

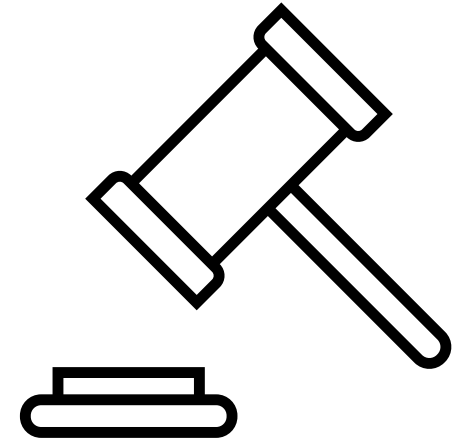
Webinar

DEPOSIT FOR BEVERAGE CONTAINERS
setting the system framework through
the legislation





DRS legislation - Key provisions



01 Field of application

02 Scope

03 Definitions

04 Administration

05 Obligations of parties

06 Marking

07 Targets

08 Deadlines

09 Penalties

Field of application (the deposit system is applied in the territory of ...)

Scope of the packaging types and product types in the system

Definitions:

- beverage packages
- reusable beverage packaging
- reuse
- non-reusable packaging
- filler
- dealer
- final consumer
- deposit

Obligations related to the sales of the beverage with deposit (Obligations concerning producers/fillers, dealers, distributors and retailers)

Obligations related to taking back of the beverage packaging (Applying to retailers, defining exemptions, if any of them apply)

Approval/appointment of the deposit operator (Approval for the non-for-profit entity established by the producers/importers or appointment of another entity in case producers/importers fail to establish their own organization)

Obligations of the deposit system operator including:

- Financial clearing
- Collecting administration fees
- Pay handling fees to retailers/service entities
- Collecting the returned packaging from the collection points
- Transferring the collected recyclables to recycling
- Reporting recycling levels to the relevant authorities

Obligation of the producers/importers related to entering the contract with the deposit system operator, payment of the administration fees etc. (including due time)

Approval of the minimum deposit value based on the recommendation of the deposit system operator

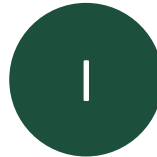
Minimum collection levels to be achieved by the deposit system (step by step approach)

Administrative offenses

Entry into force

Deposit marking requirements

Primary or secondary legislation



Primary?

DRS provisions are usually subject to the Act of Law, in the primary legislation

Secondary?



Some issues can be regulated in the Executive Act (secondary legislation) minimum value of deposit (as that might be subject to change if the socio-economic conditions evolve)

Territory



Slovak example

Article I § 1

Subject matter

This Act applies to disposable beverage containers placed on the market in the Slovak Republic (hereinafter referred to as the 'market') and to waste comprising these containers.



Scope: material and products



Packaging Act¹

Passed 21.04.2004

RT I 2004, 41, 278

Entry into force
01.06.2004

Estonia

§ 21. Deposit

(1) A deposit is assigned to a packaging for the value of one packaging which is added to the price of one sales unit.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(2) A deposit is established for the following **reusable packaging** of beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks:

- 1) glass packaging;
- 2) plastic packaging.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(3) A deposit is established for the following **non-reusable** packaging of beer, alcoholic beverages with low ethanol content, cider, perry and soft drinks:

- 1) glass packaging;
- 2) plastic packaging;
- 3) metal packaging.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

(4) Beer and alcoholic beverages with low ethanol content specified in subsections (2) and (3) of this section are deemed to be beer and alcoholic beverages with low ethanol content within the meaning of the Alcohol Act, cider and perry are deemed to be cider and perry within the meaning of the requirements established on the basis of subsection 4 (2) of the Alcohol Act and soft drink is deemed to be soft drink within the meaning of the Packaging Excise Duty Act.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

Scope: material and products (negative)



Packaging Act¹

Passed 21.04.2004

RT I 2004, 41, 278

Entry into force

01.06.2004

Estonia

(4¹) A packaging undertaking does not add a deposit to:

[RT I, 17.05.2014, 1 - entry into force 27.05.2014]

1) **exported packaging** if export thereof is certified by an export customs declaration;

2) packaging that is taken from Estonia to another Member State or to a **vessel or aircraft engaged in international travel** to be consumed or as goods sold to be taken away;

[RT I 2010, 28, 145 - entry into force 19.06.2010]

3) packaging with a capacity of **3.0 litres or more** and packaging with a capacity of 0.1 litres or less.

4) the packaging specified in subsections (2) and (3) of this section if acceptance of its return is **technically impossible**.

[RT I 2008, 20, 138 - entry into force 31.05.2008]

Obligations:



- Obligations related to sales
- Obligations related to taking back
- Obligations of the system operator
- Obligations of the producers towards the system operator



Obligations as defined in the legislation should reflect the process depicted above

Obligations



Draft
ACT
of /2019
on the deposit return
scheme for disposable
beverage containers and on
amendments to certain
acts

§ 4

Obligations of producers of packaging

In order to ensure proper functioning of the deposit return scheme, producers of packaging shall

- a) **apply deposits** for disposable beverage containers and adhere to the deposit amount determined by the administrator,
- b) ensure that containers are **clearly marked** to indicate that they are covered by the deposit return scheme,
- c) keep **separate accounting records** for the price of the goods and the deposit amount,
- d) within 60 days of receiving a notice of commencement of operations from the administrator [§ 6(8)], **request the administrator to enter into a contract** to fulfil the obligations under this Act,
- e) **register** disposable beverage containers subject to a deposit with the administrator before placing them on the market,
- f) **pay to the administrator the deposits** collected from placing beverages in disposable beverage containers subject to a deposit on the market for the period of the calendar year specified in the concluded contract,
- g) **cover all of the administrator's costs** associated with participation in the deposit return scheme and costs of transport, recovery, recycling and disposal of waste comprising disposable beverage containers subject to a deposit in accordance with the concluded contract,
- h) **keep records** of disposable beverage containers subject to a deposit and report data from these records to the administrator in the scope necessary to fulfil the administrator's obligations under § 7(1)(l) and (m).

Producers of packaging who are simultaneously distributors of packaging shall be subject to the provisions of § 5(1)(b), (e) to (i), paragraph (2) and paragraph (5).

Obligations – return to retail



REPUBLIC OF LITHUANIA
THE LAW ON AMENDMENT OF ARTICLES 2, 4¹, 5, 7, 8, 11, 12 & 13 OF THE LAW ON
PACKAGING AND PACKAGING WASTE MANAGEMENT No. IX-517 AND ON
ADDITION OF ARTICLES 11¹, 11², 12¹, 12², 12³ THERETO

No. XII-864
8 May 2014
Vilnius

„Article 8. Obligations of the sellers of packaging within the deposit system

1. Sellers of reusable packaging shall **accept reusable packaging** subject to a deposit **and refund** the deposit, **except** for the sellers of packaging trading in small shops with total area not exceeding **90 sq. m** (excluding rural shops) as well as in marketplaces, kiosks, fuel stations and public catering institutions. Sellers of reusable packaging eligible to the exemption stipulated herein may choose to participate in reusable packaging deposit system voluntarily.

2. Sellers of single-use packaging shall **accept waste of single-use packaging** subject to a deposit in accordance with paragraph 2 of Article 11 of the Law **and refund the deposit**, **except** for the sellers of packaging trading in shops with commercial area not exceeding **300 sq. m** (excluding rural shops) as well as in marketplaces, kiosks, fuel stations and public catering institutions. Sellers of single-use packaging eligible to the exemption stipulated herein may choose to participate in single-use packaging deposit system voluntarily.

Take back - exceptions

Section 71 Obligation to accept beverage containers

A distributor of certain beverages sold in containers with a deposit, referred to in section 3(1)(1) of the Act on Excise Duty on Certain Beverage Containers, must accept empty beverage containers belonging to the same return system, **in a quantity deemed reasonable** as regards the quantity of packaged beverages for sale, and must pay the deposit to the party returning the containers.

NB: Unofficial translation, legally binding texts are those in Finnish and Swedish Ministry of the Environment, Finland

Waste Act (646/2011; amendments up to 528/2014 included)

Return to retail



Collection points Photo Reloop
Shops bigger than 200m²
(Estonia), 300m² (Lithuania)



Return to retail



Automated collection point in Estonia Photo Reloop
Shops bigger than 200m²



Manual collection in Norway Photo Reloop
All selling points included



Minimum collection levels (Scotland)



SCHEDULE 3

Collection targets

1. The minimum collection targets which a producer must meet in respect of scheme packaging containing a scheme article each calendar year are as follows—

(a) for the calendar year beginning 1 January 2023 and ending 31 December 2023, **70%** of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer in that year,

(b) for the calendar year beginning 1 January 2024 and ending 31 December 2024, **80%** of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer in that year,

(c) subject to sub-paragraph (d), for the calendar year beginning 1 January 2025 and each subsequent calendar year, **90%** of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer in that calendar year,

(d) the target in sub-paragraph (c) must include a minimum of—

(i) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from PET plastic,

(ii) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from glass,

(iii) 85% of the number of items of scheme packaging first made available to be marketed, offered for sale or sold for the purposes of its retail sale in Scotland by that producer made mainly or wholly from steel or aluminium.

Minimum deposit value (Slovakia)



§ 2 Minimum Deposit Amount [§ 7(1) g) of the Act]

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DE C R E E
of the Ministry of the Environment of the Slovak Republic
of 14 October 2019,
Implementing certain provisions of the Act on the Deposit
Return Scheme for Disposable Beverage Containers

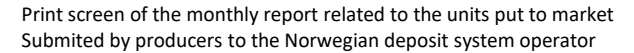
The minimum deposit amount for a disposable beverage container is set as follows:

- a) EUR 0.12/container as per § 1 a),
- b) EUR 0.10/container as per § 1 b).

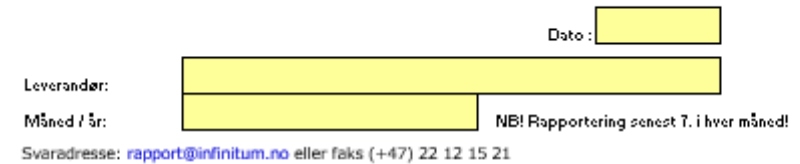
Deposit value (or its minimum value) should be decided by the government and be calculated based on the socio-economic conditions of the country where the DRS is implemented.

Deposit value should be high enough to motivate consumers to return the packaging but not too excessive to open for fraud.

The diagram illustrates the dimensions of a barcode. On the left, a vertical double-headed arrow labeled 'Höjd' (Height) indicates the height of the barcode. On the right, a vertical line with a dot at the top, labeled 'ljumarginal' (Left margin), indicates the distance from the left edge of the page to the left edge of the barcode.



OMSETNINGSRAPPORT



- [illegible]

Deposit system operator

§ 6 Administrator

The administrator is a **non-profit organisation** providing services of general interest with its head office in the Slovak Republic and is established for an indefinite period of time. The administrator shall exclusively perform roles arising from this Act, in particular, **coordinate** the functioning of the deposit return scheme and the system for **financing** the scheme and perform coordination tasks related to the clearing of deposits. The administrator may also provide other services of general interest, which are directly related to carrying out the tasks for which it was established, in particular **educational and promotional activities**.

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AC T

of 11 September 2019

**On the Deposit Return Scheme for
Disposable Beverage Containers and
on Amendments to Certain Laws**

Slovakia

Deposit system operator (Scotland)

PART 4 Scheme administrator

- 1. 13. Scheme administrator
- 2. 14. Application for approval of a scheme administrator
- 3. 15. Approval of scheme administrator
- 4. 16. Obligations of a scheme administrator
- 5. 17. Withdrawal of approval of a scheme administrator

Administrative offences and penalties



§ 14

Imposition of Fines

A fine, the amount of which shall be calculated as a **multiple of the deposit** for disposable beverage containers as specified by the administrator and the total number of disposable beverage containers placed by the producer on the market over a period of one calendar year, shall be imposed on the producer of the packaging by the competent state supervisory authority for any administrative offence referred to in § 13(a). If the deposit amount has not been specified by the administrator, the minimum deposit amount pursuant to § 9(3)(a) shall be used for the calculation.

Aim

To secure well functioning system
4000 euro/tonne for not reaching the target
No arbitrary decisions

Entry into force

Citation and commencement

1.—(1) These Regulations may be cited as the Deposit and Return Scheme for **Scotland** Regulations 2020.

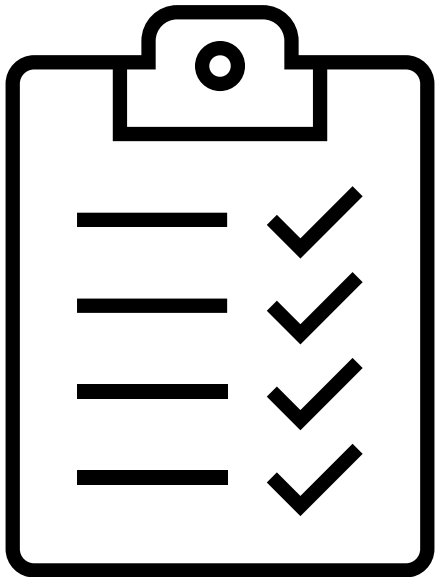
(2) Parts 1, 4 and 6 come into force on the day after the day on which these Regulations are made.

(3) In Part 5, regulations 22 to 25 come into force on 1 January 2021.

(4) Part 3 comes into force on 1 January 2022.

(5) Parts 2 and 7, and the remaining provisions of Part 5 come into force on **1 July 2022**.

Supervising authorities (Slovakia)



Environment Ministry

Inspectorate

Slovak Trade Inspection

State supervision

VAT free deposit

The DRS legislation should secure VAT free deposit.



Primary legislation level

When DRS is voluntary*

NB: Unofficial translation, legally binding texts are those in Finnish and Swedish Ministry of the Environment, Finland

Waste Act (646/2011; amendments up to 528/2014 included)

Chapter 7 – Beverage containers

Section 68 Establishing a return system for beverage containers and joining the system

Section 69 Obligations of a party maintaining a return system for beverage containers

Section 70 Labelling of containers included in a return system for beverage containers

Section 71 Obligation to accept beverage containers

* Tax driven

DRS provisions

Waste Act (646/2011; amendments up to 528/2014 included)

ACT
of 11th of September 2019
**on the deposit return scheme for disposable beverage
containers and on amendments to certain acts**

Packaging Act¹
Passed 21.04.2004
RT I 2004, 41, 278
Entry into force
01.06.2004
Estonia

DRS provisions have usually been integrated in other Act of Laws. Slovakia decided to develop a dedicated Act of Law on deposit for single use beverage containers.

Useful links:

Links to **Estonian and Finnish regulations** of deposit system:

<https://www.riigiteataja.ee/en/eli/520032019013/consolide> (Estonia)

<https://www.finlex.fi/en/laki/kaannokset/2011/en20110646.pdf> (Chapter 7, page 28 Finland)

Links to **Scottish and Lithuanian regulations** of deposit system:

<http://www.legislation.gov.uk/sdsi/2020/9780111044681/introduction> (Scotland)

<https://ec.europa.eu/growth/tools-databases/tris/en/search/?trisaction=search.detail&year=2013&num=605>

(Lithuanian notification – the provisions can be downloaded in local languages)

DRS session – DRS conference

<https://www.reloopplatform.org/conference-on-best-in-class-deposit-return-systems-for-single-use-beverage-packaging/>

Thank you

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reloop
resources remain resources