

## ANNEX X

### MINIMUM REQUIREMENTS FOR DEPOSIT AND RETURN SYSTEMS

For the purpose of this Annex, the following definition shall apply:

‘system operator’ means any natural or legal person, who is entrusted with a responsibility to establish or operate a deposit and return system in a Member State.

#### **Minimum general requirements for deposit and return systems**

Member States shall ensure that the deposit and return systems established on their territories meet the following minimum requirements:

- (a) a single system operator is established or licenced;
- (b) the governance of the system allows for equal access and fair conditions of all economic operators wishing to become part of the system, provided they make available on the market packaging that belongs to a packaging type or category included in the system;
- (c) control procedures and reporting systems are set up allowing the system operator to obtain data on the collection of packaging covered by the deposit and return system;
- (d) a minimum deposit level is established, which is sufficient to achieve the required collection rates;
- (e) minimum requirements on the financial capacity of the system operator are established allowing the system operator to perform its functions;
- (f) system operator is a non-profit and independent legal entity;
- (g) system operator performs exclusively roles arising from the rules of this Regulation, and any additional roles related to the coordination and operation of the deposit and return system as established by the Member States;
- (h) system operator coordinates the functioning of the deposit and return system;
- (i) system operator keeps in writing:
  - (i) a statute establishing its internal organization;
  - (ii) evidence of its funding system;
  - (iii) a statement proving the compliance of the system with the requirements laid down in the Regulation, as well as any additional requirements established in the Member State in which it operates;
- (j) at least 1% of the annual turnover of the system operator (excluding deposits) are used for public awareness campaigns on the information on management of packaging waste;
- (k) system operators must provide any information requested by the competent authorities of a Member State, in which the system operates, for the purposes of monitoring compliance with the requirements in this Annex;

- (l) Member States ensure that final distributors are obligated to accept the deposit bearing packaging and provide end users with redeemed deposits. When implementing this obligation, Member States shall take into account at least the following factors:
  - (i) sales surface area allowing end users to return deposit bearing packaging in their local conditions;
  - (ii) buying and selling habits and traditions;
  - (iii) food safety;
  - (iv) health and safety;
  - (v) public health;
- (m) deposit is exempted from sales taxes;
- (n) end user is able to return the deposit bearing packaging without the need to purchase any goods; deposit shall be redeemed to the consumer;
- (o) all deposit bearing packaging is clearly labelled, so that the end users can easily identify the need to return such packaging;
- (p) fees are transparent;
- (q) all packaging covered by the deposit and return system.

In addition to the minimum requirements, Member States may set additional requirements, as appropriate, in order to ensure the fulfilment of the objectives of this Regulation, in particular to increase the purity of the collected packaging waste, reduce litter or promote other circular economy objectives.

Member States with regions with high transboundary business shall ensure that the functioning of the DRS allows for the inter-operability of DRS and that the implementation of the minimum requirements and of any additional requirements does not result in discrimination of business and consumers and market distortions.

Member States are allowed to create exemptions from charging a deposit for a deposit bearing packaging in the context of consumption in hospitality premises provided that a deposit bearing packaging is opened, the product is consumed, and the empty deposit bearing packaging is returned within the premises.