

Application for approval of financial guarantee or equivalent insurance



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

Please read through this form and guidance.

The notifier must put a financial guarantee or equivalent insurance ('financial provision') in place for all notified waste shipments to and from England. 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 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 – **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 **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 from an 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 the guidance on <https://www.gov.uk/guidance/importing-and-exporting-waste#notification-controls-how-to-comply>, which includes information on the financial provision requirements set down in the WSR.

It should take no longer than 10 minutes to fill in this form.

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- 6 Date of financial guarantee or insurance policy
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Annex A – A single shipment pertaining to one notification

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

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 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.
- multiple shipments for a ‘general’ notification – see Annex B.
- single/multiple shipments pertaining to several notifications – see Annex C.

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 make sure the arrangements you have made meet the requirements specified in the WSR before sending your application to us for approval.

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 1 March 2021). 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 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, we would expect your financial provider to be a high street bank or recognised financial institution with an address in England or Wales for service of claims. 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

Address

Postcode

Contact numbers

Phone

Mobile

Email

5 Address for service of claims on the guarantee or policy

This address must be located in England or Wales.

Where you have a financial guarantee that is in accordance with our standard templates, this is the address specified in paragraph 1 of the guarantee.

Name

Address

Postcode

Contact numbers

Phone

Mobile

Email

6 Date of financial guarantee or insurance policyDate (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 = $[(A + B + C) \times \text{the number of active shipments}] + D$; where,

A = the cost of shipment

B = the cost of disposal or recovery

C = the cost of storage for 90 days

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

This amount should be £595 (correct as of 1 March 2021).

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:

£ _____

(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 writes to either the bank or the notifier confirming 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.

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.

11 Declaration, continued

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

Email: askshipments@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.

Where to send your application

Send it to:

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

Email: askshipments@environment-agency.gov.uk

12 Privacy notice

We are the Environment Agency and we are the administrator of financial guarantees or equivalent insurance ('financial provision') for all notified waste shipments to and from England. We are the Controller for this service. A Controller determines how and why personal data (personal information) is processed.

Our personal information charter (<https://www.gov.uk/government/organisations/environment-agency/about/personal-information-charter>) explains how we deal with your personal information. Go to GOV.UK and search 'Environment Agency personal information charter'.

The personal data we need

The personal data we collect includes names, addresses and contact details (including email addresses). We are allowed to process your data because we are the official administrator of financial guarantees or equivalent insurance ('financial provision') under the WSR. The lawful basis for processing your personal data is to perform a task in the public interest that is set out in law.

If you do not provide us with the requested information during the application process, this may halt the processing of your application. If you do not provide us with the information we require or we find out that some of the information is incorrect you may be in breach of your conditions of approval. This may result in:

- A warning (e.g. informing you to increase the financial guarantee).
- A formal caution (e.g. informing you to stop shipping waste).
- A prosecution depending on the breach of condition.

Your responsibility

If you have included personal data about any other individuals in your submissions, you must inform them of this. You must provide them with a copy of this privacy notice so that they are aware of how their personal data will be used.

What we do with your personal data

We use the personal data to regulate you in accordance with the WSR. Any personal data that you provide to the International Waste Shipments Team is saved on Environment Agency systems.

We use your personal data to:

- assess your application
- contact you about your applications or submissions
- provide you with information about financial guarantees or equivalent insurance ('financial provision')

We do not use your personal data to make an automated decision or for automated profiling.

We will share your personal data with the following regulators:

- Department for Environment, Food and Rural Affairs
- Scottish Environmental Protection Agency
- Natural Resources Wales
- Department for Agriculture, Environment and Rural Affairs (Northern Ireland)

How long we keep your personal data

When the consent period for your notifications has expired and we have received all the required shipment recovery information for that notification, we will keep your personal data for a further 3 years in line with our standard information retention policy.

Where your personal data is processed and stored

We store and process your personal data on servers in the UK.

As part of the application process, we may transfer your personal data outside the United Kingdom. For example, if you are exporting waste to China, then we will send your data to the Chinese Competent Authority in order to carry out the regulatory requirements and gain their consent.

12 Privacy notice, continued

By submitting your personal data, you agree to this transfer, storing or processing. We will take all steps reasonably necessary to ensure that your data is treated securely.

Contact details

Our Data Protection Officer (DPO) is responsible for independent advice and monitoring of the Environment Agency's use of personal information.

If you have any concerns or queries about how we process personal data, or if you would like to make a complaint or request relating to data protection, please contact our DPO:

Data Protection Officer, Environment Agency, Horizon House, Deanery Road, Bristol, BS1 5AH

Email: dataprotection@environment-agency.gov.uk

You can find out about your personal data rights from the Information Commissioner's Office (ICO) at www.ico.org.uk. The ICO regulate the data protection legislation. You have the right to lodge a complaint with them at any time.

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 Waste Shipments 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 of bank]

_____ ('the Bank')

whose address for service of claims on this guarantee is

are informed by our client [name of client]

_____ ('the Client')

that the notifier in respect of the Notification has a duty under the terms of article 6 of the Waste Shipments 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 _____ [DD/MM/YYYY]

In accordance with s.44(1)(a) of the Companies Act 2006

THE COMMON SEAL of

was hereunto affixed in the presence of:

[or as particular company prefers, to be executed in accordance with the provisions of s.44(2) of the Companies Act 2006.]

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 Waste Shipments 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 of bank]

_____ ('the Bank')

whose address for service of claims on this guarantee is

are informed by our client [name of client]

_____ ('the Client')

that the notifier in respect of the Notification has a duty under the terms of article 6 of the Waste Shipments 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 _____ [DD/MM/YYYY]

In accordance with s.44(1)(a) of the Companies Act 2006

THE COMMON SEAL of

was hereunto affixed in the presence of:

[or as particular company prefers, to be executed in accordance with the provisions of s.44(2) of the Companies Act 2006.]

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:

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

Financial Guarantee Reference Number

1. We, [name of bank]

_____ ('the Bank')

whose address for service of claims on this guarantee is

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 Waste Shipments Regulation) is obliged to provide a financial guarantee.

2. The Bank has issued this guarantee in order to cover the notifier's obligation to provide a financial guarantee under the Regulations upon any shipments of waste notified to the Relevant Competent Authorities.
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 notifier 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 _____ [DD/MM/YYYY]

In accordance with s.44(1)(a) of the Companies Act 2006

THE COMMON SEAL of

was hereunto affixed in the presence of:

[or as particular company prefers, to be executed in accordance with the provisions of s.44(2) of the Companies Act 2006.]