

CANADA RATIFIES CONVENTION ON SUPPLEMENTARY COMPENSATION

By Stanley D. Berger

On Wednesday June 6, 2017 the Permanent Representative of Canada to the International Atomic Energy Agency (IAEA), Ambassador Mark Bailey, delivered the instrument of ratification to IAEA Director General Yukiya Amano at a ceremony at IAEA Headquarters in Vienna, Austria. Canada's ratification of the Convention on Supplementary Compensation for Nuclear Damage (CSC) follows the entry-into-force on January 1, 2017 of the *Nuclear Liability and Compensation Act*, domestic legislation that strengthened Canada's nuclear liability regime and permitted Canada to ratify the CSC. The United States, Canada's closest neighbour ratified the Convention in 2008. The implications are significant for Canada as Article XIII of the CSC provides that with few exceptions, jurisdiction over actions concerning nuclear damage from a nuclear incident lie only with the courts of the CSC Contracting Party within which the nuclear incident occurs. Foreign suppliers and contractors with assets in the United States who, for example are working on refurbishments of nuclear reactors at the Darlington or Bruce Nuclear Generating Stations in Canada, are no longer exposed to lawsuits in the U.S. arising from a nuclear incident at either of these sites which causes damage in the U.S. linked to work they are doing at these sites. This result is consistent with that achieved through other similar international conventions applicable elsewhere in the world. The CSC has also been ratified by Argentina, India, Romania, the U.A.E and Morocco, accepted by Japan and acceded to by Ghana and Montenegro.



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