Annex I

The Netherlands

Improving financial security in the context of the Environmental Liability Directive
No 07.0203/2018/789239/SER/ENV.E.4
May 2020
Final

Prepared by:
Valerie Fogleman, Stevens & Bolton LLP, Cardiff University School of Law and Politics
Kristel De Smedt, Maastricht University Faculty of Law
Disclaimer: The information and views set out in this assessment are those of the author(s) and do not necessarily reflect the official opinion of the European Commission. The Commission does not guarantee the accuracy of the data included in this study. Neither the Commission nor any person acting on the Commission’s behalf may be held responsible for the use which may be made of the information contained therein.
TABLE OF CONTENTS

TABLE OF CONTENTS .................................................................................................................. 3

1. INTRODUCTION .......................................................................................................................... 5

2. ENVIRONMENTAL INSURANCE MARKET .............................................................................. 6
   2.1. Commercial insurers ............................................................................................................. 7
   2.2. Re/insurance pools ............................................................................................................. 8
   2.3. Mutuals .............................................................................................................................. 8
   2.4. Other .................................................................................................................................. 8

3. VOLUNTARY INSURANCE POLICIES FOR ELD AND OTHER ENVIRONMENTAL LIABILITIES .................................................................................................................. 9
   3.1. Environmental insurance policies ....................................................................................... 9
   3.2. Cover for ELD preventive costs .......................................................................................... 9
   3.3. Cover for ELD primary, complementary and compensatory costs ..................................... 9
   3.4. Cover for non-ELD liabilities ............................................................................................. 9
   3.5. Nature of policies (liability only or liability and on-site remediation) ............................... 9
   3.6. Description of policies ....................................................................................................... 9
   3.7. Model terms and conditions ............................................................................................. 12
   3.8. Date of general availability of environmental insurance policies ..................................... 12
   3.9. Environmental assessments and audits ............................................................................. 12
   3.10. Average premium .......................................................................................................... 12
   3.11. Average policy limit ....................................................................................................... 13
   3.12. Average deductible or self-insured retention ................................................................. 13
   3.13. Average policy period .................................................................................................. 13
   3.15. Industrial and commercial sectors that typically purchase policies ............................... 13
   3.16. Industrial and commercial sectors with limited or no accessibility to policies ............ 13
   3.17. Number and amount of claims ...................................................................................... 13
   3.18. Coverage litigation ....................................................................................................... 14
   3.19. Cover for ELD liabilities in general liability policies .................................................... 14
   3.20. Cover for ELD liabilities in property policies ................................................................. 14

4. OTHER VOLUNTARY FINANCIAL SECURITY INSTRUMENTS AND MECHANISMS .......................................................... 14
   4.1. Type(s) ............................................................................................................................ 14
   4.2. Availability ..................................................................................................................... 14

5. MANDATORY FINANCIAL SECURITY FOR ELD LIABILITIES (ARTICLE 14(1)) .......................................................... 14
   5.1. Competent authority(ies) ................................................................................................. 14
   5.2. Legislative provisions ..................................................................................................... 14
   5.3. Environmental licence conditions .................................................................................. 15
   5.4. Date of introduction ...................................................................................................... 15
   5.5. Effective date ................................................................................................................. 16
   5.6. Key reasons for introduction ......................................................................................... 16
   5.7. Withdrawal of mandatory financial security ................................................................. 16
   5.8. Guidance ....................................................................................................................... 16
   5.9. Operators subject to mandatory financial security ....................................................... 16
   5.10. Amounts and limits of mandatory financial security .................................................. 16
   5.11. Growth of mandatory financial security ...................................................................... 16

6. REGULATORY OVERSIGHT OF FINANCIAL SECURITY INSTRUMENTS AND MECHANISMS ........................................................................ 16
   6.1. Review of financial security instruments or mechanisms ............................................. 16
   6.2. Financial security instruments and mechanisms accepted ......................................... 16
   6.3. Financial security instruments and mechanisms not acceptable ................................ 16
   6.4. Time of review .............................................................................................................. 16
6.5. Regulatory costs of review ........................................................................................................ 16
6.6. Requirements for operator to review .......................................................................................... 17
7. ENFORCEMENT OF FINANCIAL SECURITY REQUIREMENTS .................................................. 17
8. EX POST ENVIRONMENTAL DAMAGE MANDATORY FINANCIAL SECURITY (ARTICLE 8(2)) .... 17
   8.1. Date legislation or policy for mandatory financial security introduced .................................... 17
   8.2. Effective date for ex post mandatory financial security ............................................................. 17
   8.3. Financial security instruments and mechanisms accepted ....................................................... 17
   8.4. Financial security instruments and mechanisms not acceptable ............................................. 17
9. PROVIDERS OF MANDATORY FINANCIAL SECURITY INSTRUMENTS .................................... 17
   9.1. Insurers ...................................................................................................................................... 17
   9.2. Banks and other financial institutions ....................................................................................... 17
   9.3. Sureties .................................................................................................................................... 17
   9.4. Providers outside Member State ............................................................................................... 17
10. MEASURES TAKEN BY MEMBER STATE TO DEVELOP FINANCIAL SECURITY MARKETS .......... 17
11. EU ENVIRONMENTAL LEGISLATION WITH MANDATORY FINANCIAL SECURITY PROVISIONS ... 18
    11.1. Landfill Directive .................................................................................................................... 18
    11.2. Extractive Waste Directive ..................................................................................................... 18
    11.3. Carbon Capture and Storage Directive ...................................................................................... 19
12. EU RECOMMENDATION ON HYDRAULIC FRACTURING ............................................................... 20
    12.1. Status ....................................................................................................................................... 20
    12.2. Competent authority(ies) ......................................................................................................... 20
    12.3. Financial security provisions ................................................................................................... 20
    12.4. Financial security instruments and mechanisms accepted .................................................. 20
    12.5. Templates .................................................................................................................................. 20
    12.6. Financial security instruments and mechanisms not acceptable .......................................... 20
13. EU ENVIRONMENTAL LEGISLATION WITH NO MANDATORY FINANCIAL SECURITY PROVISIONS ... 20
    13.1. Industrial Emissions Directive .................................................................................................. 20
    13.2. Seveso III Directive .................................................................................................................. 21
    13.3. Other legislation ....................................................................................................................... 22
14. MANDATORY FINANCIAL SECURITY FOR OFFSHORE OIL AND GAS OPERATIONS .......... 23
    14.1. Competent authority(ies) ......................................................................................................... 23
    14.2. Status of offshore oil and gas operations ................................................................................... 23
    14.3. Requirements for financial security .......................................................................................... 23
    14.4. Requirement for financial security for ELD liabilities ............................................................. 24
15. FAILURE OF FINANCIAL SECURITY ............................................................................................. 24
    15.1. Inadequate level of financial security instrument or mechanism to pay claims ..................... 24
    15.2. Insolvency of operator leading to failure of financial security instrument or mechanism .......... 24
    15.3. Other ....................................................................................................................................... 24
16. FUNDS ........................................................................................................................................... 24
    16.1. Name(s) ................................................................................................................................... 24
    16.2. Extension of existing fund to cover remedial costs under the ELD .......................................... 24
    16.3. Purpose ..................................................................................................................................... 24
    16.4. Type ......................................................................................................................................... 24
    16.5. Source(s) of funding .................................................................................................................. 24
    16.6. Number and amount of claims ................................................................................................. 24
BIBLIOGRAPHY ................................................................................................................................... 25
1. **INTRODUCTION**

Financial security for the prevention and remediation of environmental damage under the ELD in the form of stand-alone environmental insurance policies is widely available in the Netherlands.

Environmental extensions to general liability policies are also widely available.

Environmental extensions to property policies are not available.

The ELD was transposed into Dutch legislation by an amendment to the Environmental Management Act (*Wet milieubeheer*; Wm), which established a legal framework by defining the roles of national, provincial or regional, and municipal government. A new title was added to chapter 17 on ‘Measures in special circumstances’. Title 17.2 of the Wm provides for a general scheme of measures in the event of environmental damage or imminent environmental damage.

Additional pieces of legislation that apply to the ELD are the General Administrative Law Act (*Algemene wet bestuursrecht*) and the Economic Offences Act (*Wet economische delicten*). The latter was amended to cover breaches of title 17.2 of the Wm. In transposing the ELD, the Dutch Government did not amend other specific legislation such as the Water Act (*Waterwet*), the Soil Protection Act (*Wet Bodembescherming*) or the Nature Protection Act (*Wet natuurbescherming*) for reasons of transparency, consistency, uniformity and legal clarity. Environmental damage is, however, addressed in the sectoral legislation.

The Netherlands has not introduced a financial security system for ELD liabilities.

The Netherlands has imposed mandatory financial security for remediating soil contamination when the freehold or leasehold of contaminated land is transferred.

In addition, when the Environment and Planning Act (*Omgevingswet*) (see directly below) comes into force, mandatory financial security may be imposed for activities indicated by decree that have an environmental permit for an activity that may have 'significant adverse effects on the physical environment' for the costs of complying with obligations under the environmental permit and liability for damage resulting from adverse effects on the physical environment caused by the activity.

When this report was published, the General Provisions on Environmental Law Act (*Wet algemene bepalingen omgevingsrecht*; Wabo) regulated environmental permits. The Wabo

---

2 Algemene wet Bestuursrecht; [https://wetten.overheid.nl/BWBR0005537/2020-01-01](https://wetten.overheid.nl/BWBR0005537/2020-01-01) (in Dutch)
3 Wet op de economische delicten; [https://wetten.overheid.nl/BWBR0002063/2020-01-31](https://wetten.overheid.nl/BWBR0002063/2020-01-31) (in Dutch)
4 Waterwet; [https://wetten.overheid.nl/BWBR0025458/2020-01-01](https://wetten.overheid.nl/BWBR0025458/2020-01-01)
5 Wet Bodembescherming; [https://wetten.overheid.nl/BWBR0003994/2017-01-01](https://wetten.overheid.nl/BWBR0003994/2017-01-01)
6 Wet natuurbescherming; [https://wetten.overheid.nl/BWBR0037552/2020-01-01](https://wetten.overheid.nl/BWBR0037552/2020-01-01)
8 Omgevingswet; [https://www.omgevingswetportaal.nl/documenten/publicaties/2019/12/19/integrale-geconsolideerde-versie-omgevingswet](https://www.omgevingswetportaal.nl/documenten/publicaties/2019/12/19/integrale-geconsolideerde-versie-omgevingswet) (in Dutch)
Improving financial security in the context of the Environmental Liability Directive

A permit (omgevingsvergunning) is a single integrated permit for building, living, monuments, spatial planning, nature and the environment.9

The Environment and Planning Act has been approved by both Chambers of Parliament. When this report was published, the Dutch Cabinet was drawing up introductory legislation. The expectation is that the Act and its underlying decrees will take effect by January 2022.10 It is envisaged that the future Act will ultimately replace 26 laws, including parts of the Wm and the Wabo. Among other things, the future Act will continue a ban on carrying out activities designated by Order in Council (Algemene Maatregel van Bestuur) without an environmental permit. The legislation implementing the ELD will remain in the Wm.

The vast majority of activities will only have to comply with general rules and will not require a permit, as is currently the case. Activities covered by the Seveso III Directive (2012/18/EU), the Waste Framework Directive (2008/98/EC as amended by Directive (EU) 2018/851), the Water Framework Directive (2000/60/EC), the Industrial Emissions Directive (2010/75/EU), and the Offshore Safety Directive (2013/30/EU) as well as some other activities (enacted in the implementation of international treaties) will require a permit pursuant to article 5.2, paragraph 2 of the future Act.

2. ENVIRONMENTAL INSURANCE MARKET

The 2019 Environmental Implementation Review for the Netherlands includes as a priority item ‘Improve financial security for liabilities’ under the ELD.11

When this report was published, financial security for ELD liabilities in the form of stand-alone environmental insurance policies was widely available. The policies provide cover for all ELD liabilities as well as remediating environmental damage under other legislation, claims for bodily injury and property damage from pollution, and related risks. Demand for the policies is low to moderate but slowly growing. A position paper by the Dutch Insurance Association in 2014 stated that the low to moderate level of demand was because many companies were not aware of environmental risks to their businesses.12

There are three main types of stand-alone environmental insurance policies in the Netherlands; policies drafted by multinational insurers, the Environmental Damage Insurance policy (Milieuschadeverzekering; MSV), and the Environmental Liability Insurance policy (Milieuvaansprakelijkheidsverzekering; MAV).

Approximately 11 multinational insurers offer stand-alone environmental insurance policies with wordings drafted by them to businesses that have sites and/or operations only in the Netherlands as well as those that have sites and/or operations in the Netherlands and other States. Depending on the insurer, the policies provide cover for all ELD liabilities as well as other liabilities and losses (see section 3.6.3 below).

---

9 Law on general provisions of environmental law (Wet algemene bepalingen omgevingsrecht); https://wetten.overheid.nl/BWBR0024779/2018-07-28 (in Dutch)
12 Verbond van Verzekeraars, Position paper, ‘Milieuschade – Voorkomen is beter dan genezen’ (July 2014)
In 1998, insurers that were based in or had branches in the Netherlands created the MSV specifically for the Dutch environmental insurance market. The MSV is a first party (direct) policy; it does not provide cover for claims against an insured.\textsuperscript{13} It is mainly purchased by small and medium sized businesses. The version of the MSV when this report was published did not provide cover for ELD liabilities (see section 3.6.3 below). Some of the multinational insurers, as well as insurers based in or with branches in the Netherlands, offer the MSV as well as policies drafted by them.

The MAV was created after the MSV. The MAV provides direct cover (that is, cover for losses directly suffered by an insured such as losses covered by a property policy) as well as cover for third party liabilities (that is, claims against an insured). The MAV is mainly purchased by large businesses. The version of the MAV when this report was published provides cover for ELD liabilities (see section 3.6.3 below). Some multinational insurers, as well as insurers based in or with branches in the Netherlands, offer the MAV in addition to policies drafted by them.

Environmental extensions to general liability policies that specifically provide cover for liabilities under the ELD are also available in the Netherlands. Demand for them is good.

Three main extensions, which are also used in Belgium and Luxembourg, provide cover for preventive measures as well as primary, complementary and compensatory remediation of land/soil, water and biodiversity damage under the ELD. Cover is limited to environmental damage from pollution (not other types of environmental damage) that directly results from a sudden and accidental incident that occurs at the insured’s site during the policy period, with the additional requirement that the incident must begin and end within a continuous 24-hour period. The incident must be notified to insurers within the policy period. Cover tends to be subject to a low sub-limit of liability.

Cover provided by two of the main extensions for preventive measures includes measures to remediate an imminent threat of pollutants at or migrating from an insured’s site if any delay in doing so would result in significantly higher costs of a claim or possible sanctions under the ELD. Cover provided by another extension for preventive measures refers to ‘preventive measures’ under the ELD.

Environmental extensions to property policies are not generally available.

\section{Commercial insurers}

\subsection{Number of insurers}

Approximately 11 insurers offer stand-alone environmental insurance policies.

At least five insurers offer the MAV; the number is dynamic.

The majority of Dutch non-life insurers also offers the MSV.

\subsection{New insurers entering the market since 2009}

The exact number of insurers that entered the environmental insurance market in the Netherlands since 2009 is not known.

\textsuperscript{13} See Michael Faure, ‘Environmental Damage Insurance in the Netherlands’ (2002) 1 Environmental Liability 31, 37
2.1.3. **Existing insurers that introduced environmental insurance policies since 2009**

The exact number of existing insurers that have introduced stand-alone environmental insurance policies since 2009 is not known.

2.2. **Re/insurance pools**

2.2.1. **Date of establishment**

There was no re/insurance pool concerning environmental liabilities in the Netherlands when this report was published.

An Environmental Pool (*Milieupool*), which was part of the United Insurance Companies Netherlands (*Vereenigde Assurantiebedrijven Nederland*) and which was established in 2008, was dissolved on 31 December 2019. An earlier pool, called the MAS Pool, had been replaced with an earlier version of the Environmental Pool when the MSV Policy was introduced in 1998.\[14\]

2.2.2. **Descriptions of policies issued**

Insurers that participated in the Environmental Pool issued their own stand-alone environmental insurance policies, which were then reinsured by the Pool.

In addition, the Pool operated as an environmental knowledge centre, where insurers could obtain advice on insuring environmental risks. Insurers that were not members of the Pool could be members of the knowledge centre.

Over the years, more and more insurers, not least by using the environmental knowledge centre, built up the necessary experience themselves. The need for information steadily decreased, and as a result the number of members of the centre reached a critical low limit.

The above developments led to the decision to dissolve the Pool as of 31 December 2019. The reasons included the availability of the MAV.

The Pool was an example of good co-operation between the participants, such that an initially relatively unknown and then uninsurable risk in the Netherlands became insurable there.\[15\]

2.3. **Mutuals**

2.3.1. **Date of establishment**

No information was provided about any mutuals that offered stand-alone environmental insurance policies in the Netherlands.

2.3.2. **Descriptions of policies issued**

Not applicable

2.4. **Other**

Not applicable

\[14\] See Milieuschadeverzekering; Geintegreerde polis met keuzemogelijkheden (10 January 1998); [https://www.nieuwsbladtransport.nl/archief/1998/01/10/milieuschadeverzekering-geintegreerde-polis-met-keuzemogelijkheden/?gdpr=accept&gdpr=accept](in Dutch)

\[15\] Milieupool door deVereende, Ontbinding Milieupool; [https://milieupool.vereende.nl/](in Dutch)
3. **VOLUNTARY INSURANCE POLICIES FOR ELD AND OTHER ENVIRONMENTAL LIABILITIES**

3.1. **Environmental insurance policies**
Stand-alone environmental insurance policies in the form of policies offered by multinational insurers using their own wordings, MAV policies, and MSV policies are widely available in the Netherlands.

3.2. **Cover for ELD preventive costs**
Stand-alone environmental insurance policies using their own wordings and the MAV provide cover for ELD preventive costs; the MSV does not do so.

3.3. **Cover for ELD primary, complementary and compensatory costs**
Stand-alone environmental insurance policies drafted by multinational insurers using their own wordings and the MAV provide cover for ELD primary, compensatory and complementary remediation costs depending on the insurer. The MSV does not do so.

3.4. **Cover for non-ELD liabilities**
Stand-alone environmental insurance policies drafted by multinational insurers using their own wordings and the MAV provide cover for non-ELD costs such as claims for bodily injury and property damage. The MSV does not provide cover for claims for bodily injury but does provide cover for property damage at an insured’s site.

3.5. **Nature of policies (liability only or liability and on-site remediation)**
Stand-alone environmental insurance policies drafted by multinational insurers using their own wordings and the MAV provide cover for claims for the remediation of on-site, as well as off-site, environmental damage including pollution of soil and water.

The policies do not provide cover for damage to on-site property in the form of buildings, other structures and equipment, with the caveat that some provide cover for the repair or replacement of some on-site property that is damaged during works to remediate environmental damage.

The MSV provides cover only for remediating on-site pollution of soil and groundwater and property damage.

3.6. **Description of policies**

3.6.1. **Format**
Stand-alone environmental insurance policies offered for risks in the Netherlands either have a menu format or a separate section for liabilities under the ELD.

3.6.2. **Claims made or occurrence based**
Stand-alone environmental insurance policies are underwritten on a claims made and reported basis. That is, a claim must be made during the policy period or an extended reporting period, with the claim against the insured having occurred during the policy period.

Extensions to general liability policies are occurrence based, that is, the risks that are covered by the policy must occur during the policy period; claims may be brought after the policy period.
3.6.3. **Policies for operators**

Insuring agreements in many stand-alone environmental insurance policies drafted by insurers using their own wordings provide cover for the following:

- the remediation of on-site and off-site environmental damage under the ELD caused by operations, including transportation, carried out by the insured operator during the policy period;
- the remediation of pollution under other environmental legislation caused by operations, including transportation, carried out by the insured operator during the policy period;
- the remediation of pre-existing environmental damage including pollution at or emanating from sites owned or occupied by the insured provided that the damage is disclosed by the insured to insurers, or is unknown to the insured, before the inception of the policy;
- third-party claims for bodily injury and property damage from environmental damage including pollution;
- first party business interruption costs and extra expense caused by environmental damage including pollution;
- third party business interruption costs and extra expense caused by environmental damage including pollution;
- crisis response costs arising from an incident that has caused environmental damage including pollution;
- the remediation of environmental damage arising from the insured’s waste at an authorised non-owned disposal site;
- emergency/preventive measures to prevent or remediate environmental damage, including pollution, that occurs during the policy period; and
- related legal costs.

Only the first item above and some emergency/preventive measures cover liabilities under the ELD. The policies are thus designed to include, not only protection under the ELD but also protection under other public law as well as civil law and non-liability requirements.

Depending on the policy, cover tends to be site specific, especially for pre-existing environmental damage, in that sites owned or occupied by an insured are typically listed on an endorsement to the policy. Policies may be flexible in that cover may be provided automatically, or subject to satisfactory scrutiny by insurers, for sites (and sometimes companies) that are acquired by the insured during the policy period.

The MAV provides cover for:

- the remediation of sudden and accidental as well as gradual pollution at an insured’s site and such pollution caused by an insured away from that site;
- the remediation of pre-existing (historical) pollution at an insured’s site provided that the pollution is disclosed by the insured to insurers, or is unknown to the insured, before the inception of the policy;
- claims for bodily injury and property damage on site and off site;
- the prevention and remediation of environmental damage under the ELD including primary, complementary and compensatory remediation (non-pollution related ELD damage is a possible extension);
- emergency costs; and
- related legal costs.
Optional extensions to the MAV include business interruption from environmental damage, the remediation of pollution caused during transportation, and the remediation of pollution from an insured’s waste disposed of at an authorised disposal site.

The MSV provides cover for:

- the remediation of sudden and accidental as well as gradual pollution to soil and groundwater at an insured’s site;
- property damage at an insured’s site;
- emergency costs;
- claims from an insured’s activities outside its own site; and  
- related legal costs.\textsuperscript{16}

An optional extension to the MSV provides cover for the remediation and disposal costs of asbestos that is suddenly and accidentally released.

The MSV policy is offered in three categories to enable businesses to choose the best option depending on the severity of the environmental risk. For fixed-location companies there is a choice of three categories. Ascending in coverage, these are:\textsuperscript{17}

- basic cover: which provides cover for environmental damage due to fire, explosion and lightning strikes;
- extended cover: which covers losses in the basic cover plus losses from storm, air traffic, collision, vandalism, riots, falling trees and cranes, breaking or bursting aboveground tanks by vandalism, loading and unloading packaged substances and filling of aboveground storage tanks; and
- top cover: which provides cover for all the above losses plus cover for environmental damage resulting from an insured’s own fault. The top cover, however, is subject to a stringent prevention regime.

3.6.4. Policies for contractors and others

Stand-alone environmental insurance policies that provide cover for ELD and other environmental liabilities are also available for contractors. The policies tend to provide similar types of cover as the policies for operators, as described in section 3.6.3 above, including liability for remediating environmental damage including pollution at sites at which the contractor is carrying out operations in addition to the insured contractor’s own site.

For contractors, there is a work location cover under the MSV in two variants:\textsuperscript{18}

- an ‘At Third Party’ Policy: it is also called the ‘plumbing policy’ and is intended for companies that carry out works at varying locations. A type of ongoing insurance for contractors who always work at other locations with all environmental risks is associated with this cover; and
- a ‘Temporary Fixed’ Policy: this insurance is designed for a specific project. The policy describes a location by name where, during a certain period of time the insured will carry out work.

---

\textsuperscript{16} VMD Koster Verzekeringen, Waarom een milieuschadeverzekering, \url{https://www.vmdkoster.nl/a-546/waarom-een-milieuschadeverzekering} (in Dutch)

\textsuperscript{17} De Zaak, Milieuschadeverzekering; \url{https://www.dezaak.nl/2620/milieuschadeverzekering.htm} (in Dutch)

\textsuperscript{18} Ibid
3.7. Model terms and conditions

There are no model terms and conditions drafted by the national insurance association in the Netherlands.

The MAV and the MSV, however, are standardised wordings drafted by insurers based in or with branches in the Netherlands specifically for the Dutch insurance market.

3.7.1. Organisation issuing model terms and conditions

Not applicable

3.7.2. Description of model terms and conditions

Not applicable

3.7.3. Relationship between policies with model terms and conditions and environmental insurance policies

Not applicable

3.8. Date of general availability of environmental insurance policies

Stand-alone environmental insurance policies became generally available in the Netherlands in the late 1990s and early 2000s. They were extended to include cover for ELD liabilities after the ELD was transposed into Dutch law on 1 June 2008.

The MSV was introduced in 1998. Initially its success was limited with only a few insurers offering it. By 2019, most insurers based in or with branches in the Netherlands as well as some multinational insurers offered the MSV. Many insurers, including a larger number of multinational insurers, also offered the MAV.

3.9. Environmental assessments and audits

Insurers that offer policies to industrial and commercial operators for their insurance programmes for sites in and outside the Netherlands tend not to require prospective insureds to carry out environmental assessments and audits for their operations. If the operators have already carried out such assessments and audits, they provide them to insurers as part of the underwriting due diligence process.

The underwriting information required for a stand-alone environmental insurance policy drafted by a multinational insurer as well as a MAV includes an application form and other information regarding sites to be insured including details of its environmental condition, tanks and other equipment at the site, etc. Only a proposal form is required for an MSV.

3.10. Average premium

It is not possible to indicate an average premium. Premiums for a MAV are not comparable to premiums for an MSV. Premiums for a MAV are higher but so also are the limits and self-insured retentions.

One ELD stakeholder in the insurance industry commented that premiums for an MSV may be below EUR 1,000 for a limit of liability for EUR 500,000 or EUR 1,000,000. Premiums for an MSV are much lower than those for an MAV.
3.11. **Average policy limit**

The average policy limit for a stand-alone environmental insurance policy also varies depending on factors such as whether the insured is a large business or a small or medium sized business. Other factors include the number and type of facilities operated by the insured.

For the basic coverage under the MSV, it is estimated that the premium is between EUR 70 and EUR 370. The premium for the extended coverage is 1.5 times the premium of the basic cover, whereas the top cover is a tailor-made insurance and the premium is calculated on an individual basis per policy.

Policy limits for an MSV are much lower than those for an MAV.

3.12. **Average deductible or self-insured retention**

The amount of deductible or self-insured retention depends on the risk and appetite of the company taking out the policy and the amount they want to bear as their own risk. As a general rule, because environmental risks tend to be considered as catastrophe risks, there are higher deductibles for stand-alone environmental insurance policies, often with a minimum of EUR 25,000 and exceeding EUR 100,000 to EUR 1,000,000 for very large risks.

3.13. **Average policy period**

One ELD stakeholder in the insurance industry stated that the average policy period for a stand-alone environmental insurance policy is one year. Another ELD stakeholder, also in the insurance industry, stated that a policy period may extend from one to three years.

Contractors’ policies may have a policy period for an entire project, which can be up to six years or sometimes longer.

3.14. **Sizes of typical insured businesses**

No information was available on the sizes of typical businesses that purchased stand-alone environmental insurance policies.

3.15. **Industrial and commercial sectors that typically purchase policies**

Industrial and commercial sectors that typically purchase stand-alone environmental insurance policies are the chemical, retail, food, port companies (tank storage), and laboratories sectors.

3.16. **Industrial and commercial sectors with limited or no accessibility to policies**

No information was provided on industrial and commercial sectors with limited or no accessibility to stand-alone environmental insurance policies.

3.17. **Number and amount of claims**

No information was available on the number or amount of claims concerning environmental insurance policies.

---

19 Van Dal Assurantiën, Milieuschadeverzekering; https://www.vandalassurantien.nl/verzekeringen/bedrijven/bezittingenmaterieelgebouwen/milieuschadeverzekering--msv (in Dutch)

20 Geest en Dorst Verzekeringen, Milieuschadeverzekering; http://www.geestdrost.nl/diensten/zakelijk/onderneming/milieuschadeverzekering (in Dutch)
3.18. **Coverage litigation**
No information was available about any coverage litigation involving environmental insurance policies.

3.19. **Cover for ELD liabilities in general liability policies**
Environmental extensions to general liability policies that provide cover for remediating off-site pollution from a sudden and accidental incident on an insured’s site are widely available.

3.20. **Cover for ELD liabilities in property policies**
Environmental extensions to property policies are not available.

4. **OTHER VOLUNTARY FINANCIAL SECURITY INSTRUMENTS AND MECHANISMS**

4.1. **Type(s)**
Voluntary financial security instruments such as bank guarantees are not generally available for liabilities under the ELD or other environmental legislation. There is no demand for them because they are geared towards mandatory financial security requirements for known responsibilities such as closure and post closure (aftercare) of a landfill, not voluntary financial security for accidental damage, such as may arise under the ELD.

4.2. **Availability**
Not applicable

5. **MANDATORY FINANCIAL SECURITY FOR ELD LIABILITIES (ARTICLE 14(1))**
The Netherlands has not adopted a mandatory financial security system for ELD liabilities.

5.1. **Competent authority(ies)**
Not applicable

5.2. **Legislative provisions**
Not applicable

5.2.1. **Name(s) of legislation**
Not applicable

5.2.2. **Stand-alone requirement or hybrid**
Not applicable

5.2.3. **Consideration of mandatory financial security legislation (if not enacted)**
When this report was published plans to (re)introduce mandatory financial security for companies dealing with waste, and companies that must have environmental permits were being considered by the Dutch Government. The proposal is not for a mandatory financial security system for ELD liabilities.
Article 1.6 of the future Environment and Planning Act also foresees a general duty of care stipulating that every party shall take sufficient care of the physical environment.\textsuperscript{21}

Article 1.7 states that every person who is aware or who may reasonably suspect that his/her activity may have adverse effects upon the physical environment, shall be obliged: a. to take all measures that may reasonably be expected of him/her in order to prevent those effects, b. in so far as those effects cannot be prevented: to limit or remedy those effects as much as possible, c. if those effects cannot be sufficiently limited: to refrain from that activity in so far as that may reasonably be expected of him/her.

5.2.4.  \textit{Reasons for decision not to enact mandatory financial security legislation}
Not applicable

5.2.5.  \textit{Revisions to legislation}
Not applicable

5.2.6.  \textit{ELD liabilities covered by mandatory financial security}
Not applicable

5.2.7.  \textit{Description of mandatory financial security provisions}
Not applicable

5.2.8.  \textit{Exception for low risk sites}
Not applicable

5.2.9.  \textit{Exception for ISO 14001 certification or EMAS registration}
Not applicable

5.2.10.  \textit{Other exceptions}
Not applicable

5.3.  \textit{Environmental licence conditions}
Not applicable.

5.3.1.  \textit{Stand-alone requirement or hybrid}

5.3.2.  \textit{Revisions to licensing requirements}

5.3.3.  \textit{ELD liabilities covered by mandatory financial security}

5.3.4.  \textit{Description of mandatory financial security conditions}

5.4.  \textit{Date of introduction}
Not applicable

\textsuperscript{21} Omgevingswet art 1.6
Improving financial security in the context of the Environmental Liability Directive

5.5. **Effective date**
Not applicable

5.6. **Key reasons for introduction**
Not applicable

5.7. **Withdrawal of mandatory financial security**
See section 13.3 below with the caveat that it is not withdrawal of a mandatory financial security system for ELD liabilities.

5.8. **Guidance**
Not applicable

5.9. **Operators subject to mandatory financial security**
Not applicable

5.10. **Amounts and limits of mandatory financial security**
Not applicable

5.11. **Growth of mandatory financial security**
Not applicable

6. **REGULATORY OVERSIGHT OF FINANCIAL SECURITY INSTRUMENTS AND MECHANISMS**
Not applicable

6.1. **Review of financial security instruments or mechanisms**
Not applicable

6.2. **Financial security instruments and mechanisms accepted**
Not applicable

6.2.1. **Templates**

6.2.2. **Requirements for environmental insurance policies**

6.2.3. **Form of mandatory environmental insurance policy**

6.3. **Financial security instruments and mechanisms not acceptable**
Not applicable

6.4. **Time of review**
Not applicable

6.5. **Regulatory costs of review**
Not applicable
Improving financial security in the context of the Environmental Liability Directive

6.6. **Requirements for operator to review**
Not applicable

7. **ENFORCEMENT OF FINANCIAL SECURITY REQUIREMENTS**
No applicable

8. **EX POST ENVIRONMENTAL DAMAGE MANDATORY FINANCIAL SECURITY (ARTICLE 8(2))**
Title 17.2 of the Wm does not mention charges on land or financial security after environmental damage has occurred.

8.1. **Date legislation or policy for mandatory financial security introduced**
Not applicable

8.2. **Effective date for ex post mandatory financial security**
Not applicable

8.3. **Financial security instruments and mechanisms accepted**
Not applicable

8.4. **Financial security instruments and mechanisms not acceptable**
Not applicable

9. **PROVIDERS OF MANDATORY FINANCIAL SECURITY INSTRUMENTS**

9.1. **Insurers**
Not applicable

9.2. **Banks and other financial institutions**
Not applicable

9.3. **Sureties**
Not applicable

9.4. **Providers outside Member State**
Not applicable

10. **MEASURES TAKEN BY MEMBER STATE TO DEVELOP FINANCIAL SECURITY MARKETS**

The re-introduction of mandatory financial security for remediating environmental damage (but not necessarily environmental damage under the ELD) should encourage the development of the environmental insurance market in the Netherlands (see section 13.3 below).
11. EU ENVIRONMENTAL LEGISLATION WITH MANDATORY FINANCIAL SECURITY PROVISIONS

11.1. Landfill Directive

11.1.1. Competent authority(ies)
The competent authorities for the Landfill Directive (1999/31/EC), which is implemented in the Netherlands by the Wm, are the Executive Councils (Gedeputeerde Staten) of the Provinces.

11.1.2. Financial security provisions
Article 15.46 of the Wm states that the Executive Councils can demand financial security to cover the costs of monitoring, pollution prevention and remediation. The amount for which the financial security must be maintained should be specified.

11.1.3. Financial security instruments and mechanisms accepted
By Order in Council, detailed rules can be laid down with respect to which financial securities are accepted. The Order had not been issued when this report was published.

11.1.4. Templates
There are no templates for acceptable financial security instruments or mechanisms.

11.1.5. Financial security instruments and mechanisms not acceptable
There is no list of financial security instruments or mechanisms that are not acceptable.

11.2. Extractive Waste Directive

11.2.1. Competent authority(ies)
The competent authorities for the Extractive Waste Directive (2006/21/EC), which is implemented in the Netherlands by the Wm, are the Executive Councils of the Provinces.

11.2.2. Financial security provisions
Article 15.35 of the Wm states that the Executive Councils can demand a financial security. The amount for which the security must be maintained should be specified.

11.2.3. Financial security instruments and mechanisms accepted
By Order in Council, detailed rules can be laid down with respect to which financial securities are accepted. The Order had not been issued when this report was published.

The legislation itself does not list any financial security instruments or mechanisms that are acceptable.

11.2.4. Templates
There are no templates for acceptable financial security instruments or mechanisms.

11.2.5. Financial security instruments not acceptable
The legislation does not list any financial security instruments or mechanisms that are not acceptable.
11.3. Carbon Capture and Storage Directive

11.3.1. Status of implementation

There are no facilities for the storage of carbon dioxide under land in the Netherlands. Storage of carbon dioxide is being carried out in empty gas fields under the North Sea.\(^{22}\)

11.3.2. Competent authority(ies)

The competent authority for the Directive on the geological storage of carbon dioxide (2009/31/EC), which is implemented in the Netherlands by the Law of 6 July 2011, which amended the Mining Act (Mijnbouwwet),\(^{23}\) is the Minister for Economic Affairs and Climate (Minister van Economische Zaken en Klimaat). The new chapter 3 (articles 25-32) regulates storage permits. Article 25(1) of the Mining Act states that a permit is required for both the detection of storage complexes and for the permanent storage of carbon dioxide.

11.3.3. Financial security provisions

Article 31g of the Law of 6 July 2011 states that an applicant for an authorisation for a facility for the storage of carbon dioxide must include a description of the financial security or equivalent provision and proof that it is valid and effective before beginning such storage. If an authorisation is granted, it shall indicate the amount of financial security or equivalent provision. Before the beginning of storage and every year, the holder of the authorisation must provide proof to the Minister that financial security or equivalent provision has been maintained.

Article 31h states that an authorisation may be refused on the basis of the applicant's technical or financial capabilities if it is not sufficiently assured that the applicant will comply with its obligations. The Minister can lay down further rules on this. A licence may also be revoked if (1) the conditions of authorisation are not complied with or there is a risk of leakage or significant irregularities, (2) revocation proves necessary on the basis of the latest scientific findings and technological progress, or (3) the financial security or equivalent provision established is not sufficient.

The Minister had not laid down further rules when this report was published.

11.3.4. Financial security instruments and mechanisms accepted

The legislation does not list any financial security instruments or mechanisms that are acceptable.

11.3.5. Templates

There are no templates for acceptable financial security instruments or mechanisms.

11.3.6. Financial security instruments and mechanisms not acceptable

The legislation does not list any financial security instruments or mechanisms that are not acceptable.

---


\(^{23}\) Mijnbouwwet; https://wetten.overheid.nl/BWBR0014168/2020-01-01 (in Dutch)
12. **EU Recommendation on Hydraulic Fracturing**

12.1. **Status**
There is a ban on drilling for shale gas in the Netherlands that has been extended up to and including 2023.

12.2. **Competent authority(ies)**
The Minister of Economic Affairs is the competent authority for oil and gas operations in the Netherlands.

12.3. **Financial security provisions**
Not applicable

12.4. **Financial security instruments and mechanisms accepted**
Not applicable

12.5. **Templates**
Not applicable

12.6. **Financial security instruments and mechanisms not acceptable**
Not applicable


13.1. **Industrial Emissions Directive**

13.1.1. **Competent authority(ies)**
The competent authorities for the Industrial Emissions Directive, which is implemented in the Netherlands by the Water Act, the Wm, the Order in Council on Environmental Permitting (*Besluit omgevingsrecht*)\(^{24}\) and the Order in Council on Activities (*Activiteitenbesluit milieubeheer*)\(^{25}\), are the Executive Councils of the Provinces.

In the new Environment and Planning Act, the requirements in the Industrial Emissions Directive are implemented in the legislative Bill in articles 4.3, 4.22 and 4.23 (delegation principle governing government regulations on the best available technology) and article 5.1, second paragraph, introduction and item b, which relates to demarcation of activities requiring a permit that have negative consequences for the environment and in the section outlining the requirements for the awarding of a permit. These requirements will be further developed by Order in Council.

13.1.2. **Financial security provisions**

Article 15.46, first paragraph, of the Wm states that the Executive Councils can demand financial security, the amount for which must be maintained should be specified.

---

\(^{24}\) *Besluit omgevingsrecht*; [https://wetten.overheid.nl/BWBR0027464/2020-01-01](https://wetten.overheid.nl/BWBR0027464/2020-01-01)

\(^{25}\) *Activiteitenbesluit milieubeheer*; [https://wetten.overheid.nl/BWBR0022762/2019-10-01](https://wetten.overheid.nl/BWBR0022762/2019-10-01)
13.1.3. **Financial security instruments and mechanisms accepted**
No templates for acceptable financial security instruments or mechanisms are available.

13.1.4. **Templates**
The legislation does not list any financial security instruments or mechanisms that are accepted.

13.1.5. **Financial security instruments and mechanisms not acceptable**
The legislation does not list any financial security instruments or mechanisms that are not acceptable.

13.2. **Seveso III Directive**

13.2.1. **Competent authority(ies)**
The competent authorities for the Seveso III Directive, which is implemented in the Netherlands by the Order in Council on the Risk of Major Accidents (*Besluit risico’s zware ongevallen* 2015), the Order in Council on the External Safety of Installations (*Besluit externe veiligheid inrichtingen*) and the Safety Regions Act (*Besluit veiligheidsregio’s*), are the Executive Councils of the Provinces. As indicated in section 1 above, the future Environment and Planning Act will apply to activities covered by the above legislation when that Act is introduced.

13.2.2. **Financial security provisions**
The competent authority may request a financial guarantee in the permit requirements. An applicant for a permit must submit a quantitative risk assessment of its environmental risks with its application.

13.2.3. **Financial security instruments and mechanisms accepted**
Article 8.40 paragraph 3 (to which the Order in Council on the Risk of Major Accidents refers) stipulates that a financial security can only be requested in the form of insurance against liability for damages.

13.2.4. **Templates**
There are no templates for acceptable financial security instruments or mechanisms.

13.2.5. **Financial security instruments and mechanisms not acceptable**
There is no list of financial security instruments or mechanisms that are not acceptable.

---

26 *Besluit risico’s zware ongevallen* 2015; [https://wetten.overheid.nl/BWBR0036791/2015-07-08](https://wetten.overheid.nl/BWBR0036791/2015-07-08) (in Dutch)

27 *Besluit externe veiligheid inrichtingen*; [https://wetten.overheid.nl/BWBR0016767/2016-01-01](https://wetten.overheid.nl/BWBR0016767/2016-01-01) (in Dutch)

28 See Advisory letter on recovering the costs of environmental damage: financial indemnity to be provided by high-risk companies from Henry M. Meijdamm and Ron Hillebrand, Raad voor de leefomgeving en infrastructuur to State Secretary for Infrastructure and the Environment (2 June 2014); available at [http://docplayer.net/19249808-Financial-indemnity-to-be-provided-by-high-risk-companies.html](http://docplayer.net/19249808-Financial-indemnity-to-be-provided-by-high-risk-companies.html); Advisory report ‘Safety at BRZO companies: responsibility and effective action’ (17 June 2013): available at [https://en.rli.nl/sites/default/files/safety_at_companies_subject_to_the_major_accidents_risks_decree.pdf](https://en.rli.nl/sites/default/files/safety_at_companies_subject_to_the_major_accidents_risks_decree.pdf)
13.3. Other legislation

The General Provisions on Environmental Law Act and the Soil Protection Act also impose mandatory financial security for remediating environmental damage. In addition, requirements for financial security in a Decree that imposed financial security for environmental damage that was withdrawn have been re-introduced.

➢ General Provisions on Environmental Law Act

Article 4.1 of the Wabo states that an Order in Council can designate categories in which a person carrying out an activity pursuant to an environmental permit is obliged to provide financial security if the activity may have serious adverse effects on the environment.

The financial security should cover the costs of complying with obligations under the permit and liability for damage resulting from adverse effects on the environment caused by the activity.

Article 4.1 further provides that the Order in Council shall lay down rules on the form, amount and duration of the maintenance of the security and on the conditions to be met before the obligation is released. The Order in Council had not been issued when this report was published.

➢ Soil Protection Act

Article 39f of the Soil Protection Act requires financial indemnity to form part of any soil decontamination project plan or post-crisis plan. Further, article 55b of the Soil Quality Protection Act requires financial security for the costs of any soil remediation that is required when the ownership or lease of land is transferred.

➢ Environmental Management Financial Security Decree

On 1 June 2008, the Dutch Government enacted the Environmental Management Financial Security Decree (Besluit financiële zekerheid milieubeheer). The Decree authorised competent authorities to require operators of specified waste storage facilities and operators that manage waste to have financial security for the costs of remediating soil damage caused by the waste after termination of their activities.

Financial security could be established by an insurance policy, a bank guarantee, a mortgage or lien, a fund specifically established for the legislation, and equivalent financial security acceptable to the competent authority. The Decree set out the minimum amounts of financial security for the various facilities subject to it.

The Dutch Government repealed the Decree on 9 November 2009 because of the burden on industry and because it was considered that the risk to public authorities of remediating environmental damage was low.

That view changed following the Chemie-Pack disaster at Moerdijk and other disasters in the Netherlands. See section 7.6.2 of the final report for an account of the Moerdijk disaster.

Following the Chemie-Pack disaster, the Dutch Government carried out a consultation concerning whether to require operators subject to the Major Accidents (Risks) Decree

29 Besluit financiële zekerheid milieubeheer; https://wetten.overheid.nl/BWBR0014686/2008-06-01 (in Dutch)
30 Besluit van ......, tot intrekking van het Besluit financiële zekerheid milieubeheer en herstel van enkele gebreken in enkele besluiten op debeleidsterreinen van het Ministerie van Volkshuisvesting, Ruimtelijke Ordeningen Milieubeheer; https://zoek.officielebekendmakingen.nl/stcrt-2009-7115.html (in Dutch)
Improving financial security in the context of the Environmental Liability Directive

(Besluit risico’s zware ongevallen; BRZ), which implements the Seveso Directive in the Netherlands, to provide proof of financial security. The Province of Groningen, in particular, formally requested re-introduction of the Decree following the bankruptcy of a soil decontamination company and other insolvencies in that Province that led to the public purse paying the costs of remedial measures.31

➢ Environment and Planning Act

Article 13.5, paragraph 1, of the future Environment and Planning Act provides, in cases designated by Order in Council, that an environmental permit for an activity that may have ‘significant adverse effects on the physical environment’ may require that the person who carries out the activity provides financial security for (1) complying with obligations under the environmental permit and (2) liability for damage resulting from adverse effects on the physical environment caused by the activity.

14. MANDATORY FINANCIAL SECURITY FOR OFFSHORE OIL AND GAS OPERATIONS

14.1. Competent authority(ies)

The competent authority for offshore oil and gas operations, which are covered by adaptation of the Mining Act, the Economic Offences Act, the Wm, and Amending Law to the Mining Act (safety offshore oil and gas activities (Wijzigingswet Mijnbouwwet, enz. (veiligheid offshore olie- en gasactiviteiten)),32 is the Minister of Economic Affairs.

14.2. Status of offshore oil and gas operations

Thirteen companies in the Netherlands have a licence to explore for and produce gas. These oil and gas companies conduct research into possible gas reserves under land and under the North Sea. The companies are represented by the Dutch Oil and Gas Exploration and Production Association (NOGEPA).33

14.3. Requirements for financial security

Articles 9a(1) and 9a(2) of the Mining Act provide that the technical and financial capabilities of an applicant for a permit must be assessed. This investigation takes into account the financial capacity of the applicant to bear any liability resulting from the relevant investigative and extraction activities. An authorisation for extraction in the continental shelf or under the territorial sea shall also take into account ‘the cost of degradation of the marine environment when assessing the applicant’s technical or financial possibilities’.

Article 12(2) of the Mining Act states that the authorisation for the exploration and production of hydrocarbons should determine the extent of the financial guarantees required by the holder of the authorisation to comply with financial obligations which may result activities to be carried out on the basis of the authorisation.

31 See Advisory letter on recovering the costs of environmental damage: financial indemnity to be provided by high-risk companies from Henry M. Meijdamm and Ron Hillebrand, Raad voor de leefomgeving en infrastructuur to State Secretary for Infrastructure and the Environment (2 June 2014); http://docplayer.net/19249808-Financial-indemnity-to-be-provided-by-high-risk-companies.html
32 Wijzigingswet Mijnbouwwet, enz. (veiligheid offshore olie- en gasactiviteiten); https://wetten.overheid.nl/BWBR0038985/2019-01-01 (in Dutch)
33 Nogepa, ‘What is Nogepa’; https://www.nogepa.nl/?lang=en
14.4. **Requirement for financial security for ELD liabilities**
There are no requirements for financial security for ELD liabilities.

15. **Failure of financial security**

15.1. **Inadequate level of financial security instrument or mechanism to pay claims**
After the accident at Chemiepack (Moerdijk), the competent authority could not recuperate its remediation costs because the company did not have an adequate level of financial security. Moreover, the company went bankrupt (see section 7.6.2 of the final report).

15.2. **Insolvency of operator leading to failure of financial security instrument or mechanism**
See sections 13.3 (Environmental Management Financial Security Decree) and 15.1 above.

15.3. **Other**
No reports of any other types of failures of financial security were available or provided.

16. **Funds**
The Dutch Government has not established a fund to cover the costs of preventing and remediating environmental damage under the ELD in the event of the liable operator becoming insolvent/bankrupt or otherwise being financially unable to cover the costs.

16.1. **Name(s)**
Not applicable

16.2. **Extension of existing fund to cover remedial costs under the ELD**
Not applicable

16.3. **Purpose**
Not applicable

16.4. **Type**
Not applicable

16.5. **Source(s) of funding**
Not applicable

16.6. **Number and amount of claims**
Not applicable
Improving financial security in the context of the Environmental Liability Directive

BIBLIOGRAPHY

European Union

Report

The Netherlands

Legislation
Amending Law to the Mining Act (safety offshore oil and gas activities (Wijzigingswet Mijnbouwwet, enz. (veiligheid offshore olie- en gasactiviteiten)); https://wetten.overheid.nl/BWBR0038985/2019-01-01
Decision repealing the Decision on financial security of environmental management and restoring some shortcomings in some decisions in the policy areas of the Ministry of Housing, Spatial Planning and the Environment (Besluit van ......, tot intrekking van het Besluit financiële zekerheid milieubeheer en herstel van enkele gebreken in enkele besluiten op de beleidsterreinen van het Ministerie van Volkshuisvesting, Ruimtelijke Ordeningen Milieubeheer); https://zoek.officielebekendmakingen.nl/stcrt-2009-7115.html
Economic Offences Act (Wet economische delicten); https://wetten.overheid.nl/BWBR0002063/2020-01-31
Environment and Planning Act (Omgevingswet); https://www.omgevingswetportaal.nl/documenten/publicaties/2019/12/19/integrale-geconsolideerde-versie-omgevingswet
Environmental Management Act (Wet milieubeheer; Wm); https://wetten.overheid.nl/BWBR0003245/2019-11-14
Environmental Management Financial Security Decree (Besluit financiële zekerheid milieubeheer); https://wetten.overheid.nl/BWBR0014686/2008-06-01
General Administrative Law Act (Algemene wet bestuursrecht); https://wetten.overheid.nl/BWBR0005537/2020-01-01
Law on general provisions of environmental law (Wet algemene bepalingen omgevingsrecht); https://wetten.overheid.nl/BWBR0024779/2018-07-28
Mining Act (Mijnbouwwet); https://wetten.overheid.nl/BWBR0014168/2020-01-01
Nature Protection Act (Wet natuurbescherming); https://wetten.overheid.nl/BWBR0037552/2020-01-01
Order in Council on Activities (Activiteitenbesluit milieubeheer); https://wetten.overheid.nl/BWBR0022762/2019-10-01
Order in Council on Environmental Permitting (Besluit omgevingsrecht); https://wetten.overheid.nl/BWBR0027464/2020-01-01
Order in Council on the External Safety of Installations (Besluit externe veiligheid inrichtingen); https://wetten.overheid.nl/BWBR0016767/2016-01-01
Improving financial security in the context of the Environmental Liability Directive


Soil Protection Act (*Wet Bodembescherming*); https://wetten.overheid.nl/BWBR0003994/2017-01-01

Water Act (*Waterwet*); https://wetten.overheid.nl/BWBR0025458/2020-01-01

Reports


*Ministerie van Binnenlandse Zaken en Koninkrijksrelaties, Ontwikkeling van de Omgevingswet*; https://www.umgevingswetportaal.nl/

Articles, reports and other documents

Advisory letter on recovering the costs of environmental damage: financial indemnity to be provided by high-risk companies from Henry M. Meijdamm and Ron Hillebrand, *Raad voor de leefomgeving en infrastructuur* to State Secretary for Infrastructure and the Environment (2 June 2014); http://docplayer.net/19249808-Financial-indemnity-to-be-provided-by-high-risk-companies.html

Advisory report ‘Safety at BRZO companies: responsibility and effective action’ (17 June 2013); https://en.rli.nl/sites/default/files/safety_at_companies_subject_to_the_major_accidents_risks_decree.pdf


*De Zaak, Milieuschadeverzekering*; https://www.dezaak.nl/2620/milieuschadeverzekering.htm

Faure, Michael, ‘Environmental Damage Insurance in the Netherlands’ (2002) 1 Environmental Liability 31

*Geest en Dorst Verzekeringen, Milieuschadeverzekering*; http://www.geestdrost.nl/diensten/zakelijk/onderneming/milieuschadeverzekering


*Milieupool door de Vereende, Ontbinding Milieupool*; https://milieupool.vereende.nl/

*Milieuschadeverzekering; Geïntegreerde polis met keuzemogelijkheden* (10 January 1998); https://www.nieuwsbladtransport.nl/archief/1998/01/10/milieuschadeverzekering-geintegreerde-polis-met-keuzemogelijkheden/?gdpr=accept&gdpr=accept

Nogepa, ‘What is Nogepa’; https://www.nogepa.nl/?lang=en
Improving financial security in the context of the Environmental Liability Directive

Van Dal Assurantiën, Milieuschadeverzekering;
https://www.vandalassurantien.nl/verzekeringen/bedrijven/bezittingenmaterieelgebouwen/milieuschadeverzekering--msv

Verbond van Verzekeraren, Position paper, ‘Milieuschade – Voorkomen is beter dan genezen’ (July 2014)

VMD Koster Verzekeringen, Waarom een milieuschadeverzekering,
https://www.vmdkoster.nl/a-546/waarom-een-malieuschadeverzekering