



Distr.: General
27 September 2013

English only

**Committee for Administering the Mechanism
for Promoting the Implementation and Compliance
of the Basel Convention**

Tenth meeting

Paris, 5–6 December 2013

Item 4 (d) of the provisional agenda*

**Review of general issues of compliance
and implementation under the Convention:
insurance, bond, guarantee**

Insurance, bond, guarantee

Note by the Secretariat

I. Introduction

1. By its decision BC-10/11, the Conference of the Parties at its tenth meeting adopted the work programme for the biennium 2012–2013 of the Committee administering the mechanism for promoting implementation and compliance of the Basel Convention (hereinafter “the Committee”), attached to that decision. Within its mandate to review general issues of compliance and implementation under the Convention, the Committee was requested to undertake the development of guidance on how to implement paragraph 11 of Article 6 of the Convention.
2. The Committee considered the development of the guidance during its ninth meeting from 8-9 November 2012 on the basis of document UNEP/CHW/CC.9/14. In its conclusions, the Committee requested the Secretariat, within available resources, to collect information it held on the matter. Based on the information collected, and whether this addresses the issue, the Committee would consider how to proceed at that time. The Committee also developed some recommendations on the development of the guidance for the consideration of the eleventh meeting of the Conference of the Parties¹.
3. By its decision BC-11/8, and based on the recommendations of the Committee, the Conference of the Parties at its eleventh meeting adopted the work programme for the biennium 2014-2015 of the Committee attached to that decision, whereby the Committee was requested to compile information on how parties are implementing paragraph 11 of article 6 of the Convention, including through national legislation, and consider the development of guidance on how to implement this provision for consideration and possible adoption by the twelfth meeting of the Conference of the Parties.

* UNEP/CHW/CC.10/1.

¹ Documents UNEP/CHW/CC.9/16 and UNEP/CHW.11/10.

II. Implementation

4. As requested by the Committee, the Secretariat has collected information it holds on the matter of paragraph 11 of Article 6 of the Convention. This information is set out in the annex to this note.

III. Proposed action

5. The Committee may wish to request the Secretariat, within available resources:

(a) To develop a questionnaire with a view to collecting information on how Parties are implementing paragraph 11 of article 6, including challenges associated with this implementation and possible ways to overcome them;

(b) To send the questionnaire to Parties, Basel Convention Regional Centres and other relevant stakeholders requesting responses by 31 March 2014;

(c) To publish on the website of the Convention the responses received to the questionnaire;

(d) To compile the information received and prepare a report that includes recommendations pertaining to the development of guidance on how to implement paragraph 11 of article 6, for the consideration of the Committee during its eleventh meeting.

Annex

Implementation of paragraph 11 of Article 6 of the Convention Information held by the Secretariat

Introduction

This note was prepared following the request by the Committee during its ninth meeting that the Secretariat collect information it held on the matter of the implementation of paragraph 11 of Article 6 of the Basel Convention. Information set out in this note is to be made available to the tenth meeting of the Committee at which time the Committee is to consider how to proceed with the request of the eleventh meeting of the Conference of the Parties that it “compile information on how parties are implementing paragraph 11 of article 6 of the Convention, including through national legislation, and consider the development of guidance on how to implement this provision for consideration and possible adoption by the twelfth meeting of the Conference of the Parties.”

Following some background information on paragraph 11 of Article 6, this note sets out the information held by the Secretariat on the matter of the implementation of that provision. The note also provides information about the OECD database and what it has to offer, and ends with some concluding remarks. Two appendices complete this note: the questionnaire used in the context of the Protocol on Liability and Compensation, and a snapshot of the OECD database reflecting the information reported by Member States on the issue of specific financial requirements for transboundary movements of wastes.

1. Background on paragraph 11 of Article 6

Article 6 of the Convention pertains to transboundary movements of hazardous and other wastes among Parties to the Convention. This article sets out the conditions and procedures that must be complied with for such a movement to take place in accordance with the Convention. Paragraph 11 of Article 6 reads as follows:

“11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.”

The Manual for the Implementation of the Basel Convention does not provide further guidance on paragraph 11 of Article 6².

The Guide to the Control System provides that the guarantees referred to in paragraph 11 of Article 6 “are intended to provide for immediate funds for alternative management of the waste in cases where shipment and disposal cannot be carried out as originally intended. These guarantees may take the form of an insurance policy, bank letters, bonds or other promise of compensation for damage, depending on the countries concerned”³ (emphasis added). The guide further provides that the exporter is to “arrange the necessary financial guarantees and insurances for the movement of waste required by the national legislation of the countries concerned. Some countries may require the financial guarantee to cover the cost of any necessary re-import and alternative disposal operations should the need arise, including cases referred to in Articles 8 and 9 of the Basel Convention. Additionally, they may require separate insurance against damage to third parties, held as appropriate by the exporter, carrier and the disposer”⁴ (emphasis added).

Accordingly, the notification document for transboundary movements/shipments of waste⁵ provides, in block 17, for the exporter - notifier / generator - producer to certify that any applicable insurance or other financial guarantee is or shall be in force covering the transboundary movement. Similar language is set out in block 15 of the movement document.

2. Information held by the Secretariat on paragraph 11 of Article 6

² The Manual for the Implementation of the Basel Convention is available at:
<http://www.basel.int/TheConvention/Publications/GuidanceManuals/tabid/2364/Default.aspx>

³ Guide to the Control System (Instruction Manual), adopted by the fourth meeting of the Conference of the Parties, Kuching, Malaysia February 1998, Section 4.4, page 8. The Guide is available at:
<http://www.basel.int/TheConvention/Publications/GuidanceManuals/tabid/2364/Default.aspx>

⁴ Id. page 12.

⁵ The form was adopted by decision VIII/18 in 2006

The Secretariat holds information transmitted by Parties in accordance with the provisions of the Basel Convention and relevant decisions of its governing bodies. Of relevance to the present matter are: the national reports submitted under paragraph 3 of Article 13, as well as information on requirements concerning transboundary movement procedures applicable to wastes other than those listed in Annexes I and II considered as hazardous under its national legislation, as notified to the Secretariat in accordance with Articles 3 and paragraph 2 of Article 13 of the Convention.

Parties are also encouraged to transmit texts of national legislation and other measures adopted by them to implement and enforce the Convention⁶, however the Secretariat has no mandate to review the content of such texts, a task that would also go beyond the scope of this note.

The Secretariat also holds information from Parties collected in the framework of the negotiations of the Protocol on Liability and Compensation as well as the regional workshops aimed at promoting ratification of the Protocol on Liability and Compensation. It must be emphasized however that such information focuses on insurance, bond or guarantee provided in the context of a liability regime, which is narrower than the scope of paragraph 11 of Article 6 of the Convention.

a) National reports

In line with Article 13 paragraph 3 of the Convention, Parties to the Convention are to transmit a national report to the Secretariat on an annual basis by completing the Revised questionnaire on “Transmission of Information” and a Manual for the questionnaire on “transmission of Information”⁷. Question 4c of the questionnaire requests parties to specify any additional requirements for information to be provided on the notification or the movement document compared to those listed in Annex VA and VB, respectively. Such additional requirements may for instance pertain to the coverage of any transboundary movement of hazardous or other wastes by insurance, bond or other guarantee⁸.

Based on the national reports submitted for the years 2010 and 2011, the following parties require that information pertaining to the coverage of any transboundary movement of hazardous or other wastes by insurance, bond or other guarantee be provided in the notification coverage of insurance, bond or guarantee:

African region:

- Madagascar requires that the notification provide information on insurances;
- Nigeria requires the provision of information on insurance bonds and financial guarantees and proposed route of movement with justification

Asian region:

- Qatar requires information on insurance

Western Europe and Others: European Union:

Several Parties that are members of the European Union refer, in their national report, to the additional requirements set out in Regulation (EC) No. 1013/2006 on the shipment of wastes. Article 6 of the Regulation provides that all shipments of waste for which a notification is required shall be subject to the requirement of a financial guarantee or equivalent insurance covering:

- (a) costs of transport;
- (b) costs of recovery or disposal, including any necessary interim operation; and
- (c) costs of storage for 90 days.

The financial guarantee or equivalent insurance is intended to cover costs arising in the context of: (a) cases where the shipment or the recovery or disposal cannot be completed as intended; and (b) cases where a shipment or the recovery or disposal is illegal.

Greece also reports that information is to be provided on insurance and/or financial guarantee covering third parties and the restoration of the environment in its former state.

⁶ Decision BC-11/10. Such texts are made available at: <http://www.basel.int/Countries/NationalLegislation/tabid/1420/Default.aspx>

⁷ The questionnaire was adopted by decision VI/27 in 2002.

⁸ See page 6 of the Manual: Questionnaire on “Transmission of Information” adopted by decision VI/27, available at: <http://www.basel.int/Portals/4/Basel%20Convention/docs/natreporting/manual/manual-e.pdf>

Regulation (EC) No. 1013/2006 on the shipment of wastes does not cover damage to third parties or the environment. For reference purposes, Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage (ELD) establishes a framework based on the polluter pays principle to prevent and remedy environmental damage. The Directive however does not require operators to take out financial security products⁹.

Latin American and the Caribbean region:

- Colombia requires an insurance policy or financial support to cover any environmental damage that could occur during the transportation of hazardous wastes.
- Cuba requires information on the readiness of financial guarantees.
- Guatemala requires a copy of the policy / financial guarantee to cover environmental damages or to the human health (Export and Traffic).
- Panama requires information on insurance and financial guarantee.

b) Notification of a national definition of hazardous wastes

Article 3 and paragraph 2 of Article 13 of the Convention require that Parties inform the Secretariat of the Basel Convention of wastes other than those listed in Annexes I and II which are considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to those wastes. The transmission of such information should be done by making use of the standardized format for transmitting notifications of national definitions or significant change to national definitions of hazardous wastes¹⁰. Question 3 of the format requires that Parties “specify any requirements (procedures) concerning transboundary movements that are applicable to the wastes listed”, thus mirroring to some extent question 4c of the Revised questionnaire on “Transmission of Information”.

Notifications of national definitions have been transmitted by 24 Parties¹¹. Among these 24 Parties, 2 Parties do not specify whether there are requirements for the transboundary movement of wastes other than those listed in Annexes I and II; 17 Parties apply the same requirements as for the transboundary movement of wastes covered by Annexes I, II or VIII; 5 Parties specify that other requirements apply, however those requirements do not pertain to the provision of financial guarantees.

c) Protocol on Liability and Compensation

In March 1989, the Conference of Plenipotentiaries which adopted the Basel Convention adopted Resolution 3 which established a working group to develop elements which might be included in a Protocol on Liability and Compensation. The Protocol on Liability and Compensation was adopted on 10 December 1999 during the fifth meeting of the Conference of the Parties. As at 16 September 2013 there are 11 Parties to the Protocol¹², bearing in mind that 20 expressions of consent to be bound need to be made for the Protocol to enter into force.

The objective of the Protocol is to provide for a comprehensive regime for liability and for adequate and prompt compensation for damage resulting from the transboundary movement of hazardous and other wastes and their disposal including illegal traffic of those wastes. “Damage” includes, to the extent provided in the Protocol, loss of life or personal injury, loss of or damage to property, loss of income, costs of measures of reinstatement of the impaired environment and the costs of preventive measures (Article 2). Article 14 of the Protocol establishes an obligation for persons strictly liable for a damage under Article 4 to establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability. Therefore, once the Protocol enters into force, the Parties to the Protocol will impose an obligation for such persons to establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability. Pending entry into force of the Protocol, such an obligation may exist independently from the Protocol and, if so, is expected to be reported under question 4 (c) of the Basel Convention national reporting questionnaire.

⁹ For more information, see: <http://ec.europa.eu/environment/legal/liability/>

¹⁰ The form was adopted by Decision BC-10/11 which also provides that “ while parties have a primary obligation to notify other parties of national definitions of hazardous wastes pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention, information on national definitions reported to the Secretariat pursuant to question 2 (c) of the revised questionnaire on transmission of information through designated focal points will also be considered to be notified pursuant to Article 3 and paragraph 2 (b) of Article 13 of the Convention”.

¹¹ Argentina, Austria, Canada, Belarus, Bulgaria, Chile, China, El Salvador, Estonia, Finland, Germany, Greece, Indonesia, Lithuania, Malaysia, Mexico, Morocco, Norway, Philippines, Poland, Slovakia, Sweden, Tunisia and Venezuela

¹² Botswana, Colombia, Republic of the Congo, Democratic Republic of the Congo, Ehtiopia, Ghana, Liberia, Saudi Arabia, Syrian Arab Republic, Togo and Yemen

i) Study on Limitations of liability and compulsory insurance under the Protocol on liability for transboundary movements of hazardous waste and other waste

A study on Limitations of liability and compulsory insurance under the Protocol on liability for transboundary movements of hazardous waste and other waste was developed in 1999 at the request of the Secretariat¹³. The study provides limited information on requirements at the national level for transboundary movements of hazardous and other wastes to be covered by insurance, bond or other guarantee¹⁴. The study however provides information on the availability of liability insurance and other financial guarantees for liabilities arising from transportation of waste and tentatively concludes: “At this moment, there clearly is a substantial capacity in the international market. One should however be careful not to draw the conclusion that imposing routinely very high financial guarantees does not pose any problems. The insurance is not always available. Coverage and premium will depend on an individual assessment of an installation or operation. Not properly managed operations do not get insurance. The insurance is also costly.”¹⁵

ii) Regional workshops aimed at promoting ratification of the Protocol on Liability and Compensation

Between 2004 and 2006, the Secretariat organized six regional workshops aimed at promoting ratification of the Protocol on liability and compensation¹⁶. In the framework of these workshops, representatives of Parties were invited to fill a questionnaire seeking information on three sets of issues: civil liability, ratification, and financial limits and insurance (see appendix 1). The questionnaire does not directly seek information as to whether a the national legislation of State requires persons to establish and maintain during the period of the time limit of liability, insurance, bonds or other financial guarantees covering their liability. However such information has, in a few instances, been provided in response to question 7 of the questionnaire No 1 on civil liability, which asks “Is there any existing insurance coverage in respect of any or all of the incidents and/or damage contemplated by the Protocol?”¹⁷. In other instances, the matter was discussed and a reference to the discussions included the report of the workshop¹⁸.

The workshops also provided an opportunity for country representatives to raise the challenges associated with the possible ratification of the Protocol. In this context the following issues, inter alia, were identified:

- Lack of insurance coverage in the insurance international market/unwillingness of private sector insurance companies to provide insurance required under the Protocol¹⁹
- The difficulty to evaluate environmental damages²⁰
- Lack of statistical information on number and magnitude of incidents occurred²¹
- Lack of a mechanism (eg. fund) to address the financial guarantee/insurance requirement²².
- Inadequacy of the financial limits set in the Protocol²³
- How to address the situation where insurance or other financial cover did not meet the total cost of the damage²⁴;
- A set of financial instruments is needed to cope with illegal trafficking of hazardous waste²⁵.

¹³ The study is available at: <http://www.basel.int/Portals/4/Basel%20Convention/docs/protocol/report%20financial%20limits.pdf>

¹⁴ See page 27 of the study

¹⁵ See paragraph 57 on page 35 of the study

¹⁶ Buenos Aires, Argentina, 22-25 June 2004; San Salvador, El Salvador, 28 June-1 July 2004; Addis Ababa, Ethiopia, 30 August-2 September 2004; Warsaw, Poland, 18-20 January 2006; Yogyakarta, Indonesia, 16-18 May 2006; and Cairo, Egypt, 30 November-1 December 2006.

¹⁷ For instance, in the framework of the workshop in Ethiopia, the following answers were provided: Mauritius: our law contains no provision for insurance coverage in respect to liability for spill.

Uganda: No, since it is not covered under law in Uganda

Zimbabwe: The Environmental Management Act (chapter 20:27) does not specifically provide for insurance as stated in the Protocol

¹⁸ For instance, the report of the workshop in Egypt mentions: “In some countries insurance coverage is required”. The report of the workshop in Indonesia specifies: “Most countries did not have specific insurance or financial guarantees requirements. However, Malaysia had adopted specific legislation regulating imports and exports, and, by administrative measures, imposed requirements of bank guarantees on waste generators. Similarly, Singapore had also enacted relevant legislation, which also required the maintenance of bank guarantees.”

¹⁹ Reports of the workshop in Argentina, Cairo, Ethiopia, Indonesia and Poland

²⁰ Reports of the workshop in El Salvador, Indonesia and Poland

²¹ Report of the workshop in Cairo

²² Reports of the workshop in Ethiopia, Indonesia and Poland

²³ Reports of the workshop in El Salvador, Ethiopia, Indonesia and Poland.

²⁴ Report of the workshop in Indonesia

²⁵ Report of the workshop in Indonesia

2. Other sources of information: the OECD database

OECD Council Decision C(2001)107/FINAL, as amended by C(2004)20²⁶, provides a framework for Member States to control transboundary movements of wastes destined for recovery operations in an environmentally sound and economically efficient manner. Decision C(2001)107/FINAL contains information about Financial Guarantees in its Amber Control Procedure (Chapter II – D - b). It states that “Where applicable, the exporter or the importer shall provide financial guarantees in accordance with national or international law requirements, for alternative recycling, disposal or other means of environmentally sound management of the wastes in case where arrangements for the transboundary movement and the recovery operations cannot be carried out as foreseen.” This decision does not create a compulsory insurance scheme, however it clarifies the scope of such a guarantee when made compulsory in a State.

The Guidance manual for the implementation of Council Decision C(2001)107/FINALE²⁷, in its section 5.4 concerning financial guarantees, provides: “Some member countries require by domestic law that all transboundary movements be subject to the provision of a financial guarantee. A financial guarantee may take the form of an insurance policy, bank letters, bonds or other means of compensation, depending on the countries concerned. Member countries having established such provisions shall make this information available to other member countries through a specific Internet system developed by the OECD Secretariat”.

The database developed by the OEDC is available on its website²⁸. Information reported by Member States pertaining to financial guarantees is set out in appendix 2.

Conclusion

The information held by the Secretariat with respect to Parties’ implementation of paragraph 11 of Article 6, in particular as reported under paragraph 3 of Article 13, evidences that members of the European Union as well as several countries in the African region and in the Latin American and Caribbean region have specific requirements with respect to the coverage by insurance, bond or guarantee of transboundary movements of hazardous and other wastes. Such coverage is intended to address costs of alternative transport and disposal or of compensation for damage. This information however is not comprehensive as it only takes into account Parties that have submitted a national report. Moreover, given that question 4c of the revised questionnaire is drafted in general terms, Parties have not reported information in a comparable manner and it is possible that some Parties did not report thereunder existing requirements specifically pertaining to financial guarantees, as the OECD database appears to suggest.

The information held by the Secretariat as a result of the notification of a national definition of hazardous wastes does not address the matter of Parties’ implementation of paragraph 11 of Article.

Finally, the information from Parties collected in the context of the Protocol on Liability and Compensation provides insights as to challenges associated with financial instruments in the context of a liability regime, which is narrower in scope than paragraph 11 of Article 6.

Therefore, it would seem that undertaking further work to produce a compilation of information on how parties are currently implementing paragraph 11 of article 6 of the Convention, including through national legislation, as mandated by the eleventh meeting of the Conference of the Parties, could provide the Committee with the necessary information to fulfil its mandate to consider the development of guidance on how to implement this provision.

²⁶ The decision is available at: <http://www.oecd.org/env/waste/30654501.pdf>

²⁷ The manual is available at: <http://www.oecd.org/env/waste/42262259.pdf>

²⁸ The database is available at: <http://www2.oecd.org/waste/index.asp>

Appendix 1: Questionnaire used in the framework of the regional workshops aimed at promoting ratification of the Protocol on liability and compensation.

**Questionnaire No. 1
Civil Liability**

1. In the case of an accident in your country during a transboundary movement of hazardous wastes, who will be liable for the damage caused according to domestic law: the generator (even if the generator is outside the country) / the owner / the carrier / the disposer / any other party to the transaction?
2. What types of damage are covered in your domestic law: personal injury / loss of life / damage to property / damage to the environment / any other?
3. Which is the relevant agency for the enforcement of liability in your country: national courts / regulatory agencies regulating health and safety and/or environmental matters / any other?
4. What would be the nature of the liability in your country: strict / fault based?
5. Are there any time limits to the liability?
6. Are there any minimum or maximum financial limits to the liability?
7. Is there any existing insurance coverage in respect of any or all of the incidents and/or damage contemplated by the Protocol?
8. Have you identified any gaps in your liability legislation that could lead to cases where damage caused by accidents remain uncovered?
9. Has your country entered into any regional or bilateral agreements regarding liability in connection with accidents during a transboundary movement of hazardous wastes? If so, please provide information.

**Questionnaire No. 2
Ratification**

1. Has your country taken any steps to ratify the Protocol on Liability and Compensation?
2. With regard to the ratification process of international agreements in your country:
 - a) Which entity may initiate the ratification process and how
 - b) Would that entity retain the leading role in guiding the instrument during the entirety of the ratification process? If not, which entity will take the leading role?
 - c) Which other entities must be consulted before ratification can take place?
 - d) Which is the entity taking the final decision?
3. Are there any other requirements following ratification for an international instrument to enter into force and / or to be implemented in your country?
4. What are the difficulties, concerns and obstacles identified in your country to ratification of the Protocol?
 - a) At a practical level (e.g. capacity to implement)
 - b) At a legal / technical level (e.g. conflict with existing domestic rules)
5. How do you think that these difficulties, concerns and obstacles could be removed?
6. What actions could be undertaken by the Secretariat of the Basel Convention to facilitate the ratification of the Protocol by your country?

Questionnaire No. 3
Financial Limits and Insurance

1. Does your country have difficulties with the minimum limits of liability specified in paragraph 2 of Annex B of the Protocol on Liability and Compensation?
2. Does your country see a need to establish financial limits on a higher level than the ones specified in paragraph 2 of Annex B of the Protocol?
3. Are there insurance solutions available to cover the liability specified in paragraph 2 of Annex B of the Protocol on Liability and Compensation? If no, are there other financial guarantees available?
4. Has your country ever consulted the private insurance sector in this regard?
5. Does your country have any suggestions, ideas and/or comments vis-à-vis coverage for the liability which is not based upon the private insurance sector?

Appendix 2: OECD Database on Transboundary Movement of Wastes destined for Recovery Operations ²⁹

These are the specific financial requirements for the following countries								
Country	Waste	Type of Guarantee	Amount-Unit	Covered Damages	Comments	Calculations	Specific National Requirements	Updated
Australia	Z0000 - All Wastes	Please contact the Department of Environment and Heritage	up to 5 million Australian	refer to comments	Must be of sufficient value to cover the costs of returning and disposing of the wastes in an environmentally sound manner.			01/01/2005
Austria	Z0000 - All Wastes	insurance or bank guarantee	amount depends on waste type	transport costs (one way) + alternative disposal/recovery costs + storage costs for 90 days; rough calculation of transport costs: 0,1,- € per ton and km	costs for alternative treatment, transport costs between sender and consignee and storage costs for the total amount of waste for 90 days - storage costs for 90 days for hazardous waste: approx. 150,- €/t, for non-hazardous wastes: approx. 40,- €/t	in case of wastes with positive net value only transport and storage costs are covered	no financial guarantee for shipments of Green List wastes to countries for which the OECD Decision applies; Bilateral cooperation agreement with Germany BGBI. III, 2009/72 - facilitation of specific waste shipments	24/10/2011
Canada	Z0000 - All	Insurance coverage	Between 1 to 5	Third parties liability and any	For exporter or importer, (at	N/A	N/A	27/04/2006

²⁹ Accessed 10 September 2013

	Wastes		millions:	cost impose by law to clean up the environment in case of accident.	least 5 millions for hazardous wastes). For exporter or importer (at least 1 millions for hazardous recyclable material) For authorized carriers, the amount required by the laws of the jurisdiction in which the hazardous waste or hazardous recyclable material is transp			
Denmark	Z0000 - All Wastes	Bank, insurance policy or surety guarantee or cash deposit (blocked account)	3000 DKK per ton waste	Cover the costs for return transportation and disposal/recovery process	The financial guarantee must cover the entire period of time until it has been properly documented that the waste has reached its final destination and has been properly processed.		For exports original guarantee required For imports/transits copy of the guarantee required	01/01/2005
Finland	Z0000 - All Wastes	On demand type guarantee,			A guarantee must be lodged for all waste			01/01/2005

		confirmed letter of credit			shipments controlled under the EU waste shipment regulation (EEC) 259/93. The amount of the guarantee is calculated on a case-by-case basis.			
France	B1010 - Cobalt scrap							01/01/2005
France	Z0000 - All Wastes							01/01/2005
Germany	Z0000 - All Wastes				Different approaches in the Federal States (Länder).			01/01/2005
Hungary	99999 - Non Specified Waste							01/01/2005
Israel	99999 - Non Specified Waste	• Bank guarantee that covers storage costs for 90 days, handling and transport costs of the hazardous waste to the country						01/07/2012

		import						
Luxembourg	Z0000 - All Wastes	bank guarantee, insurance, deposit of money on the account of the Tresory of State	to be calculated on base of the formula		a= transport costs per ton, b= treatment costs per ton, c= maximum load weight, d= time between two transports (in weeks), e= treatment time (in weeks), f= d/e (rounded down to the next unit), g= f+1	$(a+b) \times c \times g \times 1,2$		21/03/2006
Netherlands	Z0000 - All Wastes	Bank guarantee , deposit , insurance	see ministerial decree on the subject	Return to country of export and alternative treatment	In the Netherlands there is a ministerial decree on the height of financial guarantees. For a number of codes there are fixed amounts; for the other waste codes the financial guarantee is €450 per ton. For this waste a request can be made to lower the height of the amount per ton.			24/03/2010

Poland	Z0000 - All Wastes	bank guarantee, relevant insurance policy, bank deposit		As referred to in art 6 of 1013/2006 Regulation	M - 200 PLN for 1 Mg of solid waste other than hazardous, 500 PLN for 1 Mg of solid hazardous waste, 500 PLN for 1 Mg of liquid waste other than hazardous, 1000 PLN for 1 Mg of hazardous liquid waste	G = (D+T+M) x A	waste listed in Annex IV and not specified in the annexes to EC Regulation No 1013/2006	23/08/2011
Slovak Republic	99999 - Non Specified Waste				Sufficient value to cover the costs of returning and disposing of the wastes in an environmentally sound manner.			01/01/2005
United States	99999 - Non Specified Waste				Although U.S. regulations do not currently require financial assurance for the transboundary movement of hazardous waste, U.S. regulations impose extensive	hazardous waste generated in the U.S. or generated in foreign countries.	Details on U.S. financial assurance requirements can be found under 40 Code of Federal Regulations Part 264, Subpart H and Part 265, Subpart H, viewed at: http://www.epa.gov/epaoswer/osw/laws-reg.htm#regs	09/09/2006

					financial assurance requirements for owners or operators of active U.S. hazardous waste facilities that receive and treat, store or dispose of.			
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