

Fra: Schou, Lone
Sendt: 28. maj 2008 09:36
Til: 'Damien.Hall@environment.gov.au'
Cc: Mathiesen, Camilla Louise; Sindholt, Ove; 'glaubitz@goes-sh.de';
'Andreas.Wasielewski@mlur.landsh.de'; 'joachim.wuttke@uba.de'
Emne: VS: Financial Guarrantees [SEC=UNCLASSIFIED]

Prioritet: Høj

Vedhæftede filer: Financial Guarantee_Lanu_Sept 2006.pdf; Bankgaranti (engelsk).doc

Dear Damier,

The notifier shall provide a financial guarantee corresponding to DKK 3,000 per tonne of waste to the authorities of the exporting country. If the Danish EPA estimates that the expected costs for transport, disposal, recovery and storage will derogate significantly, the Danish EPA may decide that the financial guarantee shall constitute a larger amount than DKK 3,000 per tonne.
Draft of financial guarantee from Denmark is enclosed.
I hope this clarifies your question.

Best regards
Lone

Lone Schou
Danish Environmental Protection Agency
Strandgade 29, 1401 Copenhagen
Denmark

Tel: + 45 72 54 40 00
direct tel: + 45 72 54 43 21
mail: los@mst.dk

Fra: Hall, Damien [mailto:Damien.Hall@environment.gov.au]
Sendt: 26. maj 2008 05:46
Til: Schou, Lone; Mathiesen, Camilla Louise; glaubitz@goes-sh.de
Cc: Andreas.Wasielewski@mlur.landsh.de; joachim.wuttke@uba.de
Emne: FW: Financial Guarrantees [SEC=UNCLASSIFIED]
Prioritet: Høj

Dear Lone, Camilla, and Sven

I have been approached by Orica to enquire on their behalf regarding the exact wording and the actual size of the financial guarantees that would be needed by Orica were they to lodge an application for export.

Your advice on this matter would be greatly appreciated.

Warm Regards
Damien

From: bill.crowe@orica.com [mailto:bill.crowe@orica.com]
Sent: Wednesday, 14 May 2008 12:44 PM
To: Hall, Damien
Cc: Rothenfluh, Daniel; john.fetter@orica.com
Subject: Financial Guarrantees

Damien,

Thanks for your offer to request the extent of the financial guarantees (FGs) required by the various authorities. Please note that Orica will hold a total of \$A 130M insurance - \$70M primary and additional \$60M for marine.

1. We understand FGs will be required for the following:
 - Danish EPA (Kommunekemi) - 6010 tonne waste in the application for two shipments in one year
 - GOES (Sava) - 2130 tonnes waste in the application waste in the application for two shipments in one year
 - Staatliches Umweltamt Itzehoe (Hafengesellschaft Brunsbuttel) - storage at the port of a maximum 1200 tonne waste

2. German FGs were approx. Euro 400 - 500 / tonne based on 50% of the annual volume in our earlier applications.

3. Hafengesellschaft Brunsbuettel (Brunsbüttel Port Store) - the licence suggest Euro 1.4 M for 16,000 tonne - on a proportional basis I assume this would be approx. Euro 90 per tonne.

4. It would be worth checking any specific requirements for the wording of the FGs. The German Authorities were very particular. I have attached the FG prepared for Lanu, who was the competent authority for Sava. The specific wording which was required is in the section beginning:

"IN CONNECTION WITH:
THIS BANK GUARANTEE..."

Please let me know if you require any more information.

Regards,

Bill R Crowe
Orica Australia Pty Ltd
Phone: +61 (0) 3-9665-7483
Fax: +61 (0) 3-9665-7521
Mobile: +61 (0) 412-809825
Email: bill.crowe@orica.com

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Bank

Den Danske Stat
c/o Miljøstyrelsen
(Danish Environmental Protection Agency)
Strandgade 29
1401 Copenhagen K
Denmark

Dear Sirs

Collateral for

.....
We can confirm that the amount of..... DKK
has been transferred to a blocked account No.....

Registered in the name of

.....
.....
The account is marked with the following prohibitive clause:

The amount shall be disbursed to the Danish Environmental Protection Agency on demand. Pursuant to Article 6 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste the balance of the account serves as security for obligations, which the Danish Government or other authorities concerned may incur under Article 23 or Article 25 of the Regulation in connection with shipments under notification no. DK/..... concerning transport of waste from Denmark as country of dispatch.

This collateral applies to waste delivered for processing at

.....
.....
The amount will be released, when the Danish Environmental Protection Agency declares to have received the certificate referred to in Article 6(5) or Article 6(8) of the Regulation.

The amount shall be disbursed to the Danish Environmental Protection Agency as soon as the Danish Environmental Protection Agency declares to (Bank)..... that the Agency or other authorities concerned is under an obligation according to Article 23 or Article 25 of the Regulation.

This guarantee is valid until further notice.

S.W.I.F.T MESSAGE FOR LETTER OF CREDIT - X891601

27/09/06

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{1:F01WPACAU2SAXXX0000000000}{2:I760DEUTDEFFXXXN}{4:
:27:1/1
:20:SD3BX891601
:23:ISSUE
:30:060927
:40C:OTHR/UCP 500
:77C:DEUTSCHE BANK AG
FRANKFURT

WE HAVE PLEASURE IN DETAILING BELOW THE PARTICULARS OF AN
IRREVOCABLE BANK GUARANTEE ISSUED IN THE BENEFICIARY'S FAVOUR.

PLEASE ADVISE THIS IRREVOCABLE BANK GUARANTEE TO THE BENEFICIARY.

IF THE TERMS OF THIS GUARANTEE ARE UNACCEPTABLE TO THE
BENEFICIARY. PLEASE CONTACT THE INTERNATIONAL SERVICE AND
OPERATIONS CENTRE PARRAMATTA ATTN MANAGER INTERNATIONAL TRADE
GUARANTEES (SWIFT CODE WPACAU2S.)

WESTPAC BANKING CORPORATION
IRREVOCABLE BANK GUARANTEE SD3BX891601
DATED SEPTEMBER 27 2006

BENEFICIARY:

LANDESMAT FUER NATUR UND UMWELT DES LANDES
SCHLESWIG-HOLSTEIN
HAMBURGER CHAUSSEE 25,
D-24220
FLINTBEK
GERMANY

ATTN:

MARTIN FIEDLER

AMOUNT:

EUR 1,000,000.00
(EURO ONE MILLION EURO)
(MAXIMUM LIMIT OF LIABILITY)

EXPIRY DATE:

APRIL 5 2009 AT 2.00 PM
(AUSTRALIAN EASTERN STANDARD TIME)

AVAILABLE AT:

WESTPAC BANKING CORPORATION
INTERNATIONAL SERVICE AND OPERATIONS CENTRE
LEVEL 4, 68 - 80 GEORGE STREET
PARRAMATTA NSW 2150
AUSTRALIA

BY DRAFTS DRAWN ON:

WESTPAC BANKING CORPORATION
INTERNATIONAL SERVICE AND OPERATIONS CENTRE
LEVEL 4, 68 - 80 GEORGE STREET

S.W.I.F.T MESSAGE FOR LETTER OF CREDIT - X891601

27/09/06

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PARRAMATTA NSW 2150
AUSTRALIA

PAYABLE AT:

SIGHT

ENFACED:

DRAWN UNDER WESTPAC BANKING CORPORATION
IRREVOCABLE BANK GUARANTEE NUMBER SD3EX891601
DATED SEPTEMBER 27 2006

ON ACCOUNT OF OUR CUSTOMER:

ORICA AUSTRALIA PTY LTD
(ACCOUNT PARTY)

IN CONNECTION WITH:

THIS BANK GUARANTEE IS REQUIRED BY THE GERMAN
COMPETENT AUTHORITY AND AUSTRALIAN LAW FOR EXPORT APPROVAL TO
DISPOSE OF ORICA'S HCB WASTE. ORICA PROPOSES TO SEND A MAXIMUM
OF 5050 TONNE OF HCB WASTES TO SAVA GMBH OSTERTWEUTE 1, 25541
BRUNSBUETTEL GERMANY ('CONSIGNEE') FOR FINAL DISPOSAL.

DRAFTS DRAWN UNDER THIS BANK GUARANTEE MUST BE PRESENTED TO
WESTPAC BANKING CORPORATION AT INTERNATIONAL SERVICE AND
OPERATIONS CENTRE LEVEL 4, 68 - 80 GEORGE ST, PARRAMATTA NSW.
2150 AUSTRALIA ON OR BEFORE THE TIME AND EXPIRY DATE SPECIFIED
ABOVE AND MUST BE ACCOMPANIED BY A CERTIFICATE SIGNED BY TWO
AUTHORISED OFFICERS OF THE BENEFICIARY ON BEHALF OF THE
BENEFICIARY STATING THAT:

1. THIS CERTIFICATE IS GIVEN PURSUANT TO THE TERMS OF WESTPAC
BANKING CORPORATION IRREVOCABLE BANK GUARANTEE NUMBER SD3EX891601
DATED SEPTEMBER 27 2006. IN THIS CERTIFICATE 'BENEFICIARY' AND
'ACCOUNT PARTY' HAVE THE SAME MEANING AS THEY DO IN THE
GUARANTEE.
2. THE SIGNATORIES HAVE AUTHORITY TO MAKE THIS CERTIFICATE ON
BEHALF OF THE BENEFICIARY AND TO BIND THE BENEFICIARY.
3. THE AMOUNT OF THE DRAFT (AMOUNT) IS NOT MORE THAN THE MAXIMUM
AGGREGATE AMOUNT AVAILABLE AT THE DATE OF THIS CERTIFICATE
(CLAIM DATE) UNDER THE GUARANTEE.
4. THE AMOUNT IS THE AMOUNT OR AMOUNTS WHICH, ON THE CLAIM DATE,
REMAINS UNPAID TO THE BENEFICIARY UNDER THE OBLIGATIONS IMPOSED
BY ARTICLES 25 AND 26 OF EC REGULATION 259/93 BY REASON OF ORICA
AUSTRALIA PTY LTD 'THE NOTIFIER' OR SAVA GMBH OSTERTWEUTE 1,
25541 BRUNSBUETTEL GERMANY ('CONSIGNEE') FAILING TO FULFILL THEIR
OBLIGATIONS UNDER THESE REGULATIONS BETWEEN THE PERIOD 6/4/07
THROUGH TO 5/4/09.
5. THE BENEFICIARY HAS ISSUED A DEMAND FOR THE ACCOUNT PARTY TO
PAY THE AMOUNT, WHICH HAS REMAINED UNSATISFIED FOR 24 HOURS.

S.W.I.F.T MESSAGE FOR LETTER OF CREDIT - X891601

27/09/06

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6. REIMBURSEMENT TO THE BENEFICIARY IS TO BE BY PAYMENT AS INSTRUCTED BY THE BANK THAT PRESENTS THIS CERTIFICATE AND ITS RELATED DRAFT FOR PAYMENT.

A COPY OF THE DEMAND REFERRED TO IN CLAUSE 5 MUST ACCOMPANY THE CERTIFICATE.

BANK, GOVERNMENT AND OTHER CHARGES OUTSIDE THE COUNTRY OF ISSUE OF THIS BANK GUARANTEE ARE FOR THE ACCOUNT OF THE BENEFICIARY.

THIS BANK GUARANTEE IS PERSONAL TO THE BENEFICIARY AND IS NOT ASSIGNABLE.

THE AMOUNT OF THIS BANK GUARANTEE WILL AUTOMATICALLY REDUCE BY THE AMOUNT OF ALL DRAWINGS UNDER IT.

THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY GUARANTEES (1993 REVISION) INTERNATIONAL CHAMBER OF COMMERCE PUBLICATION 500 WILL APPLY TO THIS BANK GUARANTEE UNLESS THERE IS A CONFLICT WITH THE TERMS STATED ABOVE. IF THERE IS A CONFLICT, THIS LETTER OF GUARANTEE WILL PREVAIL TO THE EXTENT OF ANY INCONSISTENCY.

WESTPAC BANKING CORPORATION ENGAGES WITH THE BENEFICIARY THAT DRAFTS DRAWN UNDER AND IN COMPLIANCE WITH THE TERMS OF THIS BANK GUARANTEE WILL BE DULY HONOURED ON PRESENTATION.

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