



# Take Back Exemptions

**DRSI CLG**  
**(Trading as Re-turn)**

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## Retailer Take Back Exemptions

### 1. Introduction

Re-turn is a Deposit Return Scheme based on the redemption model known as “return to retail”. This is the most common and effective redemption model where retailers who sell beverages must take back the empty bottles/containers.

Retailers are obligated under Regulation 14 (2) (f) of the [Separate Collection \(Deposit Return\) Regulations](#) to: “take back every in-scope bottle and in-scope container returned to it by a consumer in a manner agreed between the retailer and the approved body”

The Regulations also define a retailer as: “retailer” means any person who for the purpose of trade or otherwise in the course of business sells or otherwise supplies in-scope products to a final consumer.

In addition, the Regulations mandate the approved body (i.e. Re-turn) to “agree alternative take-back arrangements, other than that at paragraph (f)”, in certain circumstances.

### 2. Rationale for Take Back Exemptions

The rationale for take back exemptions is primarily based on minimising the impact of Deposit Return on smaller retailers. The key impacts underpinning the take back exemption rationale are the following:

- **Affordability, Cost to Smaller Retailers.** The feedback from small to medium sized retailers is that they are facing very challenging times due to rising energy costs, inflation etc. The projected levels of return may be too low, in many cases, to justify investment in an RVM and to operate manual take back for a small number of deposit returns may be onerous. This will give retailers choices, to either apply for a take back exemption, to opt for manual handling or to invest in an RVM if they so choose. In addition to handling fees, a [financial support programme](#) is available for Retailers who opt to use an RVM, and have returns of less than 250,000 unit per annum.
- **Security and Safety of Staff.** Re-turn recognises that the security of staff in operating a manual takeback in some retail outlets, where there is only one or two staff members on duty at any one time, may be a cause of concern from a security and safety perspective. The Take Back exemption facility mitigates these potential concerns. Risk to staff may be a concern in areas where there may be an element of anti-social behaviour at certain times, which would make it very challenging and impractical for staff to take back empty container / bottles and to redeem deposits.
- **Food Safety and Hygiene.** Retailers who have a food element to their business selling “food to go” to their customers for consumption off site and also retailers offering food for consumption on site in cafes, small restaurants, and other food premises etc., must meet legal requirements and follow codes of best practice for food hygiene. Depending on space restrictions and other factors, the DRS take back obligation may compromise the capability of some retailers to comply with the necessary standards of food safety and hygiene. In such circumstances a take back exemption may be an appropriate option.
- **Support & Buy In of Retailers for DRS.** Retailers play a key role in the Deposit Return Scheme and interact on a daily basis with all consumers. Re-turn wants to support and facilitate Retailers as much as possible to reduce administration and costs ensuring a greater level of support for the new Deposit Return Scheme. We want to ensure that we have an efficient, cost-effective deposit return system that is convenient for consumers.

### 3. Exemption from Take- Back Obligation based on Retailer Footprint/Store Size

As mentioned previously, DRS may impact disproportionately on smaller retailers who may find it challenging to provide a takeback facility and storage for the return of empty in-scope bottles/containers. Physical space constraints, in addition to potential modification to smaller retail outlets may be cost prohibitive for some smaller retailers.

Best practice in other jurisdictions allow for a range of exemptions based on store size (see attached extract from the latest Reloop ([Global Deposit Book, An Overview of Deposit Return Systems for Single-Use Beverage Containers” published in November 2022.](#))

The baseline for exemptions in Return-to-Retail models is store size/footprint. In Europe, this threshold ranges from between 60 sq mtrs and 300 sq mtrs. This varied based on urban vs rural or large city vs small city.

Having considered;

- the potential DRS impact on the smaller retail sector
- the requirement to ensure the establishment of an effective redemption system that is fair and equitable, without compromising the return to retail principle
- and international DRS best practice in other jurisdictions,

And, in consultation with the retail sector, **Re-turn have now decided that retail outlets with a footprint/layout of 250 sq mtrs or under, of retailer store space<sup>1</sup> will have the option to apply as part of the registration process, for a Take Back exemption from the requirement to operate a takeback service.**

In order to comply with the DRS Regulations, retailers applying for such a Take Back exemption will also have to;

- have a Take Back exemption notice for consumers on display instore.
- display in a manner that is visible to all customers a QR code locator, to find the nearest Deposit Return Point.

This Take Back exemption will alleviate the take back pressure on smaller retailers and will result in a large number of takeaways, mobile vans, vending machines and a range of other small venues being able to apply for a Take Back exemption.

### 4. Exemption from Take Back Obligation for “Food To Go” Retailer

Businesses that primarily operate as “food to go” retailers will also have the option to apply for a Take Back exemption to operate a take back facility. The criteria for this will apply to premises with a footprint 250 sq mtrs or under.

In order to comply with the DRS Regulations, retailers applying for such an exemption will also have to;

- have a Take Back exemption notice for consumers on display instore.

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• <sup>1</sup> **Store size** is defined as: All retail facing areas including entrance area, aisles, shelf space, deli counters/sections, check out areas and behind till space. It excludes storage and office areas which the consumer do not have access to.

- display in a manner that is visible to all customers a QR code locator, to find the nearest Deposit Return Point.

## **5. Hospitality Sector Exemptions ( HORECA)**

**All HORECA** establishments will have to register with the scheme and will be granted a Take Back exemption. All HORECA may voluntarily provide a take back option.

The hospitality sector comprising pubs, bars, hotels, restaurants and cafes, and all business who sell in-scope products to a final consumer have retailer obligations under the Regulations.

Two Take Back exemptions apply to the hospitality sector as follows:

A Deposit charging exemption and a take back exemption.

### **a. Deposit Charging Exemption to Consumers**

The hospitality sector when purchasing in scope products will be charged the deposit, how this deposit is applied or otherwise by the sector for instore consumption is for the sector to manage.

A feature of the hospitality sector is the split between on-site consumption and off-site consumption. The DRS Regulations (PART VII, Regulation 14) recognise this and allows for an exemption not to charge the deposit where an in-scope product is purchased and consumed on the premises. The rationale for this is that the empty containers remain on premises and are collected on-site.

This is an automatic deposit charging exemption for the hospitality sector, and they do not have to apply to Re-turn to avail of this deposit exemption.

The obligation to charge the deposit does apply for off-site consumption/take away. Regarding the application of the deposit, it is up to the hospitality sector to determine how best to manage this. Obviously drinks which are sold for on-site consumption without a deposit should not be taken off the premises.

### **b. Take Back Exemption**

The hospitality sector does not have to operate a deposit return point for on-site consumption as product remains on the premises. However, like other retailers, there is an obligation to operate a take back/return point for off-site consumption and there will be an option for the hospitality sector to apply to Re-turn for a Take Back exemption.

Any such application for an exemption will be granted by Re-turn, subject to a notice being displayed notifying all customers of the location of the closest return point.

It is expected that the majority of the hospitality sector will apply to Re-turn to avail of this Take Back exemption not to provide a take back facility, but the option to operate a return point for take back is available for large businesses who may opt to do so.

In order to comply with the DRS Regulations, retailers applying for such a Take Back exemption will also have to;

- have a Take Back exemption notice for consumers on display instore.
- display in a manner that is visible to all customers a QR code locator to find the nearest Deposit Return Point.

#### **6. Online Retailers, Vending Machines.**

For the most part, it is not practical for Retailers who sell in scope products via online platforms/delivery agents or via vending machines to operate a return point and take back empty bottles and containers.

Traditional retailers who sell product online and deliver it to their customers may be in a position to offer take back at the point of delivery. This is a service which some retailers may wish to provide to their customers. In particular Re-turn is encouraging Retailers in this market to voluntarily provide this service to those that are housebound or have a disability.

Online retailers are being provided with the option to apply for a Take Back exemption, subject to these retailers displaying a QR Code on the sales documentation, notifying their customers of the location of take back facility options.

Likewise vending machine operators are being provided with a Take Back exemption, with an obligation to display an obligatory notice/sticker on all vending machines, with QR code indicating the location of take back facilities.

#### **7. Take Back Exemption Application Process**

The Take Back exemption application process is as follows.

When you complete registration with the Scheme, you will be asked if you wish to apply for a Take Back exemption based category of retailer and under what exemption criteria you are seeking.

- Retailer store size of less than or equal to 250 sq meters
- Hotel, Restaurant or Pub and Cafes
- Online Retailer
- Vending machine operator

Re-turn will process your application within a four (4) week timescale. You will then be notified of the requirements to comply with the exemption, including all notices required to inform consumers that you are exempt from taking back in-scope products. You will be provided with a QR code along with the necessary communications assets to inform consumers of the nearest return point.

In the event that an application for an exemption is rejected then as an obligated business you can appeal the decision as per the dispute resolution procedure in the Retailer Rules Clause 27.3