

Submission: Common Commencement Date for Labelling Changes

Australian Beverages Council Limited

18 August 2026



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The Australian Beverages Council Limited (ABCL) is the leading peak body representing Australia's non-alcoholic beverages industry. For over 75 years, the ABCL has been the only dedicated advocate for this industry, representing approximately 95 per cent of the industry's production volume.

Our members range from Australia's largest drinks manufacturers to small and micro beverages companies whose drinks are enjoyed nationally as well as around the world. These beverages include carbonated soft drinks, energy drinks, sports and electrolyte drinks, frozen drinks, bottled and packaged waters, 100 per cent juice and fruit drinks, cordials, iced teas, ready-to-drink coffees, kombuchas, flavoured milk products and plant milks.

The non-alcoholic beverages industry contributes more than \$10.4 billion to Australia's GDP, employing more than 70,000 FTEs across the country. This includes jobs across the supply chain from beverage manufacturing to transport and logistics and retail and grocery.

Executive Summary

Following longstanding advocacy for this reform, ABCL welcomes, in principle, FSANZ's proposal to introduce an annual common commencement date for future FSANZ-initiated labelling changes. A consistent date should improve planning, enable businesses to consolidate packaging updates, and reduce compliance costs and operational disruption.

ABCL supports the proposed 30 May common commencement date as the preferred date as it avoids the significant production, distribution and retail pressures associated with end of year and the Christmas period. This support is subject to transition periods and stock-in-trade provisions continuing to be determined on a case-by-case basis.

The 30 May date must not be used to shorten transition periods or restrict stock-in-trade arrangements where additional time is necessary to support an orderly and cost-effective changeover.

FSANZ should also avoid creating a concentration of consultations around the common commencement date and retain flexibility to implement urgent or complex changes outside of the annual cycle.

Subject to these safeguards, ABCL considers the proposal a positive step towards more predictable and efficient labelling regulation.

Responses to Specific Questions for Submitters

Q1. Do you agree in principle with establishing an annual common commencement date for FSANZ-initiated label changes?

The ABCL supports, in principle, establishing an annual common commencement date for FSANZ-initiated labelling changes.

For the purposes of this *Call for Information (CFI)*, ABCL has assumed that *commencement date* means “the single annual date on which the transition window begins for all labelling changes gazetted in the preceding 12 months, with that window then running for the approved individual transition period gazetted”. If this is not FSANZ's intended meaning, we suggest that the term *commencement date* be defined to avoid ambiguity.

A consistent commencement date should improve regulatory certainty and enable businesses to coordinate multiple packaging and artwork updates, reducing compliance costs, operational disruption and unnecessary waste. It should also support more efficient planning across manufacturing, packaging operations, supply chains and enforcement activities.

ABCL's support is subject to the following safeguards:

- Transition periods must continue to be determined on a case-by-case basis and must not be shortened because of the common commencement date.
- Stock-in-trade provisions must continue to apply where necessary to allow existing packaging to be used and to avoid unnecessary product write-offs.
- FSANZ should avoid concentrating consultations around the common commencement date, as this could create a “pile-up” of consultations and limit the ability of stakeholders, particularly small and medium-sized businesses, to provide meaningful input.
- FSANZ should retain flexibility to implement urgent or complex changes outside the annual commencement date where required.

Q2. Do you agree with 30 May as an appropriate annual common commencement date?

ABCL supports the proposed 30 May as an appropriate annual common commencement date.

A 30 May date is a preferable date because it avoids the peak production, distribution and retail pressures associated with the Christmas and year-end period. It should provide businesses with a more manageable timeframe to plan, finalise and implement packaging changes and reduce the risk of transition deadlines falling during December.

ABCL does not propose an alternative date. However, the benefits of 30 May will depend on FSANZ maintaining a flexible, case-by-case approach to implementation. The date should not be used to shorten transition periods or restrict stock-in-trade provisions where additional time is required due to the nature, complexity or operational impact of a particular labelling change.

In the CFI, the label changes for Proposal P1030 and Proposal P1044 are presented to illustrate the impact of a common commencement date, suggesting the transition periods for each could have ended on the same date. When ABCL applies our interpretation of *commencement date* described earlier, however, we arrive at a different outcome, with the transition periods ending approximately one year apart. To ensure consistent understanding of the proposed approach, ABCL suggest that the term *commencement date* be clearly defined.

Label Change	Gazetted Date	Transition Period (years)	Transition Window	Transition Window under common 30 May commencement
Composition and labelling of electrolyte drinks (P1030)	13 August 2022	2	12 August 2022 – 12 August 2024	30 May 2023 – 30 May 2025
Plain English allergen labelling (P1044)	26 February 2021	3	25 February 2021 – 25 February 2024	30 May 2021 – 30 May 2024

ABCL also encourages FSANZ to clarify whether the proposed date will affect the timing of future consultations. Consultation processes should continue to be scheduled according to the needs of each proposal rather than being clustered around 30 May.

Subject to these safeguards, ABCL considers the proposal to be a positive step towards more predictable, coordinated and cost-efficient labelling regulation

Conclusion

In summary, from an ABCL perspective, the proposal to introduce an annual common commencement date for FSANZ-initiated labelling changes, set at 30 May, is a positive and pragmatic step towards more predictable, coordinated and efficient labelling regulation. ABCL welcome FSANZ's decision to implement common commencement dates, following longstanding advocacy for this reform. This action will help deliver greater regulatory certainty and improve implementation outcomes for stakeholders. We support the proposal on the understanding that:

- Transition periods and stock-in-trade provisions will continue to be set on a case-by-case basis and will not be curtailed by the common commencement date.
- Consultation processes and public health decisions will retain appropriate flexibility and will be managed to avoid consultation "pile-ups".

ABCL looks forward to ongoing collaboration with FSANZ to refine and implement this framework in a way that supports both public health objectives and the efficient operation of the non-alcoholic beverages industry.