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283. Ordinance:	Deposit ordinance for disposable beverage packaging [CELEX No: 31994L0062, 32004L0012, 32013L0002, 32018L0851, 32018L0852, 32019L0904]	

283. Ordinance of the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology on the deposit for disposable beverage packaging made of plastic or metal (Deposit Ordinance for Disposable Beverage Packaging)

On the basis of §§ 12b(1) and (6), 14, 14c, 23(1) and (3) and 28c of the Federal Waste Management Act 2002 (AWG 2002), Federal Law Gazette I No 102/2002, as last amended by Federal Law Gazette I No 66/2023, the following is decreed in agreement with the Federal Minister of Labour and Economy:

1. Section General information

Objectives

§ 1. The objectives of this Regulation are:

1. the achievement of the collection targets in the amount of at least 80 % starting from the year 2025 and at least 90 % starting from the year 2027;
2. high-quality recycling of packaging waste;
3. the re-use of plastic recycled plastics and recycled metals in beverage containers; and
4. prevention of littering from single-use beverage packaging made of plastic and metal.

Scope

§ 2. (1) This Regulation shall apply to single-use beverage packaging made of plastic and metal placed on the market in Austria.

(2) In the case of distance sales within the meaning of § 3 point 2 of the Distance and Foreign Transactions Act (FAGG), Federal Law Gazette I No 33/2014, by a mail order trader that has no registered office or no establishment in Austria, the packaging delivered to Austria and the packaging waste subsequently accumulated are also subject to the scope of the Regulation.

(3) The provisions of the Packaging Ordinance 2014, Federal Law Gazette II No 184/2014, as amended, remain unaffected.

Definitions

§ 3. For the purposes of this Ordinance the following is or are

1. 'Beverage packaging' means closed or predominantly closed sales packaging for beverages.
2. 'Single-use plastic beverage packaging' means single-use plastic beverage bottles which are either wholly or partially made of plastic, including their labels, caps and closures that are not designed, developed and placed on the market to undergo multiple product cycles during their life cycle. Exempted are
 - a) glass or metal beverage bottles that have caps or closures made of plastic;
 - b) beverage bottles intended for weaning food and liquid foods for special medical purposes as defined in Article 2(g) of Regulation (EU) No 609/2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Directive 92/52/EEC, Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC and Regulations (EC) No 41/2009 and (EC)

No 953/2009; OJ L 181, 29.6.2013, p. 35, as last amended by Delegated Regulation (EU) 2021/571, OJ L 120, 8.4.2021 p. 1, and are used for that purpose,

c) beverage boxes.

3. 'Disposable beverage packaging made of metal' means beverage cans or bottles made either in whole or in part made of ferrous metal or aluminium, including their labels, caps and closures, that are not designed, developed and placed on the market to undergo multiple product cycles during their life cycle.
4. 'Initial distributors' means primary obliged parties according to § 13g AWG 2002 or, in the case of contract bottling, the principals of contract bottlers.

2. Section

Disposable deposit

Deposit collection for disposable beverage packaging

§ 4. (1) As of 1 January 2025, anyone who commercially places beverages in single-use beverage packaging made of plastic or metal with a filling volume of 0.1 to 3.0 litres on the market must collect a deposit of EUR 0.25 for each packaging from the respective customer on behalf of and for the account of the central body. Initial distributors shall report the deposit amounts collected to the central body at least monthly.

(2) By way of derogation from paragraph 1, beverages in single-use beverage packaging made of plastic or metal may be sold without collecting a deposit until the end of 31 December 2025, if they are bottled before 1 April 2025.

(3) All types of beverages with the exception of milk and dairy product beverages as defined in the Austrian Food Codex, Chapter 'Milk and dairy products' (Codex Alimentarius Austriacus, Codex Chapter/B32) are covered by the deposit obligation pursuant to paragraph 1.

(4) Initial distributors are obliged to register with the central body and to conclude a contract with the central body. In addition, initial distributors are obliged to register the types of containers they place on the market in accordance with paragraphs 1 to 3 with the central body and to pay the intended producer contributions or registration costs.

Return of single-use beverage packaging subject with a deposit and payment of the deposit amount

§ 5. (1) Each final distributor of single-use beverage packaging subject to deposit pursuant to § 4 shall, take these back from the final consumer during normal business hours against payment of the deposit amount of EUR 0.25 per packaging if they have been emptied of their contents. The return can be done by means of automatic return machines or manually.

(2) By way of derogation from paragraph 1, operators of points of sale where the return is not carried out via a reverse vending machine shall only take back at that point of sale those single-use beverage packaging for which a deposit has been paid which corresponds to the single-use beverage packaging offered in regard of packaging material and filling volume. These operators only have to take back the number of single-use beverage packaging that final consumers usually purchase at this point of sale.

(3) By way of derogation from paragraph 1, several operators of points of sale in highly frequented locations, such as in particular airports, railway stations, shopping streets or shopping centres, may also designate a common alternative return point at which the final consumers can return the deposit containers. This point of return must be in close proximity to the points of sale. Any deposit vouchers issued at this point of return must be able to be redeemed in the immediate vicinity. Final distributors have to inform final consumers clearly about these return options and the options of redeeming the deposit vouchers.

(4) Operators of hotel and restaurant establishments, such as, in particular, accommodation establishments, restaurants, cafés, catering establishments or sausage stands, placing single-use beverage packaging on the market according to § 4, are considered to be final distributors. Operators of hotel and restaurant establishments from which, as a rule, no single-use beverage packaging is taken, do not have to collect and refund a deposit from the consumer for single-use beverage packaging that remains on site, in derogation of § 4 and paragraph 1, and there is also no obligation to accept returns.

(5) By way of derogation from paragraph 1, final distributors selling single-use beverage packaging with a deposit from vending machines shall pay the central body a compensation fee per container determined by that central body, which is based on the cost of additional redemption at other redemption points, unless the final distributor can prove to the central body that a return option exists in the

immediate vicinity of the vending machine. Final distributors have to inform final consumers at the vending machine clearly about these return options.

(6) In case of sales via delivery services, in particular via online trading, the final distributor must ensure a return and deposit refund upon delivery. By way of derogation from paragraph 1, the deposit amount may be paid out by the same way as the settlement of the order. Only those single-use beverage packaging with a deposit that corresponds to the single-use beverage packaging offered by packaging material and volume are to be taken back. These final distributors only have to take back the number of single-use beverage packaging that final consumers usually order. Postal, parcel or other freight transport service providers are exempt from these obligations.

(7) By way of derogation from paragraphs 1 and 6, in the case of the sale of single-use beverage packaging with a deposit, where the delivery is made via postal service, parcel service or other freight transport service providers, the final distributor must pay the central body a compensatory contribution per container determined by that central body, which shall be based on the cost of the additional redemption from other collection points. The same applies to food deliveries from restaurants and third parties commissioned by them.

(8) Voluntary return of single-use beverage packaging subject to deposit in accordance with § 4 may also be carried out at return points contractually integrated by the central body. Such contracts shall be concluded with particular regard to cost-efficiency, accessibility for final consumers and geographical distribution.

(9) Voluntary acceptance of returns can also be agreed by the organiser with the central body for events, where beverages in single-use beverage packaging are only placed on the market and taken back for a limited period of time. Furthermore, a voluntary redemption within the framework of fund-raising campaigns can be agreed with the central body.

Labelling

§ 6. Initial distributors have to mark single-use beverage packaging pursuant to § 4 visible, recognisable and permanently with a barcode and with the deposit symbol in accordance with the **Annex**.

3. Section Central body

Establishment of a central body

§ 7. (1) Initial distributors and take-back operators shall establish a non-profit central body in the form of a limited liability company (LLC [GmbH]).

(2) Agreement shall be reached with the Federal Minister for Climate Protection, the Environment, Energy, Mobility, Innovation and Technology on the statutes of the sponsor association, the memorandum and the articles of association of the central body and any intended substantial amendment to these documents. If no approval is reached, the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology shall, upon request, issue a notice stating the reasons for the rejection.

(3) The limited liability company shall appoint a Supervisory Board, which shall in any case have a right of approval over the determination of compensation the expenses for the redemption as well as over contracts.

1. with a volume exceeding EUR 250,000.-- or
2. with a volume exceeding EUR 100,000.-- if the approved budget is exceeded, is to be granted.

(4) The limited liability company shall appoint an in-itself business committee, which, in deviation from paragraph 3, shall in any case be granted the right to approve contracts to be concluded between the central body and initial distributors or take-back operators in place of the Supervisory Board. In such cases, the in-itself business committee shall have the function of a special supervisory board. Persons who wish to provide an operational service to the central body in accordance with § 8(1) and other persons who have an economic interest in relation to these services may not be members of the in-itself business committee. In order to protect trade and business secrets, no persons who are in a competitive relationship with them may also participate.

General tasks of the central body

§ 8. (1) The central body shall carry out all tasks relating to the organisation and implementation of material, cash and data flows in accordance with Sections 4 to 6 of this Ordinance. The central body must comply with the minimum requirements laid down in § 28c(2) and (3) of the AWG 2002.

(2) The central body may use one or more independent third parties in the performance of individual tasks referred to in paragraph 1.

(3) The central body shall draw up an effective control concept for the initial distributors. Furthermore, this control concept must also include a control of the parties responsible for taking back containers, in particular by checking the correctness of the returned deposit containers and the settlements. This control concept shall be submitted to the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology by July 1 2025 at the latest and subsequently in the event of significant changes.

(4) The central body shall bear the costs of cleaning operations related to waste from deposit-bearing single-use plastic beverage packaging containers and the subsequent transportation and treatment of such waste beginning in calendar year 2025. The costs to be borne shall be determined between the actors concerned in a transparent manner under civil law. The costs of cleaning operations related to waste are limited to activities carried out by public authorities or on behalf of public authorities. The calculation method shall be designed to determine the costs associated with the disposal of waste in a proportionate manner. In order to keep the administrative costs as low as possible, the financial contributions to the costs of cleaning operations may be determined by appropriate fixed amounts, including multi-annual, fixed amounts.

(5) The central body has to make the design features of the deposit symbol according to the **Annex** available to the registered initial distributors.

Information of the final consumers

§ 9. The central body must inform the final consumers about the correct handling of beverage containers, the meaning of the deposit symbol and the suitable return points by involving the existing structures of municipal waste consultation. In particular, such information shall cover the following:

1. measures to prevent waste, including incentives for responsible consumer behaviour,
2. availability of reusable alternatives and reuse systems,
3. the possibilities and expediency of the appropriate disposal and recovery possibilities in terms of resource conservation; and
4. negative impact on the environment from littering and other improper disposal of the product in question.

Relevant content-related requirements from the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology must be complied with.

4. Section

Financing and cash flows

Producer contributions and compensatory contributions

§ 10. (1) In order to carry out the tasks of the central body, a producer contribution shall be levied for each single-use beverage packaging placed on the market by the initial distributor in accordance with § 4.

(2) The amount of these producer contributions per material (plastic and metal) shall be determined and published by the central body regularly, at least annually. The calculation allows differentiation based on whether a national or international barcode is used. Furthermore, a differentiation of producer contributions shall be made according to ecological considerations.

(3) When determining the amount of the producer contributions per packaging material, account must be taken of the revenue (in particular registration fees, material proceeds and unpaid deposits) and the expenses (in particular expense compensation (handling fees), collection, sorting, counting and transport costs, administration costs, preparation costs, funding costs of the central body, public relations costs and costs for waste prevention or cleaning costs). A negative producer contribution is not allowed. Surpluses should be used to improve the overall system.

(4) Distributors of vending machines and traders who deliver to final consumers via postal, parcel or other freight transport service providers shall register with the central body and shall each pay the compensation contribution determined by the central body in accordance with § 5(5) and (7).

Material proceeds and unpaid deposits

§ 11. Material proceeds and unpaid deposits remain with the central body and serve to finance their tasks.

Expense allowances for the return (handling fee)

§ 12. (1) The handling fee serves as compensation for the average expense incurred by a return obligated party or voluntary return obligated party according to § 21 in taking back single-use beverage packaging subject to deposit, including storage prior to removal. When determining the handling fee for the return of deposit-bearing single-use beverage packaging pursuant to § 4, the required personnel costs, maintenance costs, space requirements and depreciation shall be taken into account in particular. A distinction in the amount of the handling fee for a return with a vending machine and for a manual return and per material (plastic and metal) is permissible.

(2) The central body must determine and publish the amount of a handling fee in agreement with the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology. The basis for each determination is an external survey, which is commissioned together with the Federal Ministry for Climate Protection, Environment, Energy, Mobility, Innovation and Technology. The amount of the handling fee must be evaluated if significant factors have changed or at least every three years.

(3) The central body shall pay at least monthly all registered acceptors of deposit-refunded single-use beverage packaging pursuant to § 4 the handling fee to which they are entitled at least monthly.

Deposit recalculation

§ 13. The central body shall reimburse all registered obligated returners and registered voluntary returners of deposit-refunded single-use beverage packaging pursuant to § 4 for the deposit amounts paid out by them at least on a monthly basis. When calculating the deposit amounts, the data of the reverse vending machines or the data obtained from a counting point shall be used.

Prevention

§ 14. The central body shall provide the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology with a list of funded waste prevention projects (§ 29(4a) of the AWG 2002) including a description as part of its activity report (§ 14c AWG 2002). The central body may use a third party with regard to the management of waste prevention projects.

5. Section

Material Flows

Ownership of the collected goods

§ 15. The central body shall be owner of all single-use beverage packaging for which a deposit has been paid manually and which has been taken back via reverse vending machines or manually in accordance with § 4.

Collection rates

§ 16. The central body must ensure that

1. from 2025, at least 80 percent by weight of the waste from single-use beverage packaging made of plastic subject to deposit, and from single-use beverage packaging made of metal subject to deposit, each, and
2. from 2027, at least 90 percent by weight of waste from single-use beverage packaging made of plastic subject to deposit, and from single-use beverage packaging made of metal subject to deposit, each,

shall be collected separately.

Collection from the return collectors

§ 17. (1) The central body shall collect or arrange for the collection of the deposit-bearing single-use beverage packaging taken back by registered redeemers pursuant to § 5 at appropriate time intervals. When determining the collection intervals and -modalities, consideration must be given to the

practicability (i.a. storage capacities) for the collectors, the cost efficiency of the overall system and the assured achievement of the collection targets.

(2) The collection of deposited single-use beverage packaging is to be put out to tender by the central body according to regional and factual basis.

(3) By way of derogation from § 8(2), the central body may arrange for the collection of returned single-use beverage packaging with deposits to be carried out by existing delivery logistics, e.g. by supermarket chains or wholesalers, without having to put this out to tender, as long as it is ensured that this collection is more efficient overall and is required for environmental protection reasons.

Counting points

§ 18. The central body shall set up and operate counting points or commission counting points. These counting points are used to record single-use beverage packaging returned manually.

Right of pre-emption

§ 19. The central body shall offer to each first distributor, on a pro rata basis, the sorted single-use beverage packaging per material and colour for purchase at market prices. The respective prices are to be published. The proportion is determined from the collected the single-use beverage packaging put into circulation by the respective first distributor. The right of pre-emption is limited to 90 % of the sorted single-use beverage packaging.

Recycling

§ 20. Initial distributors and the central body shall deliver the respective masses of single-use beverage packaging made of plastic or metal to a recycling facility and recycle them to the maximum extent possible according to the state of the art.

6. Section

Data management

Register

§ 21. (1) The central body shall establish and maintain a register for the data required for its tasks of the initial distributors, return collectors, distributors pursuant to § 5(5) and (7), counting points and types of containers. It may use an independent third party for this purpose.

(2) In this register have

1. initial distributors,
2. parties obliged to accept returns who wish to make use of a deposit recalculation,
3. voluntary redeemers who wish to make use of a deposit recalculation, and
4. distributors pursuant to § 5(5) and (7)

to register with their master data and to keep this data up to date.

(3) The central body may set a one-time registration fee for the registration of initial distributors. No costs may be charged for the registration of return collectors, voluntary return collectors and distributors pursuant to § 5(5) and (7).

Registration of the types of containers

§ 22. (1) Initial distributors must register the single-use beverage packaging they use with a deposit per container type with the central body. The material (container, lid, label), dimensions, filling volume, weight, material thickness and colour must be specified. Furthermore, a sample of single-use beverage packaging including barcode must be submitted to the central body or to a third party designated by it.

(2) The central body shall include each type of container that meets the technical requirements in the data register pursuant to § 21 and provide the required data to the manufacturers of reverse vending machines for purpose of adapting the reverse vending machines.

(3) The central body shall levy a one-off registration fee per container type to cover the costs of registration, any technical inspection and the adjustment of the reverse vending machines at most.

Notifications to the central body

§ 23. (1) Initial distributors are required to report the mass and the number of single-use beverage packaging put on the market with a deposit per container type or per barcode to the central body via the register in accordance with § 21.

(2) Return collectors pursuant to § 5 who use reverse vending machines shall report the number per barcode of the single-use beverage packaging reclaimed to the central body via the register, in accordance with § 21. In the case of manual redemption, the operator of the counting point shall report this data, broken down by individual redeemers, to the central body via the register in accordance with § 21.

(3) Initial distributors shall provide for the masses per packaging material taken over under right pre-emption and handed over to the respective recycler, the name and address of the recycling facility and the respective recycled masses per packaging material, taking into account Decision 2005/270/EC establishing the formats of the tables for the database system pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste, OJ L 86, 5.4.2005, p. 6, as amended by Implementing Decision (EU) 2019/665 amending Decision 2005/270/EC, OJ L 112, 26.4.2019, p. 26, to be reported annually to the central body no later than March 10 of the following year.

(4) Initial distributors are obliged to report the mass of the recyclate used via the register in accordance with § 21 to the central body for each calendar year, at the latest by 15 March of the following year — in relation to:

1. the beverage bottles mainly made of polyethylene terephthalate (“PET bottles”) placed on the market by them in the previous calendar year – to be reported for the first time in calendar year 2025;
2. the single-use plastic beverage bottles they put on the market – to be reported for the first time for calendar year 2028.

Reporting obligations of the central body

§ 24. (1) Each year, by 10 April of the following year at the latest, the central body shall report the following data electronically to the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology via the register pursuant to § 22 of the AWG 2002:

1. the mass and the number of single-use beverage packaging with a deposit placed on the market by initial distributors in Austria, broken down by packing material and additionally by PET and other plastic containers;
2. the mass and the number of single-use beverage packaging with a deposit per container type, broken down by packing material and additionally by PET and other plastic containers;
3. the aggregated data of the recycled masses reported by the initial distributors in accordance with § 23(3);
4. the masses handed over by the central body for each recycling company and packaging material, the name and address of the recycling plant and the respective recycled masses for each packaging material and
5. the data of the previous calendar year reported in accordance with § 23(4).

The respective documents and calculations relating to these notifications shall be kept for seven years and shall be submitted to the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology upon request for the purpose of supervision.

(2) Furthermore, the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology is to be provided with regular aggregated evaluations from the data of the central body.

(3) Business and trade secrets must be protected when passing on data. In particular, data may only be passed on to third parties in aggregated and anonymised and non-traceable form.

(4) The data referred to in paragraph 1 shall be collected, taking into account:

1. Decision 2005/270/EC establishing the formats of the tables for the database pursuant to Directive 94/62/EC on packaging and packaging waste, OJ L 86, 5.4.2005 p. 6, as amended by Implementing Decision (EU) 2019/665 amending Decision 2005/270/EC, OJ No. L 112, 26.4.2019, p. 26,
2. of Implementing Decision (EU) 2021/1752 laying down rules for the application of Directive (EU) 2019/904 as regards the calculation, verification and transmission of data on the separate collection of single-use plastic beverage bottles for disposal, OJ No. L 349, 4.10.2021, p. 19.

7. Section

Final and transitional provisions

Implementation of EU law

§ 25. This Ordinance transposes

1. Directive 94/62/EC on packaging and packaging waste, OJ No. L 365, 31.12.1994 p. 10;
2. Directive 2004/12/EC amending Directive 94/62/EC on packaging and packaging waste, OJ No. L 47, 18.2.2004 p. 26,
3. Directive 2013/2/EU amending Annex I to Directive 94/62/EC on packaging and packaging waste, OJ No. L 37, 8.2.2013, p. 10;
4. Directive (EU) 2018/852 amending Directive 94/62/EC on packaging and packaging waste, OJ L No. 150, 14.6.2018, p. 141,
5. Directive (EU) 2018/851 amending Directive 2008/98/EC on waste, OJ No. L 150, 14.6.2018, p. 109,
6. Commission Implementing Decision (EU) 2019/665 amending Decision 2005/270/EC establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste, OJ No. L 112, 26.4.2019, p. 26, and
7. Directive (EU) 2019/904 on the reduction of the impact of certain plastic products on the environment, OJ L 155, 12.6.2019, p. 1.’.

Notification

§ 26. The Ordinance of the Federal Minister for Climate Protection, Environment, Energy, Mobility, Innovation and Technology on the deposit for single-use beverage packaging made of plastic or metal (Deposit Ordinance for Single-use Beverage Packaging), Federal Law Gazette II No 283/2023, was notified in compliance with the provisions of Directive 2015/1535 laying down a procedure for the provision of information in the field of standards and technical regulations and of rules on information society services, OJ No L 241, 17.9.2015 p. 1, (Notification number: 2023/148/A).

Entry into force

§ 27. This Regulation shall enter into force on the following day after its publication.

Gewessler

Annex**Deposit symbol**

The disposable beverage containers according to § 4 are visibly, recognisably and permanently marked with the deposit symbol shown here (figurative word mark):



Figure 1: Deposit symbol