

NSW Container Deposit Scheme: supplier obligations

From 1 December 2019, Suppliers and Retailers need to comply with the Container Deposit Scheme legislation for labelling, barcodes and prohibited lids.

Return and Earn

The NSW Container Deposit Scheme, Return and Earn, started on 1 December 2017, and is the largest litter reduction initiative introduced in NSW.

Return and Earn ensures that industry and the community share the responsibility for reducing and dealing with the waste generated by beverage product packaging.

The NSW community has embraced the scheme, returning more than 1.8 billion containers in the first 16 months and reducing the volume of eligible beverage container litter by 44%.

Supplier transition period ending

When Return and Earn was introduced, a two-year transition period was included in the legislation. This was to minimise the initial disruption to businesses, to give suppliers two years to sell old stock and to make the necessary changes to labels, barcodes and cans to comply with the regulations and the Act.

The transition period ends on 1 December 2019 (excluding metal cans subject to the removable ring-pulls amendment).

Why are the regulations important?

Labelling plays an important role in improving the efficiency of the scheme. The refund marking reduces confusion for consumers and encourages

them to take eligible containers to collection points. Barcodes are used to identify one container from another and allow collection points to read registered containers correctly.

The supply of cans with removable ring-pull lids will be prohibited in NSW to prevent the detachable lid from potentially entering the NSW litter stream, which is contrary to the purpose of Return and Earn.

What does it mean for me?

From 1 December 2019 all suppliers (including retailers) must comply with the refund marking requirement. Additionally, container approval holders will be:

1. obligated to include a barcode; and
2. prohibited from supplying cans with removable ring-pull lids (see Schedule 2 (1A) for exceptions).

Suppliers include:

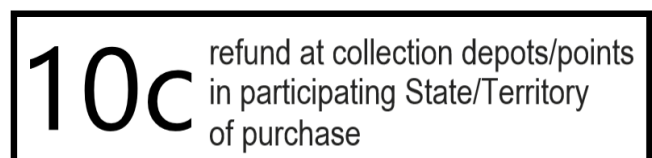
Retailer: any person or business who sells or attempts to sell an eligible beverage in NSW.

First Supplier: anyone who makes the first supply of an eligible product into NSW.

Container Approval Holder: the person or business who has been granted a container approval by the NSW Environment Protection Authority (EPA).

NSW Refund Marking

From 1 December 2019 all suppliers must only supply/display/sell eligible containers in NSW that show the NSW refund marking. To be compliant, the marking must contain the words: **“10c refund at collection depots/points in participating State/Territory of purchase”**, in clear and legible characters. For example:



To assist suppliers, the NSW refund marking has been agreed to by all other states and territories that have container deposit schemes.

The refund marking applies at all points in the supply chain. Suppliers who sell containers that do

not display the correct refund marking may be found to be in contravention of [s39 of the Act](#), for which penalties apply. Alternatively the EPA can revoke container approvals, making it an offence to sell that container in NSW.

Additional requirements for container approval holders

Container approval holders have additional obligations. Every container approval is issued with two conditions of approval, both of which will apply for the first time, from 1 December 2019. Container approval holders are directly liable for compliance with the two conditions:

1. Containers must comply with the barcode requirement:

Every eligible container supplied into NSW, including multipacks and imports, must have a barcode printed on the label or directly on the container. Barcodes must be unique to their class of container (product) and must be a GTIN barcode or comply with the [GS1 Standard](#). Please refer to [s22A](#) of the Regulation for the full barcode requirement.

2. Cans must not have a removable ring-pull mechanism (360 end cans):

Removable ring-pull lids are a unique opening mechanism typically used for craft beer cans and energy drinks.



Picture A shows an eligible metal container with a stay-tab opening. Picture B shows a prohibited removable end lid.

Only container approval holders are obliged to comply with the conditions of approval.

Existing container approvals

The regulations apply to all existing and future container approvals. In addition to complying with the regulations, you are required to ensure that the details of your container approvals are recorded correctly in the EPA CDS Container Approval Portal.

Containers that do not have a compliant barcode, lid and refund marking, could result in the

container approval being revoked or suspended which will make it an offence to sell in NSW. Alternatively, the EPA may find that you are in contravention of the [s40\(8\) of the Act](#) and penalties may apply.

What do I have to do now?

Container approval holders:

- make changes now to comply with the refund marking and barcode requirements before 1 December 2019.
- update your container details in the EPA container approval portal to confirm that your containers are compliant.
- Phase out cans with removable ring-pull lids.

All suppliers:

- Consider your stock levels as the 1 December 2019 deadline nears to ensure that you only supply/sell/display compliant containers after that date.
- Ask your supplier to demonstrate that their containers are compliant with NSW legislation.
- Consider alternatives; there may be temporary solutions to avoid the sale of non-compliant stock such as affixing a compliant label to a container *before* it's put on shelves.
- Ensure that all eligible beverage containers you supply/sell/display include the required NSW refund marking.

We are here to help

This fact sheet is designed to assist businesses make informed decisions prior to 1 December 2019. A fact sheet for retailers and more information is available at www.epa.nsw.gov.au.

If you have any questions about these requirements, please contact the EPA by phone: 131 555 or email: container.approval@epa.nsw.gov.au

References

[Waste Avoidance and Resource Recovery \(Container Deposit Scheme\) Regulation 2017](#) ("the Regulation")
[Waste Avoidance and Resource Recovery Act 2001](#) ("the Act")
[Waste Avoidance and Resource Recovery Amendment \(Container Deposit Scheme\) Act 2016](#) ("s39 of the Act")

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