



## Producer's Manual

for Initial Distributors (beverage producers/beverage importers) of single-use plastic or metal beverage containers with a filling volume from 0.1 to 3.0 litres for the implementation of the regulation on deposits for single-use beverage containers made of plastic or metal (Deposit Regulation for Single-Use Beverage Containers, Federal Law Gazette II No. 283/2023)

hereinafter referred to as the "Manual"

A document of  
EWP Recycling Pfand Österreich gGmbH,  
hereinafter referred to as "EWP" or "we"

**Part I – Registration process for Initial Distributors and  
beverage containers**

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containers**

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## PART I – REGISTRATION PROCESS FOR INITIAL DISTRIBUTORS AND BEVERAGE CONTAINERS

The aim of this Part I on the registration process for Initial Distributors and single-use plastic or metal beverage containers, each with a filling volume of 0.1 to 3.0 litres, is to define the process for registering the containers.

### 1 REGISTRATION PROCESS, CONTAINER TYPE

All new containers subject to the Deposit Regulation must be registered on EWP web portal (the "**EWP Portal**") before being placed on the market and thus submitted to EWP for authorisation. Applications for registration of containers that will be placed on the Austrian market as single-use beverage containers from 1 January 2025 up to and including 31 March 2025 must be submitted to EWP for registration and subsequent approval at least twelve weeks before the planned placement thereof on the market. This period is reduced to six weeks for applications for the registration of new containers that will be placed on the market after 1 April 2025 or for the notification of a change (see section 1.8.).

For each application to register a container, the required data must be entered in the EWP Portal and the corresponding samples sent in accordance with EWP specifications.

The samples are checked by EWP for compliance with the requirements of this Manual. These checks include checks of the information in the EWP Portal, as well as the calculation of recyclability and, if necessary, practical tests by the manufacturers of the reverse vending machines.

The status of the authorisation procedure can be viewed in the EWP Portal by the Initial Distributor.

#### 1.1. Obligation to provide samples

Initial Distributors are obliged to provide EWP with a quantity of samples of the containers to be determined by EWP. This obligation arises initially from Section 22 (1) of the Deposit Regulation, according to which the Initial Distributor must send samples of the containers to EWP or to a third party designated by EWP. Transmission of samples is also necessary because this is the only way for EWP to check whether the container data provided by the Initial Distributor corresponds to the actual conditions. EWP is obliged to carry out this review.

Furthermore, (i) the Initial Distributor's pre-emption right for returned single-use beverage containers pursuant to Section 19 of the Deposit Regulation is also based *inter alia* on the weight and material of the containers, and (ii) the amount of the producer contribution pursuant to Section 10 of the Deposit Regulation is based on the material and ecological aspects of the containers. It is therefore necessary to know the exact weight and material composition.

#### 1.2. Registration of containers in the EWP Portal

The respective Initial Distributor must initially register in the EWP Portal and conclude the Initial Distributor Agreement with EWP.

The Initial Distributor must provide the container information requested by EWP, such as the material

(container, lid, label), the dimensions, the filling volume, the weight, the material thickness, the container shape and, in the case of plastic containers, the colour of the containers. Further required information such as the GTIN (formerly EAN code) of the containers before the changeover to the deposit system and the new GTIN. The Initial Distributor must upload the layout of the label for the containers covered by the Single-Use Container Deposit Regulation with the GTIN (encoded in the EAN/UPC barcode) and deposit logo in PDF form.

The EWP Portal guides you through the registration process and, once the data entry in the EWP Portal has been completed, provides the information in the form of a list of the required number and the destination address for sending the samples (the "**Instructions**").

### 1.3. Types of samples

There are three types of samples that can or must be sent to EWP by the Initial Distributor, provided that the requirements for the respective sample type are met:

#### Types of samples:

1) Empty containers

2) "Old" containers before switching to the single-use deposit system

3) "New" containers subject to deposit labelling

#### 1) Empty containers

To check the entries in the EWP Portal, empty containers (sample type 1) are always required for registration by EWP:

- a) Plastic bottles: empty bottles without a label but with a cap. This can be attached or loose.
- b) Beverage cans: Empty cans with lids. The lid can be supplied loose. The cans are printed, but must not have a label attached.

The empty container must be labelled in accordance with the instructions in the EWP Portal.

#### 2) "Old" containers before switching to the single-use deposit system

This is the container as it was placed on the market before the introduction of the single-use deposit system in Austria. The container therefore still contains an old GTIN (encoded in the EAN/UPC barcode) and the Deposit Symbol is not shown. The container must be identical in terms of material, cap, labelling material, grammage, filling quantity and dimensions as well as container shape to the original container as placed on the market after the introduction of the deposit system.

### 3) "New" containers subject to deposit labelling

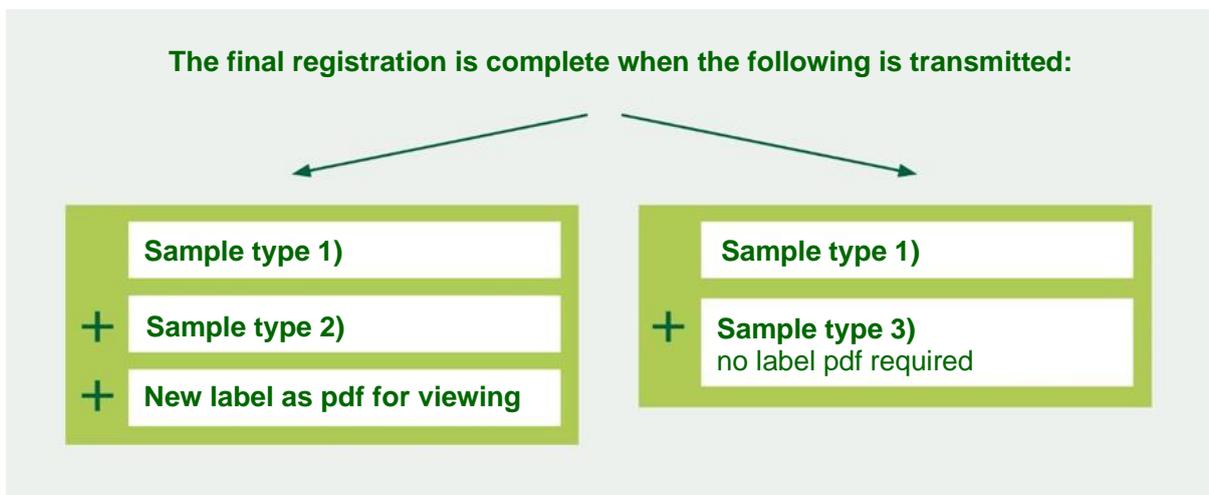
This is the finished container as it will be placed on the market in Austria from 1 January 2025 as a result of the Deposit Regulation. The container therefore already has the correct GTIN (encoded in the EAN/UPC barcode) and the Deposit Symbol is shown.

If the Initial Distributor submits samples of sample type 1) and 2) to EWP in accordance with this section 1.3., only a provisional registration is initially made.

## 1.4. Final registration

Final registration requires complete data entry in the EWP Portal and the following samples:

- A final registration is complete when sample type 1) + sample type 2) + the label has been submitted as a pdf and the audit has been successfully completed. Further samples are not required.
- A final registration is complete when sample type 1) + sample type 3) have been submitted and the audit has been successfully completed. Further samples and uploading of the label as a pdf are not required in this case.



The term "label" in the above graphic refers to all options for labelling the product for the single-use deposit system. This also includes sleeves, can layouts and stickers. The pdf does not have to be the final layout. However, the size and arrangement of the barcode and deposit logo must be fixed and may not be changed before the single-use beverage container is placed on the market.

## 1.5. Corrections to the containers and refusal of registration

If a container does not meet the technical requirements specified by EWP in accordance with this Manual, the Initial Distributor will be informed of this in writing via the EWP Portal and the container will be refused registration in the EWP Portal. The Initial Distributor will also be informed in writing via

the EWP Portal of the improvements to be made to the container to ensure that it meets the technical requirements set out in this Manual. In this context, it should be noted that the technical requirements regarding containers are necessary, inter alia, so that they can be recognised by the reverse vending machines so that final consumers can then also return the empty containers to the reverse vending machines.

After the container has been rectified, the Initial Distributor must re-register the rectified container in the EWP Portal and go through the registration process again with the rectified container.

If the Initial Distributor fails to rectify the container, the container is consequently not registered in the EWP Portal:

- In the event of deviations from EWP's urgent recommendations (e.g. barcode size, contrast, etc.), the container may be placed on the market at the Initial Distributor's own risk. EWP accepts no responsibility for poor legibility or difficulties when accepting containers in reverse vending machines.
- In the event of deviations from the requirements of the Deposit Regulation or the mandatory requirements of EWP (e.g. new barcode, proper affixing of the deposit logo, etc.), the containers may not be placed on the market by the Initial Distributor.

#### **1.6. Number of samples to be transmitted**

The number of samples that must be submitted may vary and depends on the grouping criteria defined by EWP. The exact number of samples to be sent and the dispatch address will be specified in the instructions during the registration process after data entry has been completed. The samples are to be sent to EWP or a named third party who will take over further coordination.

The duration of the product authorisation process begins from the time the samples are received by EWP.

Samples of containers that do not comply with the standard in terms of dimensions and shape in accordance with Part II, section 2. must be sent to a third party designated by EWP for inspection. Special forms can be found in the instructions in the EWP Portal.

If new containers are registered in the EWP Portal, the EWP Portal checks whether and which samples are to be sent to which addressees. If the new container falls within an already authorised group, this will be taken into account with regard to sample shipping.

#### **1.7. Container groups**

The individual container is grouped according to defined criteria. These are based on checking the entries in the EWP Portal, checking compatibility with the reverse vending machines and calculating recyclability.

A grouping into a container group is possible if the containers can only be distinguished by

- 1) the imprint on the containers (can or bottle) or
- 2) the decoration (sleeve or label),

but where the weight, the material composition of all container components (bottle or can, cap, sleeve or label) and the containers' shape are identical.

Further information on how containers can be assigned to container groups can be found in the instructions.

### **1.8. Change of containers' shape, size or material**

For all significant changes in the material composition of containers, lids/caps and labels, changes in weight and changes of "good material" to "material-specific recycling incompatibilities" or vice versa in terms of colour, barrier, cap, label and sleeves, size limitation or printing in accordance with Tables 1 to 6 in Part III sections 1.1.1. to 1.1.2. or in the event of a change to the bottle or can shape of containers already approved and registered in the single-use deposit system, the Initial Distributor is obliged to inform EWP of the planned changes so that the effects of these changes can be checked when registering the respective container and its proper labelling in the single-use deposit system. If necessary, a new GTIN (encoded in the EAN/UPC barcode) may be required due to such significant changes. A GTIN change will be checked by EWP. If this is the case, EWP will provide feedback at short notice as to whether a new GTIN is required.

A cut-off date is used as the basis for the effective date of the data change. The change in data relating to the pre-emption right will take effect two months from the date of the planned placement on the market. This period may be adjusted by EWP if necessary.

Minor graphic changes to labels or containers that do not risk affecting the proper identification of previously registered containers in the single-use deposit system (i.e. neither the Deposit Symbol nor the barcode nor their placement is changed and the labelling material and printing method are retained) do not need to be submitted for re-registration in the EWP Portal.

Changes to the recyclate content do not result in a change to the GTIN, but must be reported in the EWP Portal, as EWP is subject to a reporting obligation to the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology.

## PART II – LABELLING OF SINGLE-USE BEVERAGE CONTAINERS

The container must conform to certain requirements in terms of shape, dimensions and material so that it can be reliably recognised as a container by the respective reverse vending machine used to collect the containers.

### 1 FORM

Containers that have a non-standardised shape, especially if the centre of gravity of the containers does not remain balanced in a horizontal position (these can get stuck in the machine during transport), angular shapes or even new containers on the market, must be assessed individually and tested by EWP before they can be approved for use in the single-use deposit system (i.e. EWP checks whether they can be recognised and read by the reverse vending machines certified by EWP).

### 2 DIMENSIONS

The following bottle and can dimensions (the "**standard dimensions**") apply exclusively to containers that are not to be regarded as special shapes:

		Minimum	Maximum
	Diameter	50 mm	100 mm
	Height (including lid)	80 mm	360 mm

Figure 1

Containers that do not comply with these standard dimensions must be individually assessed and checked by EWP before they are authorised for the single-use deposit system.

### 3 IDENTIFICATION NUMBER (GTIN – GLOBAL TRADE ITEM NUMBER) IN THE BARCODE

The following specifications were created in accordance with GS1 standards.

The containers must be labelled with a unique number (GTIN) in a barcode (EAN/UPC) and subsequently registered with EWP by the Initial Distributor. Each container has only one barcode, which can be freely selected. Containers can only be registered for the single-use deposit system if only a single GTIN encoded in a barcode (EAN-13, EAN-8, UPC-A) is used that:

- is intended exclusively for the Austrian market (domestic GTIN) or
- is intended for international use (international GTIN).

The conditions for the use of GTINs in barcodes are part of the Initial Distributor Agreement for the use of international GTINs, see also Part IV.

Before the container is placed on the market, each Initial Distributor must register the GTIN of the container barcode with EWP. GTINs of barcodes that were used for containers in the past (i.e. before the introduction of the single-use deposit system) may not be used on other containers of the single-use deposit system. Similarly, the GTIN that has already been used on one container may not be reused

later on another container. The reverse vending machine automatically reads the GTIN of the barcode on the container, so special regulations must be complied with regarding the placement, size and quality of the barcode.

**Requirements for the barcode:** Containers must be labelled with a barcode in accordance with the ISO/IEC 15420 standard (EAN/UPC bar code symbology specification). The barcode must have a minimum quality of 1.5 (C) according to ISO/IEC 15416 for the entire service life of the containers. The general specification for the format can be found at <https://www.gs1.at/ean-upc>. The GTIN of the barcode is assigned by the GS1 organisation (GS1 Austria GmbH).

#### 4 SHAPE AND SIZE OF THE EAN/UPC BARCODE

EWP specifies the maximum and minimum sizes for the individual barcode types in accordance with the GS1 standards. Table 1 below shows the dimensions of EAN-13 barcodes and EAN-8 barcodes depending on the magnification factor.

Magnification factor	Ideal module width [mm]	Dimensions of the EAN-13 barcode [mm]		Dimensions of the EAN-8 barcode [mm]	
		Width	Height	Width	Height
0.80	0.264	29.83	18.28	21.38	14.58
0.85	0.281	31.70	19.42	22.72	15.50
0.90	0.297	33.56	20.57	24.06	16.41
0.95	0.314	35.43	21.71	25.39	17.32
1.00	0.330	37.29	22.85	26.73	18.23
1.05	0.347	39.15	23.99	28.07	19.14
1.10	0.363	41.02	25.14	29.40	20.05
1.15	0.380	42.88	26.28	30.74	20.96
1.20	0.396	44.75	27.42	32.08	21.88

Table 1

This results in the following sizes with an X-module of 0.330 mm/magnification factor of 1:

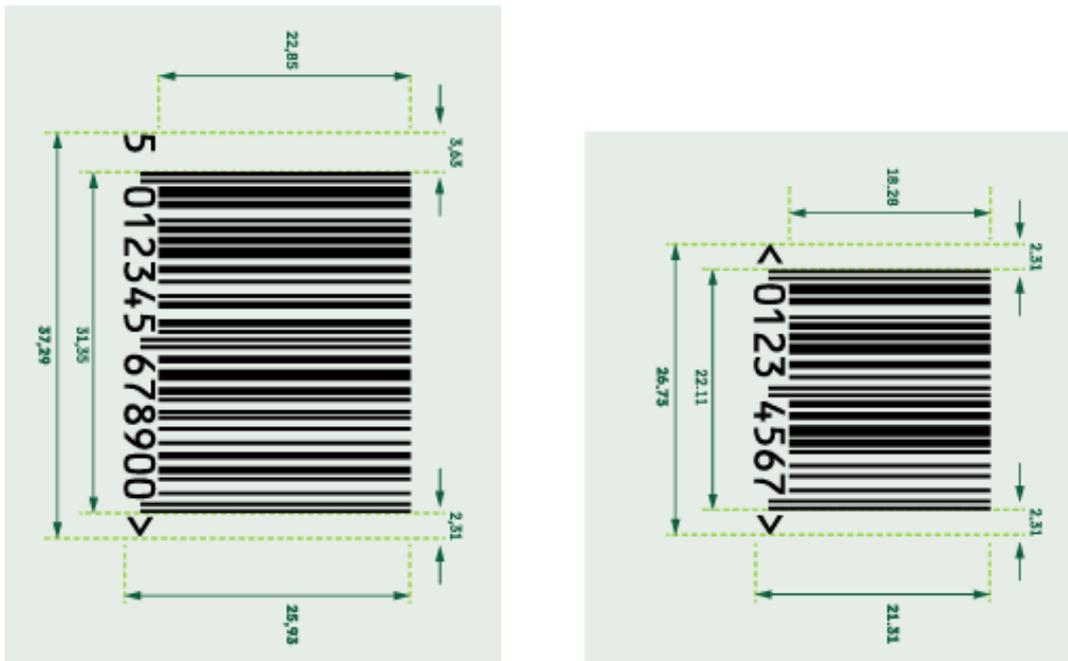


Figure 2: EAN-13 and EAN-8 barcode, X-module 0.330 mm, magnification factor 1.00. (Figures not to scale)

Barcodes shortened in height (truncation) when space is limited: In practice, there are containers where the prescribed height cannot be realised due to a lack of space. In this case, a so-called "truncation" or shortening of the line length is possible. To ensure the greatest possible position-independent reading, the smallest possible magnification factor should be selected.

#### 4.1. Light zone (quiet zone)

The light zone is part of the barcode. This is the area to the left and right of the barcode. It is generally the same colour as the gaps between the lines. No graphic elements or prints may extend into the light zone. If the light zone is interrupted, the barcode cannot be scanned. The size of the light zone is determined by the X-module (the width of the narrowest bar in the barcode). For the EAN/UPC barcode, it is defined in the ISO/IEC 15420 standard as follows:

	EAN-13:	EAN-8:
Left light zone	11 × X-module	7 × X-module
Right light zone	7 × X-module	7 × X-module

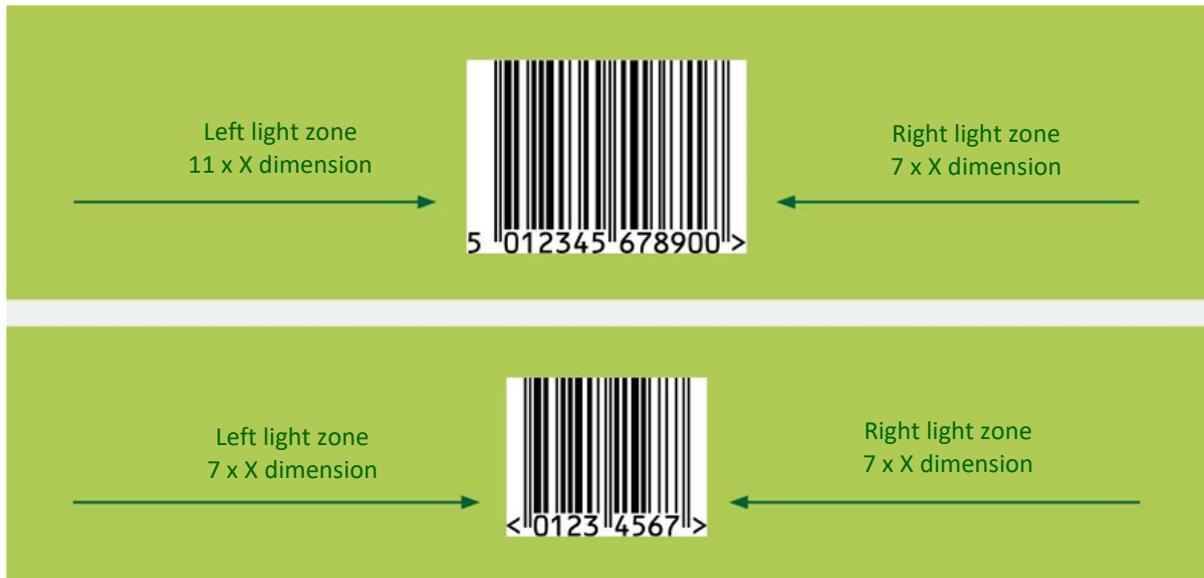


Figure 3: The light zone is part of the barcode.

#### 4.2. Placement of the barcode on plastic and metal containers

The barcode must not be affixed more than once to the containers, taking into account the light zone (quiet zone).

To ensure that the barcode is legible and to prevent deformation of the barcode, the barcode must be affixed to the cylindrical surface of the container at a position with sufficient clearance, not at the neck of the bottle and at least 8 mm from the base of the container.

The barcode must be placed vertically – the so-called ladder alignment (see Figure 4). The vertical positioning of the barcode is easier to read due to the existing depth of field of the scanners in the reverse vending machine and is therefore necessary. If the barcode is placed horizontally, the containers are not suitable as returnable single-use containers and registration must be refused.



Figure 4: Example of vertical placement of the EAN/UPC barcode and Deposit Symbol on can and bottle.

#### 4.3. Barcode colours

The legibility of barcodes depends, *inter alia*, on the contrast between the dark bars and the light background. In consultation with the reverse vending machine manufacturers, we strongly recommend printing black bars on a white background to ensure reliable legibility at the reverse vending machines in the interests of consumer friendliness. If the colour contrast is too low, the producer bears the risk of containers not being easily recognised or being rejected by the reverse vending machine. EWP accepts no responsibility for poor legibility in the reverse vending machine. In addition, we recommend labelling batch identification on the labels in order to be able to identify the batch in the event of difficulties of the reverse vending machine in reading the labels. This batch labelling can also be below the overlap zone and is not mandatory.

#### 4.4. How to avoid errors

The most common errors are visible to the eye and must be eliminated during the graphic design or container application phases, at the latest. These are:

- Barcode height – the barcode does not come up to the height required by the standard. Check the

graphic design as to whether the barcode is large enough.

- Insufficient light zone – other elements of the graphic design on the containers overlap with the light zone of the barcode. It is essential that the light zone is not affected. If you print the barcode on the empty area of pre-printed containers, make sure that the light zone is within the prescribed parameters even if the containers are moved slightly during printing (i.e. there is sufficient space on both sides of the barcode).
- Incorrectly or multiply placed barcode – even a high-quality printed barcode can be illegible if it is placed in the wrong position. Make sure that the barcode is not affixed to areas with stickers, folds, uneven surfaces, the edges of containers or the neck of a bottle.
- Exceeding bar width limits during printing – it is necessary to correctly set the bar width reduction during printing (add or reduce). EWP's recommendation is that graphic designers and printers work in a coordinated manner to avoid errors.
- Furthermore, we recommend checking the printed material with the possible printing processes and thus the print qualities in advance (according to ISO/IEC 15416, min. quality 1.5).

## 5 GRAPHIC ELEMENT ON DEPOSIT CONTAINERS (DEPOSIT SYMBOL)

The containers must be labelled in accordance with the applicable provisions of law by means of a graphic element (the "**Deposit Symbol**"). The Deposit Symbol has the following legal meaning as a certification mark: the containers are single-use containers subject to a deposit of EUR 0.25 and refundable at points of sale in accordance with the Deposit Regulation 2023, Federal Law Gazette No. 283/2023.

The Deposit Symbol must be affixed one (1) time above the barcode on the container itself or on its label. The aim is that the consumer and the Acceptor can immediately recognise whether the container is part of the single-use deposit system or not.

The Deposit Symbol must not be covered by any other design or text (see also section 5.2.).

The Deposit Symbol of the single-use deposit system consists of the € symbol surrounded by recycling arrows and symbols of a bottle and can in the background.

The Deposit Symbol must be shown in black on a white background. (The shade of black is not specified or defined in more detail, but should be recognisable to the naked eye as black. The same applies to the colour white.)



### 5.1. Minimum size

The minimum size of the Deposit Symbol with text is 10 mm wide x 11.7 mm high.

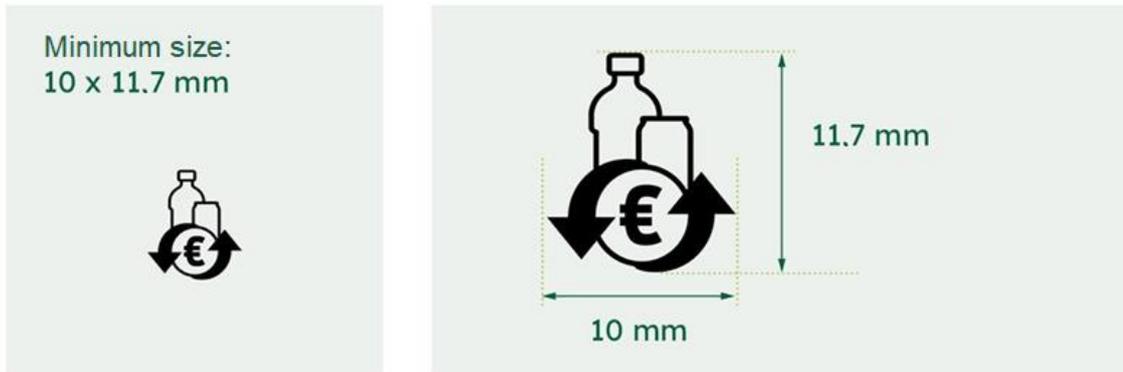


Figure 5

### 5.2. Light zone Deposit Symbol

The light zone is defined as follows for all sides around the Deposit Symbol:

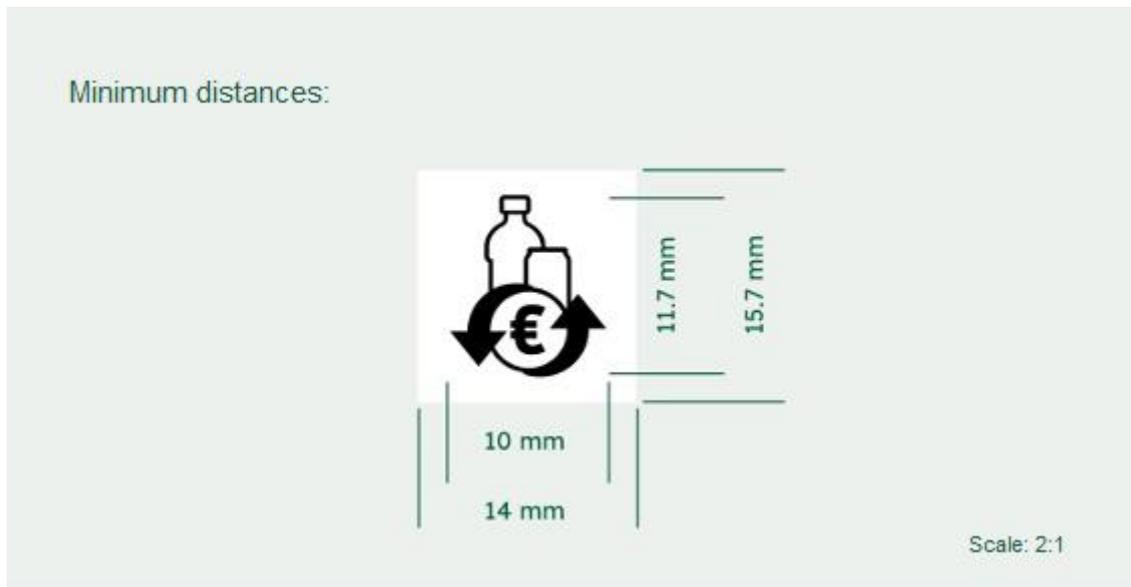


Figure 6 (not to scale)

### 5.3. Appearance of the barcodes (EAN-13 and EAN-8) and placement of the Deposit Symbol in connection with the barcode

The placement of the Deposit Symbol in connection with the barcode must be carried out while maintaining the light zone of the Deposit Symbol and maintaining the light zone of the barcode.

Placement of the Deposit Symbol must be above the EAN code. The EAN code must be aligned in a ladder shape.

The placement of Deposit Symbols from other countries is generally permitted in addition to the Austrian Deposit Symbol; note, however, that the Austrian requirements must be complied with.

The following illustrations show the strictly specified placement with the barcode while maintaining the minimum distances.

### 5.3.1. EAN-13 barcode

Minimum size (X-module 0.264 mm, magnification factor 0.8) of the barcode 29.83 × 18.28 mm.  
Nominal size (X-module 0.330 mm, magnification factor 1.0) of the barcode 37.29 × 22.85 mm.



Figure 7 (not to scale)

### 5.3.2. EAN-8 barcode

Minimum size of the barcode 21.38 × 14.58 mm.

Nominal size of the barcode 26.73 × 18.23 mm.



Figure 8 (not to scale)

The same rules apply to the protection zones of the Deposit Symbol and barcode for EAN-13 and EAN-8: see Figures 7 and 8.

#### **5.4. Use of the Deposit Symbol**

The Deposit Symbol is a registered certification mark of EWP, registration number 326867. EWP has the exclusive and sole right to authorise or prohibit the use of the Deposit Symbol for the single-use deposit system. Permission to use the deposit logo is only granted to registered Initial Distributors (beverage producers/importers) after they have signed the licence agreement. The print file will be sent after the signed agreement has been submitted. If the Deposit Symbol is used without authorisation, EWP is entitled (i) to demand that the Deposit Symbol not be used, (ii) to demand that the Deposit Symbol be removed from the containers and (iii) to demand compensation for the unauthorised use of the Deposit Symbol. In addition, the unauthorised use of the Deposit Symbol may also be punishable under the provisions of the Trademark Protection Act.

#### **5.5. Stickers**

If it is not practically possible to affix the Deposit Symbol to the containers – in particular because the Initial Distributor only places small quantities of containers on the Austrian market – the Initial Distributor must affix a sticker (the "**sticker**") to the containers from one of the print shops to be identified by EWP, which is available for a fee, so that the labelling obligations under the Austrian deposit system are complied with by means of placing the sticker on the containers.

Without exception, only the original stickers may be used, which can be obtained from one of the print shops to be specified by EWP.

##### **5.5.1. Differentiation – sticker vs. label**

If a sticker is subsequently affixed to ensure the labelling required for the deposit system, this is a sticker. A sticker is not a wrap-around label, but only covers part of the original label or can decoration.

The sticker has no brand name, no brand design (brand logo, design elements, marketing information) and no multicoloured design and therefore differs from an original label. The sticker has a black print on white material.

In order to prevent misuse of the stickers, all stickers will have an additional data matrix code so that they can be matched with the containers and the person who ordered the sticker (Initial Distributor). These data matrix codes are generated by EWP and provided to the print shops to be identified by EWP.

##### **5.5.2. Sticker variants**

The dimensions of the stickers can be freely selected. However, the specifications for the EAN code dimensions (section 4.) and the specification for the minimum size of the deposit logo including protection zone (section 5.2.) must be complied with. The sticker's print data can be sent to the defined print shop by the Initial Distributor. The space for the deposit logo, EAN code and data matrix code must

be kept free. The defined print shop then inserts the EAN code, deposit logo and data matrix code in the required size.

The Initial Distributor can choose between the sticker variants:

Sticker with deposit logo and GTIN (encoded in EAN-8 barcode or EAN-13 barcode).



Figure 9 (depiction by way of example, not to scale)

or

Sticker with deposit logo, GTIN (encoded in EAN-8 barcode or EAN-13 barcode) and food law labelling.

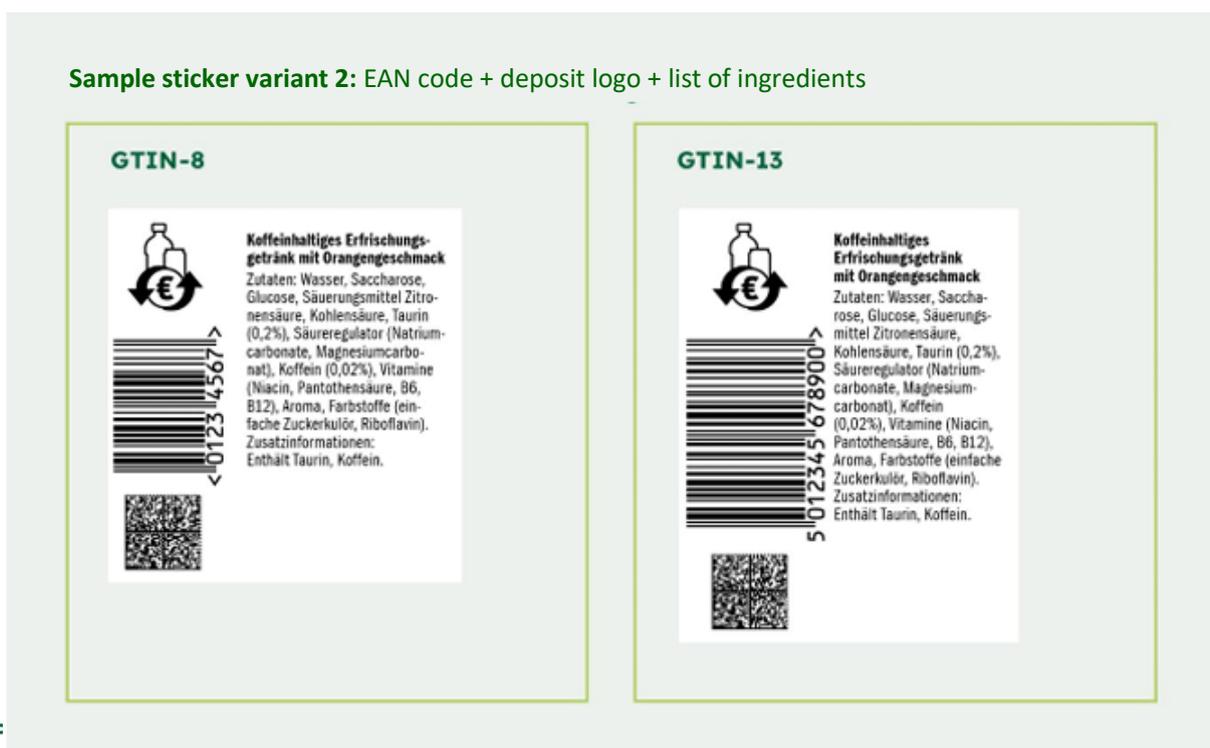


Figure 10 (depiction by way of example, not to scale)

### **5.5.3. Sticker design**

The sticker will be available as a white adhesive label with black print. The sticker material is opaque and matt. The sticker is designed to tear when removed from the containers, which ensures that the sticker cannot be used more than once.

### **5.5.4. Ordering and paying for the sticker**

Initial Distributors who wish to use the sticker for their containers must specify the desired number of stickers for the containers already registered in the EWP Portal – for the container registration process, see Part I, section 1.2.

The Initial Distributor then orders the required number of stickers from one of the defined print shops. EWP then creates the data matrix codes and sends them to the respective print shop from which the Initial Distributor orders the stickers.

Initial Distributors must then send the national GTIN code and – if the sticker is also to contain the list of ingredients – the list of ingredients to one of the print shops to be identified by EWP. The respective print shop checks or places the GTIN code and the deposit logo in the required minimum sizes, and supplements the data matrix codes that EWP has provided for the specified order quantity.

In connection with this, the proof and the print approval are carried out in direct coordination between the Initial Distributor and the print shop. EWP shall not be liable for the accuracy and completeness of the data transmitted by the Initial Distributor and then printed by the print shop.

For each sticker delivered (taking account of the usual extent of over- and under-deliveries of the ordered quantity), the Initial Distributor must pay the deposit amount of EUR 0.25 and the producer fee to EWP. EWP will only authorise the printer to send the stickers to the Initial Distributor once EWP has received payment in full of the deposit amount and the producer fee.

Billing for the design and printing of the stickers as well as the shipping costs incurred in this context is handled directly between the print shop and the Initial Distributor. The Initial Distributor is exclusively authorised to use the stickers for labelling the containers in accordance with the specifications of EWP (in particular the specifications in accordance with this section 4.2.). In the event of misuse or improper use of the stickers by the Initial Distributor, the Initial Distributor shall compensate EWP for any losses incurred as a result.

### **5.5.5. Affixing the sticker**

The Initial Distributor must affix the sticker to the containers in such a way that no further GTIN (encoded in the EAN/UPC barcode) is visible on the containers. The sticker must therefore be affixed over the original GTIN (encoded in the EAN/UPC barcode) so that the original GTIN is completely covered.

The sticker must be applied in such a way that the EAN/UPC barcode appears in a ladder shape (see Figure 12) so that the deposit logo is aligned vertically on the containers. The same rules apply as in sections 4.2. and 5.3.



Figure 11

## 6 MATERIAL SPECIFICATION

The minimum requirements for the most important types of bottles and cans on the market and their material requirements are listed below in sections 6.1. and 6.2. of this Part II and in Part III. For material combinations or container types not listed here, a separate audit for recyclability is required.

General requirements for all container types:

### 6.1. Material thickness of the container

The material thickness of the container is an important aspect in the approval of new containers. This aspect is particularly important for containers that are much thicker than standard containers and/or have a much harder base structure.

Hard containers can cause problems in reverse vending machines as there is a risk of parts becoming jammed in the compactor. This can lead to a blockage or possibly even a defect in the reverse vending machine.

### 6.2. Ensuring the high-quality recycling of beverage containers

Beverage containers must be designed in such a way that high-quality recycling is possible. If this is not possible, this container will be subject to "eco-modulation" in accordance with Section 10 (2) of the Deposit Regulation.

#### 6.2.1. Minimum requirements for metal containers

According to Section 3 (3) of the Deposit Regulation, metal containers are defined as closed or predominantly closed beverage containers in can or bottle form, which are either wholly or partly

made of ferrous metal or aluminium, including labels, caps, lids and any other container packaging aids.

Typical examples of this are aluminium or steel beverage cans or aluminium beverage bottles.

### **6.2.2. Plastic containers for beverages**

According to Section 3 (2) of the Deposit Regulation, closed or predominantly closed beverage containers in the form of bottles that are either completely or partially made of plastic (typically PET, but also HDPE or PP) are considered plastic containers; the container packaging aids such as labels, sleeves or caps can be made of plastic or other container materials (such as paper).

#### **a. PET beverage bottles and containers**

Beverage bottles made of PET must be designed as far as possible in such a way that high-quality recycling (bottle-to-bottle) is possible. In those cases where high-quality recycling is not possible or only possible with difficulty, these containers will be subject to "eco-modulation" in accordance with Section 10 (2) of the Deposit Regulation.

The recyclability of PET depends very much on the colouring, which also has a decisive impact on the quality of the recycle.

As a general rule, transparent, uncoloured or very lightly coloured bottles produce the best recycle quality. Additives such as AA blockers, oxygen absorbers, direct printing or the presence of oxygen barriers can significantly impair the recycling quality and should therefore be avoided wherever possible.

#### **b. Beverage bottles and containers made of HDPE and PP**

Beverage bottles made of HDPE and PP must be designed in such a way that high-quality recycling (bottle-to-bottle) is possible. In cases where high-quality recycling is not possible or only possible with difficulty, this container will be subject to "eco-modulation" in accordance with Section 10 (2) of the Deposit Regulation.

The recyclability of PP and HDPE depends very much on the colouring and the extent of the printing, which also significantly determines the quality of the recycle.

As a general rule, transparent, uncoloured or very lightly coloured bottles produce the best recycle quality. Barrier layers can severely limit recyclability and are subject to eco-modulation.

## PART III – REQUIREMENTS FOR BEVERAGE CONTAINERS

(STATUS: MAY 2024)

### 1 ECO-MODULATION OF BEVERAGE CONTAINERS

Section 10 of the Deposit Regulation stipulates that producer contributions must be differentiated according to ecological aspects.

The model for calculating producer contributions complies with the following requirements:

- Compliance with the legal framework in Austria (especially Packaging Regulation and Deposit Regulation for single-use beverage containers)
- Inclusion of the expected European requirements regarding the draft EU Packaging and Packaging Waste Regulation (PPWR) as far as possible
- It includes all container material currently available on the market for beverage bottles and cans.
- The model is set at a level that achieves an ecological incentive effect. The calculation should be transparent and simple.
- The ecological differentiation is handled through a differentiated amount of producer contributions in the form of surcharges.

Eco-modulation is based on a two-stage concept:

#### 1. First stage of eco-modulation from 2025: Calculation of recyclability

Recyclability corresponds to the proportion of container components (main component such as bottle or can, cap, label) of the containers that can be recycled. The prerequisite for recyclability of a component is the allocation of the component to the "Good materials" column and the absence of components that prevent recyclability. The following formula is used:

$$\text{Recyclability} = \frac{\text{Weight of recycling components}}{\text{Total weight of container}} \times 100$$

Recyclability forms the basis for calculating the surcharges on the producer contribution.

The following performance classes were defined:

Performance class	Result recyclability	Amount of the surcharge
A	> 95%	No surcharge
B	90 – 94.9%	No surcharge
C	80 – 89.9%	Surcharge 10%
D	70 – 79.9%	Surcharge 30%
E	< 70%	Surcharge 60%

The formula is used for all materials listed in the "Good material description" column in the tables below. When using materials in the "material-specific recycling incompatibilities" column, the container typically falls into performance class E.

### 1.1. Calculation examples

PET bottle

- PET bottle: 14 g
- HDPE cap: 3 g
- Polyolefin sleeve: 1 g

$$RF = \frac{14+3}{14+3+1} = 94.4\%$$

→ Classification of the containers in performance class A

Aluminium can:

- Weight main body aluminium can (without coating): 12.5 g
- Aluminium lid (without coating): 2.5 g
- Coating: 0.4 g (corresponds to 3.2%)

$$RF = \frac{12.5 + 2.5}{12.9 + 2.5} = 97.4\%$$

→ Classification of the containers in performance class A

## 2. Second stage of eco-modulation as from 2026

### a. Consideration of the "size coverage" component

From 2026, the coverage of the bottle's decoration will be included in the calculation of recyclability. Material-specific recycling incompatibility applies to plastic bottles:

- with a filling volume of < 0.5 litres, the decoration of which covers more than 50% of the bottle surface;
- with a filling volume  $\geq$  0.5 litres, the decoration of which covers more than 70% of the bottle surface.

### b. Consideration of the material "non-wet-strength paper" for PET bottles

Labels made of non-wet-strength paper will be categorised as material-specific recycling incompatibilities under the CEN standards (European standard), which are expected to be published from 2025. In 2025, non-wet-strength paper labels will not be used to assess recyclability. However, the evaluation will be adapted to the European standard in future.

For bottles made of HDPE and PP, labels made of "non-wet-strength paper" will already be categorised as a material-specific recycling incompatibility in 2025 and taken into account in assessing recyclability.

### c. Resource consumption

In order to minimise the use of resources, as is also the aim of the Austrian Packaging Regulation and the minimisation requirement of the future PPWR, resource consumption will be included in eco-modulation from 2026. The aim is to minimise container volumes and weights. The assessment will depend on the container size and the container material used. In the course of SKU registration, the weight distribution of all containers used will be determined and thus the benchmarks for 2026 will be set. Details of the calculation methodology will be published in due course.

## 2 MATERIAL DESCRIPTION

### 2.1. Plastic bottles

#### 2.1.1. PET

In order to support material-identical recycling, a transparent or transparent-bright (e.g. green or light blue) colour is generally preferable for PET plastic bottles. Non-transparent (e.g. white pigmented) or dark colours (e.g. brown) should be avoided as they are incompatible with recycling.

To classify the material components of single-use plastic bottles made of PET, select the table whose subgroup corresponds to the colour and transparency of the main body.

Table 1: PET bottles

Material group: Plastic bottles 0.1 – 3 litres		
Subgroup: PET transparent		
Component	Good material description	Material-specific recycling incompatibilities
Material	PET-A	PLA, PVC, PS, PETG, POM
Colour	Transparent, colourless	Other transparent colours, coloured or opaque PET, fluorescent or metallic pigments
Barrier	SiOx coating	EVOH
Additives		PA additive Additives that induce bio-/oxo-/photo-degradation of the bottle
Cap	PE, PP Materials with a density <1 g/cm <sup>3</sup>	Metals**, thermosets Materials with a density >1 g/cm <sup>3</sup>
Labels and sleeves	PE, PP, OPP, foamed PET materials with a density <1 g/cm <sup>3</sup> Wet-strength paper labels	Materials with a density >1 g/cm <sup>3</sup> (e.g. PVC, PS or PET) Non-wet-strength paper labels* Metallised labels
Adhesives	Adhesive applications removable by hot wash or alkaline (at 60-80°C)	Adhesive applications not removable by hot wash or alkaline (>80°C)
Printing	EuPIA-compliant printing inks, no direct printing (apart from production code, BBD)	Large-scale direct printing

\* Presence of non-wet-strength paper: constitute material-specific recycling incompatibilities, but are not used for assessing recyclability in 2025.

The assessment will be adapted in accordance with the CEN standards (European standard), which are expected to be published in 2025.

\*\*For caps made of pure aluminium, a process-dependent evaluation is carried out

Material group: Plastic bottles 0.1 – 3 litres		
Subgroup: PET transparent light blue, light green coloured, other light colours		
Component	Good material description	Material-specific recycling incompatibilities
Material	PET-A	PLA, PVC, PS, PETG, POM
Colour	Transparent blue, transparent green, other light transparent colours	Dark coloured, opaque PET, fluorescent or metallic pigments

Barrier	No barrier layer, SiOx coating, carbon plasma coating, nylon MXD6 in a 3-layer structure with up to 6 wt% nylon MXD6 and without adhesion agent	Nylon MXD6 in a composite structure or > 6 wt% nylon MXD6, EVOH barrier
Additives		PA additive, nanoparticles, additives that induce bio-/oxo-/photo- degradation of the bottle
Cap	PE, PP Materials with a density <1 g/cm <sup>3</sup>	Metals**, thermosets Materials with a density >1 g/cm <sup>3</sup>
Labels and sleeves	PE, PP, OPP, foamed PET materials with a density of <1 g/cm <sup>3</sup> Wet-strength paper labels	Materials with a density >1 g/cm <sup>3</sup> (e.g. PVC, PS or PET) Non-wet-strength paper labels* Metallised labels
Adhesives	Adhesive applications removable by hot wash or alkaline (at 60-80°C)	Adhesive applications not removable by hot wash or alkaline (>80°C)
Printing	EuPIA-compliant printing inks, no direct printing (apart from production code, BBD)	Large-scale direct printing

\* Presence of non-wet-strength paper: constitute material-specific recycling incompatibilities, but are not used for assessing recyclability in 2025.

The assessment will be adapted in accordance with the CEN standards (European standard), which are expected to be published in 2025.

\*\*For caps made of pure aluminium, a process-dependent evaluation is carried out

### 2.1.2. HDPE bottles

Table 2: HDPE bottles

Material group: Plastic bottles PP 0.1 – 3 litres		
Subgroup: HDPE bottles		
Component	Good material description	Material-specific recycling incompatibilities
Material	HDPE (preferably unpigmented)	Multilayer composite material with PP >10% Materials with a density >1 g/cm <sup>3</sup> (e.g. PET, PETG, PLA, PVC, PS), silicone components
Colour	All colours, transparent and opaque	Non-NIR-detectable colours
Barrier	EVOH < 6 wt% (PE-g-MAH adhesion agent with MAH > 0.1 wt%)	EVOH > 6 wt%, PA, PVDC, aluminium

Additives	Additives that are unavoidable during processing (stabilisers, antioxidants, lubricants, nucleating agents, peroxides), if the density remains $<0.97 \text{ g/cm}^3$	Density modifying additives $>1 \text{ g/cm}^3$ ; flame retardant additives, plasticisers; bio-/oxo-/photo-degradable additives
Cap	HDPE (in the same colour as the material); PP (if the weight proportion is PP $<10 \text{ wt}\%$ )	Materials with $<1 \text{ g/cm}^3$ aluminium, metal, PVC
Labels and sleeves	PE labels (with a density $<1 \text{ g/cm}^3$ ) PE sleeves (with a density $<1 \text{ g/cm}^3$ ) Wet-strength paper labels	Materials with a density $>1 \text{ g/cm}^3$ (e.g. PVC, PS or PET) Non-wet-strength paper labels, metallised labels, aluminium, PVC
Adhesives	Cold wash removable adhesive applications (up to $40^\circ\text{C}$ )	Adhesive applications that cannot be removed in cold wash (up to $40^\circ\text{C}$ )
Printing	EuPIA-compliant printing inks, no direct printing (apart from laser markings for production code, BBD)	Bleeding colours PVC-based colours Large-scale direct printing

### 2.1.3. PP bottles

Table 3: PP bottles

Material group: Plastic bottles 0.1 – 3 litres		
Subgroup: PP bottles		
Component	Good material description	Material-specific recycling incompatibilities
Material	PP	Multilayer composite material with PE $>10\%$ Materials with a density $>1 \text{ g/cm}^3$ (e.g. PET, PETG, PLA, PVC, PS) Silicone components
Colour	Transparent natural Transparent coloured Opaque white Dark colours or opaque	Non-NIR-detectable colours
Barrier	EVOH $<6 \text{ wt}\%$ (PE-g-MAH adhesion agents with MAH $>0.1 \text{ wt}\%$ )	EVOH $>6 \text{ wt}\%$ , PA, PVDC, aluminium
Additives	Additives that are unavoidable during processing (stabilisers, antioxidants, lubricants, nucleating agents, peroxides) if the density remains $<0.97 \text{ g/cm}^3$	Density modifying additives $>1 \text{ g/cm}^3$ ; flame retardant additives, plasticisers; bio-/oxo-/photo-degradable additives
Cap	PP (if possible in the same or similar colour)	Materials with $<1 \text{ g/cm}^3$ aluminium, metal, PVC
Labels and sleeves	PP labels (with a density $<1 \text{ g/cm}^3$ )	Materials with a density $>1 \text{ g/cm}^3$ (e.g. PVC, PS or PET) Non-wet-strength paper labels

	PO sleeves (with a density <math><1 \text{ g/cm}^3</math>) Wet-strength paper labels	Metallised labels Aluminium, PVC
Adhesives	Cold wash removable adhesive applications (up to 40°C)	Adhesive applications not removable in cold wash (up to 40°C)
Printing	EuPIA-compliant printing inks, no direct printing (apart from laser markings for product code, BBD) No PVC-based colours	Bleeding colours PVC-based colours Large-scale direct printing

#### 2.1.4. Bioplastics (e.g. PLA)

Compostable materials in accordance with DIN 13432 are currently not part of eco-modulation as they are not recyclable and are therefore subject to the full surcharges. Please contact us for more detailed information.

#### 2.1.5. LDPE (soft polyethylene)

Plastic bottles made from LDPE are not considered recyclable and therefore typically fall into performance class E.

### 2.2. Aluminium bottles

Table 4: Aluminium bottles

Material group: Aluminium bottles 0.1 – 3 litres		
Component	Good material description	Material-specific recycling incompatibilities
Material	Non-ferrous metal content	Compounds
Cap	Aluminium	Tinplate or plastic caps
Labels and sleeves	Embossing	PVC labels
Printing	Lacquer coating Aluminium direct printing EuPIA-compliant printing inks and coatings	Non-compliant colours

### 2.3. Cans

#### 2.3.2. Aluminium cans

Table 5: Aluminium cans

Material group: Aluminium cans 0.1 – 3 litres		
Component	Good material description	Material-specific recycling incompatibilities
Material	Non-ferrous metal content	Composite materials
Cap	Aluminium	Tinplate or plastic caps
Labels and sleeves	Embossing	PVC labels

Printing	Lacquer coating Aluminium direct printing EuPIA-compliant printing inks and coatings	Non-compliant colours
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### 2.3.3. Tinplate cans

Various types of steel cans fall into this category.

**Table 6: Tinplate cans**

Material group: Tinplate cans 0.1 – 3 litres		
Component	Good material description	Material-specific recycling incompatibilities
Material	Ferromagnetic metals	
Cap	Ferromagnetic metals	Plastic caps
Labels and sleeves	Embossing Paper sleeve	PVC labels
Printing	Lacquer coating EuPIA-compliant printing inks and coatings	Non-compliant colours

## PART IV – USE OF INTERNATIONAL GTINS

In principle, Initial Distributors must use domestic EAN codes or GTINs (only those placed on the market in Austria) on the containers. If the Initial Distributor nevertheless wishes to use international EAN codes or GTINs (placed on the market in several countries) on the containers with the Austrian deposit logo, this is only possible if the Initial Distributor concludes an additional agreement with EWP. The Initial Distributor thus undertakes to compensate EWP for any losses caused by the use of international EAN codes or GTINs.

Alternatively, the Initial Distributor can affix the Deposit Symbol by means of a sticker to the containers that have actually been placed on the Austrian market (see also Part II, section 5.7.).

### What is meant by national vs. international GTIN:

**National GTIN:** a GTIN placed on the market only in Austria + Austrian deposit logo.

**International GTIN:** a GTIN placed on the market in several countries in combination with the Austrian deposit logo.

Further details on the separate terms for the use of containers with international EAN codes or GTINs and the depicted Deposit Symbol can be found in the optional Supplementary Agreement, which must be concluded by the Initial Distributor in addition to the Initial Distributor Agreement.

## 1 SUPPLEMENTARY AGREEMENT FOR THE USE OF INTERNATIONAL GTINS WITH AUSTRIAN DEPOSIT LOGO

### 1.1. General matters

EWP will conclude the Supplementary Agreement with those Initial Distributors if international EAN codes or GTINs are to be used on the containers and the Deposit Symbol is also to be shown on the container or its labels. Without concluding the Supplementary Agreement, the Initial Distributor is not permitted to place containers bearing the Deposit Symbol on the market outside Austria.

In this context, the Supplementary Agreement distinguishes between Austrian producers and importers.

An Austrian producer is someone who produces their containers in Austria (the "**Austrian producer**").

An importer is anyone who sources their containers abroad – and therefore outside Austria (the "**Importer**").

The Supplementary Agreement model is evaluated annually by EWP and adjusted if necessary.

## 1.2. Assumption of losses

Under the Supplementary Agreement, the Initial Distributor undertakes to compensate the system for any losses caused to the system by the containers placed on the market outside Austria by the Initial Distributor with international EAN code or GTIN and depicted Deposit Symbol, which are subsequently returned in Austria.

In this context, it should be noted that the system will suffer losses if the overall return rate in Austria is below 100%, because EWP is entitled to the deposit shortfall (Section 11 of the Deposit Regulation) and the amount of the shortfall is needed to finance the deposit system.

## 1.3. Amount of losses

The amount of the losses per container consists of the deposit amount (Section 4 (1) of the Deposit Regulation), the producer contribution (Section 10 (1) of the Deposit Regulation) and the handling fee (Section 12 of the Deposit Regulation).

## 1.4. Quantity limitation

EWP sets a quantity limit on the number of containers with the Deposit Symbol that may be placed on the market abroad by the Initial Distributor – and thus by the Austrian producer or importer. The maximum annual quantity is 500,000 items per international EAN code or GTIN. This means that the Initial Distributor may place a maximum of 500,000 containers per year and per international EAN code or GTIN with an Austrian Deposit Symbol on the foreign market.

EWP will regularly evaluate the quantity limit and can adjust the quantity limit at any time if necessary.

## 1.5. International barcode fee

Furthermore, there will be an international barcode fee for Initial Distributors – and thus for Austrian producers and importers – for the use of an international EAN code or GTIN. The international barcode fee is EUR 0.03 (the "**International Barcode Fee**").

The amount of the international barcode fee is evaluated by EWP at regular intervals and, if necessary, adjusted to actual circumstances. To differentiate as between the Austrian producer and the importer regarding the international barcode fee, see below.

### 1.5.1. International barcode fee for the Austrian producer

The Austrian producer must pay the international barcode fee for each container with the Deposit Symbol shown that is placed on the market in the relevant foreign country.

### 1.5.2. International barcode fee for the importer

The importer must pay the international barcode fee for each container placed on the Austrian market.

### 1.6. Additional obligations for the Austrian producer

The Austrian producer and the importer must submit a notification to EWP via the EWP Portal regarding the number of containers placed on the market in the relevant foreign country with an international EAN code or GTIN and the depicted Deposit Symbol. The relevant foreign countries here are:

European Union, Switzerland, Serbia, Bosnia-Herzegovina, Montenegro, Kosovo and North Macedonia (the "**Relevant Foreign Countries**").

The export quantities of containers to the relevant foreign countries must be certified by the Austrian producer and confirmed by an auditor once a year. The costs for the auditor are borne by the Austrian producer.

Containers that are placed on the market outside Austria and outside the relevant foreign countries do not have to be reported in the EWP Portal by the Austrian producer.

### 1.7. Evaluation of amount of loss

EWP will evaluate the amount of the loss on an ongoing basis.

If the actual amount of loss incurred by EWP is higher than the international barcode fee paid by the Initial Distributor, the Initial Distributor shall pay the resulting difference to EWP in addition.

However, if the actual loss incurred by EWP is lower than the international barcode fee paid by the Initial Distributor, EWP shall transfer the resulting difference – with a deduction for the additional expense incurred by EWP due to the use of an international barcode or GTIN – back to the Initial Distributor.

In the case of multiple Initial Distributors with the same GTIN, the amount of the loss will be apportioned on a *pro rata* basis.

The period under review is one calendar year. This period under review may change based on empirical observations.

## 2 USE OF STICKERS

As an alternative to the optional Supplementary Agreement, the Initial Distributor also has the option of using international GTINs (formerly EAN codes) on the containers if the Deposit Symbol is not shown directly on the container or its labels, but is affixed to the containers to be placed on the market in Austria by means of stickers.

In this context, EWP is authorised to set a quantity limit so that the sticker may only be used by the Initial Distributor in connection with the use of international GTINs if the number of containers with the sticker that the Initial Distributor wishes to place on the Austrian market does not exceed the quantity limit set by EWP.

Further conditions for the use of the sticker are contained in Part II under section 5.5.

## APPENDIX 1 – LIST OF ABBREVIATIONS

EAN	European Article Number
EPS	Expanded polystyrene
EuPIA	European Printing Ink Association
EVA	Ethylene vinyl acetate
EVOH	Ethylene vinyl alcohol copolymer
EWP	EWP Recycling Pfand Österreich gGmbH
GTIN	Global Trade Item Number
HDPE	High Density Polyethylene (high density polyethylene/rigid PE)
IRVM	Industrial reverse vending machine (industrial machine for returning empties)
MAH	Maleic anhydride
Nylon-MXD6	Modified nylon (PA)
OPP	Oriented polypropylene
OPS	Oriented polystyrene
PA	Polyamide, nylon
PE	Polyethylene
PEF	Polyethylene furanoate
PEN	Polyethylene naphthalate
PET	Polyethylene terephthalate
PET-A	Amorphous polyethylene terephthalate
PETG	Polyethylene terephthalate, glycol-modified
PLA	Polyactide
PO	Polyolefin
POM	Polyoxymethylene
PP	Polypropylene
PS	Polystyrene
PVC	Polyvinyl chloride
PVDC	Polyvinylidene chloride
RVM	Reverse Vending Machine (machine for returning empties)
SiO <sub>x</sub>	Silicon oxide
SKU	Stock Keeping Unit (Article)
TPE	Thermoplastic elastomers
UPC	Universal Product Code

# LICENCE AGREEMENT

FOR INITIAL DISTRIBUTORS ON THE USE OF THE DEPOSIT SYMBOL ON  
SINGLE-USE BEVERAGE CONTAINERS

made by and between

**EWP Recycling Pfand Österreich gGmbH**

(FN 594052 g)

Schönbrunner Schloßstrasse 2/601

1120 Vienna

as the licensor (the "**Licensor**")

and

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FN (company register number):

Address:

as the licensee (the "**Licensee**")

(The Licensor and the Licensee each referred to as a "**Party**" and jointly as  
the "**Parties**")

as follows:

## 1. PREAMBLE

1.1 EWP Recycling Pfand Österreich gGmbH as Licensor is the owner of the following certification mark:



Registered at the Austrian Patent Office (ÖPA) on 08/05/2024 under registration number: 326867  
(hereinafter referred to as the "**Deposit Symbol**")

1.2. The rules for the use of the mark for the Deposit Symbol (hereinafter referred to as the "**Rules for the Use of the Mark**") are available at <https://www.recycling-pfand.at/markensatzung>.

1.3. Pursuant to Section 6 of the Regulation of the Federal Minister for Climate Action, Environment, Energy, Mobility, Innovation and Technology on deposits for single-use plastic or metal beverage containers (hereinafter referred to as the "**Deposit Regulation**"), Initial Distributors must visibly, recognisably and permanently label single-use beverage containers that are part of the single-use deposit system in Austria with the Deposit Symbol.

1.4. This Licence Agreement (hereinafter referred to as the "**Licence Agreement**") governs the framework conditions for the use of the Deposit Symbol by the Initial Distributor as the licensee.

## 2. SUBJECT MATTER OF THE AGREEMENT

The subject of this Licence Agreement is the grant of a licence to the Deposit Symbol in the form of a high-resolution print file.

### 3. GRANT OF LICENCE

3.1 The Licensor grants the Licensee the non-exclusive right to use the Deposit Symbol in accordance with the terms and conditions of this Licence Agreement for the duration of this Licence Agreement.

3.2 If the right to use the Deposit Symbol is withdrawn from the Licensee due to the provisions of the Rules for the Use of the Mark or if this right is cancelled in any other way, the right of use granted under this Licence Agreement shall also automatically lapse.

3.3 The Licensee is not authorised – with the exception of section 4.2. – to grant sub-licences and/or to pass on the Deposit Symbol.

3.4 The Licensee acknowledges that the Licensor is the owner of the Deposit Symbol. This Licence Agreement does not establish any rights, titles or claims to the Deposit Symbol for the Licensee other than the rights expressly granted by this Licence Agreement. In particular, the Licensee is not entitled to register the Deposit Symbol or any part thereof as a trade mark in any territory or to seek protection for the Deposit Symbol in any other form. The Licensee undertakes not to register any figurative representations and/or designations as a trade mark that are identical to the Deposit Symbol or similar to it in such a way that there is a risk of confusion.

3.5 The use of the Deposit Symbol is free of charge for the Licensee.

### 4. SCOPE OF USE AND REQUIREMENTS FOR USE

4.1. The Deposit Symbol may only be used by the Licensee for the purpose of labelling single-use beverage containers in accordance with Section 6 of the Deposit Regulation. Furthermore, use is only permitted in compliance with the specifications for the use of the Deposit Symbol in accordance with the Producer's Manual for Initial Distributors (beverage producers/beverage importers) of single-use plastic or metal beverage containers with a filling volume of 0.1 to 3.0 litres for the implementation of the Regulation on the Deposit for Single-Use Beverage Containers Made of Plastic or Metal (Deposit Regulation for Single-Use Beverage Containers, Federal Law Gazette II No. 283/2023) (hereinafter referred to as the "**Producer's Manual**"), which is attached to the "Agreement on the rights and obligations of the Initial Distributor of single-use beverage containers subject to a deposit and EWP" to be concluded separately.

#### 4.2. The Deposit Symbol may only be passed on by the Licensee

- (i) to the companies that print the labels or metal cans for single-use beverage containers for the Licensee;
- (ii) to the companies that design the labels or cans for single-use beverage containers for the Licensee;
- (iii) if the Licensee is an importer of single-use beverage containers subject to a deposit: to the producer of the respective beverages and the companies named under (i) and (ii) and commissioned by the producer.

4.3. Without the express prior written consent of the Licensor, the Licensee is only authorised to use the Deposit Symbol in accordance with the specifications in the Producer's Manual and only for the purposes specified in section 29.1. and 29.2. In particular, the Licensee is not authorised to publish, manipulate, retouch or in any other way change or edit the Deposit Symbol, unless otherwise stated in the Producer's Manual.

4.4. The Deposit Symbol may not be used or referred to in a way that is likely to mislead the relevant public – and thus in particular the end consumer – about the certification content of the Deposit Symbol.

4.5. The Licensor has the right to modify/change the usage specifications of the Producer's Manual regarding the Deposit Symbol during the term of this Licence Agreement. Corresponding modifications/changes shall be notified to the Licensee upon reasonable advance notice, but at least 30 days before the modification/change and shall not affect the permissibility of the use of the Deposit Symbol for single-use beverage containers already produced up to the time of the modification.

### 5.

#### OTHER OBLIGATIONS OF THE LICENSEE

5.1. The Licensee undertakes to comply with all specifications contained in the Rules for the Use of the Mark and/or other specifications – in particular the specifications in the Producer's Manual – for or in connection with the use of the Deposit Symbol for the entire term of this Licence Agreement.

5.2. The Licensee undertakes to inform the Licensor immediately if the Licensee is no longer active as an Initial Distributor in accordance with the provisions of the Deposit Regulation.

5.3. Furthermore, the Licensee undertakes to ensure by means of a written agreement that the provisions of this Licence Agreement, the provisions of the Producer's Manual concerning the Deposit Symbol and the Rules for the Use of the Mark will not be violated when passing on the Deposit Symbol to the companies named under section 4.2.

5.4. In connection with the use of the Deposit Symbol, the Licensee is responsible for ensuring that its use complies with all applicable legal requirements, in particular with regard to competition law requirements in accordance with the Federal Act against Unfair Competition (UWG).

5.5. The Licensee undertakes to provide the Licensor with appropriate evidence of compliance with the provisions of this Licence Agreement, the Producer's Manual and the Rules for the Use of the Mark upon request.

## 6 DELIVERY

6.1. The Licensor shall provide the Licensee with the Deposit Symbol as a high-resolution file for download in the EWP Portal after the Licensee has been activated in accordance with section 36.1.

6.2. Delivery is deemed to have taken place when the Deposit Symbol is downloaded by the Licensee.

## 7 PROTECTION OF THE DEPOSIT SYMBOL

The Licensee shall store all work equipment (servers, PCs, laptops, etc.) on which the Deposit Symbol is stored, as well as any additional documents provided by the Licensor, in a place secured against unauthorised access by third parties and shall ensure compliance with its obligations under this Licence Agreement with regard to the use and protection of the Deposit Symbol by taking appropriate measures vis-à-vis its employees and other persons who are permitted access to the Deposit Symbol with the consent of the Licensor or in accordance with this Licence Agreement. The obligations with regard to the documents provided shall remain effective even after this Licence Agreement comes to an end.

## 8 WARRANTY

8.1. The Licensor warrants exclusively that the Deposit Symbol is used to identify single-use beverage containers within the meaning of the Deposit Regulation and is free from third-party rights that would prevent free and unrestricted use by the Licensee. Any warranty going beyond this section 33.1. is excluded.

8.2. The warranties provided for in this section 33. are excluded if a defect or an infringement of (intellectual property) rights of third parties was caused by conduct of the Licensee that went beyond contractual use or by unauthorised modification or processing of the Deposit Symbol by the Licensee in breach of the Agreement.

9.  
LIABILITY OF THE LICENSEE

9.1 The liability of the Parties shall be governed by the statutory provisions. The Licensee is liable for losses incurred by the Licensor due to a breach by the Licensee of one or more provisions of this Licence Agreement, the Rules for the Use of the Mark and/or the provisions on the use of the Deposit Symbol in the Producer's Manual, in particular if

- (i) the Licensee exceeds the scope of use in accordance with section 29.;
- (ii) the Licensee violates the requirements for using the Deposit Symbol in accordance with the Producer's Manual;
- (iii) the Licensee violates the provisions of the Rules for the Use of the Mark;
- (iv) the Licensee infringes the Licensor's intellectual property rights.

9.2. The agreements governed by this section 9. shall also apply after this Licence Agreement comes to an end.

10.  
CONFIDENTIALITY, DATA PROTECTION

10.1. The Parties undertake to maintain confidentiality regarding the business secrets or other information of the other Party which is worthy of protection and which has come to their knowledge from or in connection with this Licence Agreement, unless this information is generally known or was already known to the respective Party prior to the conclusion of the Agreement by both Parties or if the Party is legally obliged to disclose this information or its disclosure is necessary in the context of legal proceedings in order to protect the interests of that Party.

10.2. The Parties undertake to perform their respective obligations in accordance with the applicable data protection laws and to conclude any necessary or appropriate agreements in writing.

11.  
TERM OF AGREEMENT, TERMINATION

11.1. After the Licensor has made the contract documents available to the Licensee via the EWP Portal, this Licence Agreement shall enter into force upon signature and return of the complete and signed contract documents by the Licensee; the date of receipt of the signed contract documents by EWP shall be deemed determinative. This Licence Agreement is concluded for an indefinite term. EWP shall activate the Licensee in the EWP Portal after conclusion of the Agreement.

11.2. This Licence Agreement may be terminated by the Licensee in writing (without stating

reasons) upon three calendar months' notice to the end of any calendar month.

11.3. The Licensor may terminate this Licence Agreement for good cause at any time with immediate effect, in particular for the following good cause:

11.3.1. The Licensee ceases to operate as an Initial Distributor within the meaning of the provisions of the Deposit Regulation;

11.3.2. the Licensee uses the Deposit Symbol beyond the scope of use governed by section 29.;

11.3.3. the Licensee breaches a material provision of this Licence Agreement; in particular, the mandatory approval to be obtained, the other obligations of the Licensee and the confidentiality obligations are deemed to be material contract provisions;

11.3.4. the Licensee violates a provision of the Rules for the Use of the Mark;

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11.3.5. the Licensee breaches a provision of this Licence Agreement and does not remedy this breach (insofar as it can be remedied) within 14 calendar days of being requested to do so by the Licensor.

11.4. The Licensee may terminate this Licence Agreement at any time with immediate effect for good cause, in particular if the Licensee ceases its activities as an Initial Distributor within the meaning of the provisions of the Deposit Regulation.

11.5. After termination of this Licence Agreement, the Licensee is obliged to refrain from further use of the Deposit Symbol (in any form) and to delete the stored Deposit Symbol immediately from all work equipment (servers, PCs, laptops, etc.).

## 12. FINAL PROVISIONS

12.1. If a provision of this Licence Agreement contradicts a provision of the Rules for the Use of the Mark, the provision of the Rules for the Use of the Mark shall take precedence and the provision in this Licence Agreement that contradicts the Rules for the Use of the Mark shall be null and void.

12.2. Amendments or addenda to this Licence Agreement must be made in writing and signed by all Parties. This also applies to the cancellation of this written form requirement.

12.3. Exclusive jurisdiction for all disputes arising from or in connection with this Licence Agreement shall be vested in the court with subject-matter jurisdiction for the first district of Vienna.

12.4. Governing law is Austrian substantive law, to the exclusion of the application of international private law.

12.5. References to a section refer to the sections of this Licence Agreement, unless expressly stated otherwise.

Vienna, dated \_\_\_\_\_, dated \_\_\_\_\_

\_\_\_\_\_  
EWP Recycling Pfand Österreich gGmbH  
FN 594052 g  
(the Licensor)

\_\_\_\_\_  
[Company name, company register number,  
stamp]  
(the Licensee)

## APPENDIX 3 – VERSIONS – CHANGES TO THE CONTENT OF V2 DATED APRIL 2024

<b>Part</b>	<b>Chapter/Topic</b>	<b>Reason for revision</b>
II	5.4 Deposit Symbol	Addition of the register number
II	5.5.1. Differentiation – sticker vs. label	Supplement to the declaration
IV	National vs. international GTIN	Supplement differentiation
III	1. Eco-modulation	Supplementation 2nd step towards eco-modulation as from 2026 Exceptions for the evaluation of recyclability for 2025
III	2. Material description for eco-modulation	Simplification of the tables for plastic bottles
	2. Material description for eco-modulation	Supplement material flow LDPE
Annex 2	Licence Agreement for the Deposit logo	View sample of the final Agreement