



Canadian Nuclear
Safety Commission

Commission canadienne
de sûreté nucléaire

Canada

Canada's Ratification of the Convention on Supplementary Compensation for Nuclear Damage

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CANADA 150

Strengthening Canada's Nuclear Liability Regime



- On June 6, 2017, Canada delivered its instrument of ratification to the IAEA on the Convention on Supplementary Compensation for Nuclear Damage (CSC)
- Ratification of the CSC followed the January 1, 2017 entry-into-force of the *Nuclear Liability and Compensation Act* (NLCA), Canada's new domestic legislation which:
 - replaced the previous *Nuclear Liability Act* with stronger legislation to better deal with liability and compensation for a nuclear accident within Canada
 - implemented Canada's commitment to the CSC to address liability and compensation for damage within member countries arising from trans-boundary and transportation nuclear accidents





Nuclear Liability and Compensation Act

- Nuclear operators are absolutely and exclusively liable for nuclear damage
- The liability limit for nuclear power plant operators will be increased from \$75 million under the previous legislation to \$1 billion:
 - phased in progressively over 4 years - from \$650 million at proclamation (2017), \$750 million, \$850 million, \$1 billion in 2020
 - Minister must review the limit regularly and it could be increased by regulation
- Broadened definition of compensable damages
 - includes environmental damages, preventive measures
- Limitation period for making claims for bodily injury and loss of life extended to 30 years
 - 10-year limitation period will apply to claims for other damage

Nuclear Liability and Compensation Regulations

- Came into force on January 1, 2017
 - designate nuclear installations
 - setting classes of nuclear installations
 - liability limits commensurate with their risk

Contracting Party to the CSC



- Why Canada chose the CSC:
 - provides legal certainty regarding liability
 - CSC is the only nuclear civil liability convention ratified by the United States
- Why Canada joined as an Annex State to the CSC:
 - to join the CSC, a country's national law must implement the Paris Convention or the Vienna Convention, or must comply with the provisions of the Annex to the CSC
 - Canada is not a member of the Paris Convention or the Vienna Convention, and was therefore required to join as an Annex State
- To meet its obligations under the CSC:
 - Canada provided the Depository of the CSC with a copy of its national law which complies with the provisions of the CSC and CSC Annex

Role of the Canadian Nuclear Safety Commission



- Under NLA:
 - Canada's nuclear regulator (CNSC) – determined which nuclear installations were covered and amounts of insurance coverage
- Under NLCA:
 - Designation of nuclear installations and determination of insurance amounts is set out in regulations
 - CNSC acts in an advisory role to the Minister on these regulations



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Questions?

Thank You!

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