

Application for approval of financial guarantee or equivalent insurance



Regulation (EC) 1013/2006 – The Waste Shipments Regulation

Please read through this form and the guidance notes that came with it. Please write clearly in the answer spaces.

The notifier must put a financial guarantee or equivalent insurance ('financial provision') in place for all notified waste shipments to and from England or Wales. This is to provide the competent authorities with guaranteed money to take action if things go wrong with a notified shipment, including, for example, arranging and paying for the return of the waste to the country of origin.

For some types of notified waste shipments to and from England or Wales you must obtain our prior approval of the financial arrangements you have made and/or the amount of cover put in place before you ship any waste. You must complete this form to seek that approval. This is in addition to the consents you need from the concerned competent authorities to the notification you are submitting or have submitted to the competent authority of dispatch for the proposed notified waste shipments.

Do I need to make an application?

You must complete and submit this application if you are submitting a notification under the Waste Shipments Regulation ('WSR') to the Environment Agency for:

- an export of waste from England or Wales, including a shipment to another EU member state – **in this case please complete sections 1–11** and provide any additional information requested in the application (this will depend on your response to certain sections on the application). You must obtain our approval of the financial guarantee or equivalent insurance ('financial provision') arrangements you have made, including the amount of cover and the form and wording of the arrangement made, before you make any shipments on the notification.
- an import of waste to England or Wales **where the waste originates outside the EU – in this case you only have to**

complete sections 1–2 and 8–11. You must obtain our approval for the amount of cover provided under the financial provision arrangements made. If we are not satisfied with the amount of cover provided you must put additional financial provision in place and obtain our approval for those additional arrangements before you make any shipments on the notification.

Do not complete this application if you are submitting a notification for an import to England or Wales from another EU member state. Financial provision arrangements meeting the requirements of the WSR must be in place for this type of notification, but the competent authority in the EU member state of dispatch is responsible for assessing and approving the arrangements made.

For further information on international notified waste movements, please see 'Moving notified waste between countries – A guide', which includes information on the financial provision requirements set down in the WSR.

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1 Notification number

Please provide the notification number to which this application relates. You must make a separate application for each notification.

2 For the above notification, are you the:

Notifier

or

Consignee

If you are the consignee, you should only complete this application if it relates to an import of waste to England or Wales from a country outside the EU and you have written authorisation from the notifier to make this application. You must provide a copy of the written authorisation from the notifier with the completed application.

Details about the financial guarantee or equivalent insurance policy

3 Type of financial guarantee

Check block 3 of the notification form to find out which type of notification you have submitted. We have produced standard templates for a financial guarantee to cover:

- An individual shipment – see Annex A or;
- Multiple shipments for a 'general' notification – see Annex B, or;
- Single/multiple shipments pertaining to several notifications – see Annex C.

If you confirm the financial guarantee you have set up is in accordance with the appropriate standard template we will not normally need to see a copy of the guarantee.

3 Type of financial guarantee, continued

We will usually be able to give our approval quickly, provided the organisation providing the guarantee is acceptable and the amount of cover provided is appropriate.

If you have set up a guarantee in any other format you must provide a copy of the guarantee with this application. You must make sure the arrangements you have made meet the requirements specified in the WSR before sending your application to us for approval. If you chose to use a format that does not follow our template, we may need further information from you and it may take longer to approve your application.

If you have set up equivalent insurance, you must provide a copy of the insurance policy with your application. We are not aware of any policy currently in existence that meets our requirements (correct as of 14 December 2010). If you wish to support your application with an insurance policy rather than a financial guarantee, we suggest you contact us first for further guidance.

Any financial guarantee or equivalent insurance policy set up in relation to an export from England or Wales must be in English and subject to and in accordance with English law. We will not accept translated documents or guarantees or insurance policies subject to and in accordance with the law of any other jurisdiction.

Indicate the type of financial guarantee or equivalent insurance you have in place to cover the waste notified.

Financial guarantee in accordance with the Environment Agency's standard template titled 'A single shipment pertaining to one notification' – see Annex A.

Financial guarantee in accordance with the Environment Agency's standard template titled 'Multiple shipments pertaining to one notification' – see Annex B.

Financial Guarantee in accordance with the Environment Agency's standard template titled 'Blanket guarantee – single/multiple shipments pertaining to several notifications' – see Annex C.

Financial guarantee not in accordance with the Environment Agency's standard templates - your application must be accompanied by a copy of the guarantee made.

Equivalent policy of insurance – your application must be accompanied by a copy of the insurance policy.

4 Name and contact details of the financial institution or insurance company

For exports of waste from England and Wales, we would expect your financial provider to be a high street bank or recognised financial institution. Please provide contact details of the person we may contact at the financial institution or insurance company if we have any questions regarding the financial guarantee or equivalent insurance.

Contact name

Title (Mr, Mrs, Miss and so on) _____

First name _____

Last name _____

Name of financial institution or insurance company

4 Name and contact details of the financial institution or insurance company, continued

Address

Postcode _____

Contact numbers, including the area code

Phone _____

Fax _____

Mobile _____

Email _____

5 Address to which claims on the guarantee or policy must be made if different from that given above

Where you have a financial guarantee that is in accordance with our standard templates, this is the address of 'the Bank' specified in paragraph 1 of the guarantee; it may be that this is the same as the details provided in block 4.

Name

Address

Postcode _____

Contact numbers, including the area code

Phone _____

Fax _____

Mobile _____

Email _____

6 Date of financial guarantee or insurance policy

Date (DD/MM/YYYY)

7 Financial guarantee reference number or insurance policy number

8 Amount of cover provided

If you have set up a financial guarantee in accordance with one of our specified standard templates, this is the figure that appears in paragraph 2 of the guarantee. If you are using an insurance policy, please specify any financial limits on the amounts we can claim under the policy.

£ _____

9 Number of active shipments covered

You only need to complete this section if the application relates to a notification for multiple shipments. Where you are applying in relation to a notification for multiple shipments, the amount of cover provided can be limited to the total maximum number of shipments that will be in transit and/or waiting to be recovered/disposed of at any one point in time rather than the total number of shipments to be made during the time the notification is valid.

Number

10 Calculation

Please set out how you have calculated the amount of cover required, as specified in block 8 above. The amount of cover of any particular financial provision arrangement will vary from case to case, depending on a wide range of factors such as distance to be travelled, route, mode(s) of transport, the nature and quantity of waste and the process for which it is destined.

We recommend you use the following approach when calculating the amount of cover required:

Size of guarantee = [(A + B + C) × the number of active shipments] + D; where,

A = the cost of shipment;

B = the cost of disposal or recovery;

C = the cost of storage for 90 days; and

D = administrative costs (including legal fees and charges).

This amount should be £595 (correct as of 14 December 2010).

We will look for an amount of cover that has been worked out on a 'worse case scenario' basis. For example, the cost of disposal or recovery should take account of the possibility that the waste might not be described properly and could contain contaminants which the consignee (person receiving the waste) cannot deal with in an environmentally sound manner.

If you use any other approach to calculate the amount of cover required, this could delay your application being approved.

Here's how we suggest you work it out:

(a) cost of shipment:

£ _____

(b) cost of recovery or disposal, including any interim operation:

£ _____

(c) cost of storage for 90 days:

£ _____

multiplied by number of active shipments:

10 Calculation, continued

(d) administrative costs: £595

Total amount:

£ _____

Any further information should be attached as a separate additional sheet.

11 Declaration

I declare that:

- the financial guarantee or equivalent insurance, as detailed in this form, is in place to cover the waste to be shipped on the notification detailed in block 1, meets the requirements of the WSR and will remain in place until the Environment Agency returns this application indicating that the financial guarantee or equivalent insurance can be released;
- the Environment Agency will have access to the financial guarantee or equivalent insurance in order to meet its obligations under the WSR;
- the information in this application is true to the best of my knowledge and belief. I understand that this approval may be refused or withdrawn if I give false or incomplete information.

I also allow the Environment Agency to contact the financial institution or insurance company listed on this application form directly if they have any questions or if they need to call upon the financial guarantee or equivalent insurance.

Signature

Name

Title (Mr, Mrs, Miss and so on) _____

First name _____

Last name _____

Position

Company

Today's date (DD/MM/YYYY)

Summary of approval criteria

- This application must be completed and all required additional information must be provided.
- We must be satisfied that the form and wording of the financial provision arrangements meet the requirements of the WSR.
- We must be satisfied that the amount of cover provided is enough to cover the costs of any action we or other competent authorities may be required to undertake if things go wrong with the notified shipments.
- We must be satisfied that your financial provision arrangement will be in place until all the waste has been recovered or disposed of.
- We must be satisfied that we will be able to access funds on demand if we need to.

11 Declaration, continued

Determination

We will make our decision 20 working days from the date we receive a complete application. We will give you our decision by returning a stamped copy of the application. If we refuse your application, we will tell you why and you will be entitled to make a second application.

We may request further information, including requesting a copy of the financial provision arrangement before we make our decision, so that we are satisfied that the provision meets the requirements of the WSR.

Additional sheets

Where you are attaching additional information, please make sure that you label each sheet clearly with:

- the notification number;
- the section on the form it applies to;
- the number of the sheet, for example 3 of 5.

Help and advice

Please contact us if you need any advice on how to give the information we need. If you send in a form with missing or incomplete information, we will not be able to process and approve your application.

Contact: International Waste Shipments Team, Environment Agency

Tel: +44 1925 542265

Email: shipments@environment-agency.gov.uk

Keeping a copy

The WSR says that you must keep a copy of this form and any additional sheets and supporting information that you submit for three years from the date when the shipment starts. We may ask to see the copies when we monitor your performance.

11 Declaration, continued

Where to send your application

Send it to
IWS
Environment Agency
Richard Fairclough House
Knutsford Road
Latchford
Warrington
Cheshire
WA4 1HT
UK

Tel: +44 1925 542265

Fax: +44 1925 542105

Email: shipments@environment-agency.gov.uk

12 The Data Protection Act 1998

We, the Environment Agency, will process the information you provide so that we can deal with your application, make sure you keep to the conditions of the licence, permit or registration, process renewals and keep the public registers up to date.

We may also process or release the information to:

- offer you documents or services relating to environmental matters;
- consult the public, public organisations and other organisations (for example, the Health and Safety Executive, local authorities, the emergency services, the Department for Environment, Food and Rural Affairs) on environmental issues;
- carry out research and development work on environmental issues;
- provide information from the public register to anyone who asks;
- prevent anyone from breaking environmental law, investigate cases where environmental law may have been broken, and take any action that is needed;
- assess whether customers are satisfied with our service, and to improve our service; and
- respond to requests for information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (if the Data Protection Act allows).

We may pass the information on to our agents or representatives to do these things for us.

For Environment Agency use only

Date received as complete (DD/MM/YYYY)

Office stamp

Approved?

No

Yes Date (DD/MM/YYYY)

Financial guarantee released?

No

Yes Date (DD/MM/YYYY)

Application form released?

No

Yes Date (DD/MM/YYYY)

Annex A – A single shipment pertaining to one notification

Addressed to:

The Environment Agency whose principal office is at Horizon House, Deanery Road, Bristol, BS1 5AH and whose address for service is Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT.

Titled:

Council Regulation (EC) No. 1013/2006 ('the EC Regulation')
The Transfrontier Shipment of Waste Regulations 2007
No. 1711 (together 'the Regulations')

TFS Notification Number

('the Notification')

Financial Guarantee Reference Number

1. We, [Name and address of Bank],

('the Bank') refer to the duties placed on our client, [Name of Client],

('the Client') as notifier/consignee* in respect of the Notification under the terms of Article 6 of the EC Regulation to provide a financial guarantee or equivalent insurance covering the costs of transport, costs of recovery or disposal including any necessary interim operation and costs of storage for 90 days.

2. In order to cover obligations under the Notification and the Regulations, the Bank hereby unconditionally and irrevocably undertakes to pay forthwith and without any deduction to a competent authority in relation to the Notification ('a Competent Authority') on receipt of a written demand (and notwithstanding any objections by or instructions to the contrary from the Client) the sum (or sums) so demanded up to a maximum amount of

£ _____ Sterling, whether

demanded in a single sum or by more than one demand made.

3. Any demand under this guarantee must be received by the Bank at the above address signed by an authorised officer of a Competent Authority and must incorporate a declaration as follows:

'We certify that the sum demanded is due by reason of the [notifier] and/or [consignee] having failed to fulfil their obligations under the Notification and/or the Regulations'.

4. For the purposes of this guarantee, a written demand shall be conclusive evidence that the [notifier] and/or [consignee] has/have failed to fulfil their obligations under the Notification and/or the Regulations and that they are indebted to a Competent Authority for the sum demanded.

5. This guarantee will expire on the earlier of the following:

- a) payment of the aggregate amount of this guarantee; or
- b) receipt by the Bank of written confirmation from the Environment Agency that the Bank is released from all liability under this guarantee; or
- c) [three/five*] years from the date of authorisation as shown in Block 20 of the Notification

and any demand hereunder must be received by the Bank before the expiry of this guarantee, when this guarantee will become of no effect whatsoever whether or not it is returned to the Bank.

6. The benefit of this guarantee shall not be assignable or transferable by the Environment Agency.

7. This guarantee shall be subject to and construed in accordance with English law, and subject to the jurisdiction of the courts of England and Wales.

IN WITNESS of which this guarantee has been duly executed and delivered as a Deed on _____ day of _____

THE COMMON SEAL of

BANK PLC was hereunto affixed in the presence of:

[or as particular bank prefers to use e.g. under hand or by Power of Attorney]

[In the case of companies, to be executed in accordance with the provisions of ss36 and 36A of the Companies Act 1985].

* delete as appropriate

Annex B – Multiple shipments pertaining to one notification (general notification procedure)

Addressed to:

The Environment Agency whose principal office is at Horizon House, Deanery Road, Bristol, BS1 5AH and whose address for service is Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT.

Titled:

Council Regulation (EC) No. 1013/2006 ('the EC Regulation')
The Transfrontier Shipment of Waste Regulations 2007
No. 1711 (together 'the Regulations')

TFS Notification Number

('the Notification')

Financial Guarantee Reference Number

1. We, [Name and address of Bank],

('the Bank') refer to the duties placed on our client, [Name of Client],

('the Client') as notifier/consignee* in respect of the Notification under the terms of Article 6 of the EC Regulation to provide a financial guarantee or equivalent insurance covering the costs of transport, costs of recovery or disposal including any necessary interim operation and costs of storage for 90 days.

[This Guarantee covers the movement of a maximum of [insert number] _____ shipments in transit or in storage awaiting disposal/recovery* at any one time].

2. In order to cover obligations under the Notification and the Regulations, the Bank hereby unconditionally and irrevocably undertakes to pay forthwith and without any deduction to a competent authority in relation to the Notification ('a Competent Authority') on receipt of a written demand (and notwithstanding any objections by or instructions to the contrary from the Client) the sum (or sums) so demanded up to a maximum amount of £ _____ Sterling, whether demanded in a single sum or by more than one demand made.

3. Any demand under this guarantee must be received by the Bank at the above address signed by an authorised officer of a Competent Authority and must incorporate a declaration as follows:

'We certify that the sum demanded is due by reason of the [notifier] and/or [consignee] having failed to fulfil their obligations under the Notification and/or the Regulations'.

4. For the purposes of this guarantee, a written demand shall be conclusive evidence that the [notifier] and/or [consignee] has/have failed to fulfil their obligations under the Notification and/or the Regulations and that they are indebted to a Competent Authority for the sum demanded.

5. This guarantee will expire on the earlier of the following:

- a) payment of the aggregate amount of this guarantee; or
- b) receipt by the Bank of written confirmation from the Environment Agency that the Bank is released from all liability under this guarantee; or
- c) [three/five*] years from the date of authorisation as shown in Block 20 of the Notification

and any demand hereunder must be received by the Bank before the expiry of this guarantee, when this guarantee will become of no effect whatsoever whether or not it is returned to the Bank.

6. The benefit of this guarantee shall not be assignable or transferable by the Environment Agency.

7. This guarantee shall be subject to and construed in accordance with English law, and subject to the jurisdiction of the courts of England and Wales.

IN WITNESS of which this guarantee has been duly executed and delivered as a Deed on _____ day of _____

THE COMMON SEAL of

BANK PLC was hereunto affixed in the presence of:

[or as particular bank prefers to use e.g. under hand or by Power of Attorney]

[In the case of companies, to be executed in accordance with the provisions of ss36 and 36A of the Companies Act 1985].

* delete as appropriate

Annex C – Blanket guarantee – Single/multiple shipments pertaining to several notifications (inc. General Notification Procedure)

Addressed to:

The Environment Agency whose principal office is at Horizon House, Deanery Road, Bristol, BS1 5AH and whose address for service is Richard Fairclough House, Knutsford Road, Warrington, WA4 1HT.

Titled:

Regulation (EC) No. 1013/2006 ('the EC Regulation') The Transfrontier Shipment of Waste Regulations 2007 No. 1711 (together 'the Regulations')

Financial Guarantee Reference Number

1. We, [Name and address of Bank],

(‘the Bank’) are informed by our client, [Name of Client],

(‘the Client’) that, under the Regulations, upon shipments of waste which are notified to the competent authorities of dispatch and destination (hereafter ‘the Relevant Competent Authorities’) the notifier or consignee (as defined in the EC Regulation) is obliged to provide a financial guarantee.

2. The Bank has issued this guarantee in order to cover the Client’s obligation to provide a financial guarantee under the Regulations upon any shipments of waste notified to the Relevant Competent Authorities where the Client is notifier or consignee.
3. The Bank hereby unconditionally and irrevocably undertakes to pay forthwith and without any deduction to any of the Relevant Competent Authorities on receipt of a written demand (and notwithstanding any objections by or instructions to the contrary from the Client) the sum (or sums) so demanded up to a maximum amount of £ _____ Sterling, whether demanded in a single sum or by more than one demand made.
4. Any demand under this guarantee must be accompanied by a certified copy of a form from the Client addressed to the Agency which confirms that the shipment of waste (identified by its notification number) which gave rise to the demand is covered by this guarantee and shall be received by the Bank at the above address signed by an authorized officer of any of the Relevant Competent Authorities and must incorporate a declaration as follows: ‘We certify that the sum demanded is due by reason of the [notifier] and/or [consignee] having failed to fulfil their obligations under the Regulations’.
5. For the purposes of this guarantee, a written demand shall be conclusive evidence that the [notifier] and/or

[consignee] has/have failed to fulfil their obligations under the Regulations and that they are indebted to one of the Relevant Competent Authorities for the sum demanded.

6. The Bank’s obligations under this guarantee shall come into effect immediately upon the Relevant Competent Authorities giving consent for the first transfrontier shipment of waste which is covered by this guarantee.
7. The benefit of this guarantee shall not be assignable or transferable by the Agency.
8. This guarantee shall be subject to and construed in accordance with English law and subject to the jurisdiction of the courts of England and Wales.
9. The obligations under this guarantee are continuing obligations and shall remain in force subject to the Bank giving [455] days notice in writing of termination to the Agency which shall become effective on the day falling [455] days following the date of such notice provided that, as at such date, there are not in transit consignments of waste to which this guarantee applies and all certificates of [disposal/recovery] in respect of all consignments of waste covered by this guarantee have been received by the Relevant Competent Authorities. In the event that there are consignments of waste in transit and/or all certificates of [disposal/recovery] have not been received, this guarantee shall continue until all certificates of [disposal/recovery] in respect of all consignments of waste covered by this guarantee have been received by the Relevant Competent Authorities.

IN WITNESS of which this guarantee has been duly executed and delivered as a Deed on _____ day of _____

THE COMMON SEAL of

BANK PLC was hereunto affixed in the presence of:

[or as particular bank prefers to use e.g. under hand or by Power of Attorney]

[In the case of companies, to be executed in accordance with the provisions of ss36 and 36A of the Companies Act 1985].

* delete as appropriate