is involved with the Supplementary Fund, including taking part in the Supplementary Fund Assembly. Assemblies are held at least once a year.

## **RESULTS / PROGRESS**

### ***Activities***

Canada has been a Member State of the International Oil Pollution Compensation Funds since 1989. Canada actively works with the Funds and other Member States on the development and administration of the international compensation regime. This includes ensuring that Canada's obligations of reporting contributing oil to the Funds is collected and any contributions are paid by Canada's domestic fund, the Ship-Source Oil Pollution Fund.

### ***Reports***

Information on Canada's contributions can be found with the [International Oil Pollution Compensation Funds' Oil Reporting and Contributions page](#)

The International Oil Pollution Compensation Funds issues an [Annual Report](#).

### ***Results***

The results of being party to the Supplementary Fund Protocol is that Canada promotes global uniformity and ensures that a compensation regime is in place for ships carrying oil as cargo in its waters.