



Government amendments

Preliminary observation

During the examination of Articles 18 and 19 of the draft law, the Council of State issued a formal objection due to legal uncertainty because of a reference to the definition of 'collection'. It should be noted, however, that the said reference constitutes a faithful transposition of Directive 2008/98/EC. In fact, Annex I of the said directive makes a reference to the same definition (Article 3, Point 10). In light of this clarification, the authors request that the High Corporation consider the option of lifting the formal objection.

Amendment 1 repealing Article 2

Article 2 of the draft law amending 1. the amended Law of 21 March 2012 on waste; 2. the amended Law of 21 March 2017 on packaging and packaging waste; 3. the Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment, is repealed.

The draft law is renumbered to take account of this repeal of article.

Amendment 2 amending Article 3 (formerly Article 4)

Article 3 of the same draft law is amended as follows:

1. Point 3 is replaced as follows:

'3. Paragraph 7 is repealed. '

2. A new Point 4 is added after Point 3, reading as follows:

'4. In Paragraph 9, the reference to Article 4 is replaced by a reference to Article 9. '

Amendment 3 adding a new Article 4

Following Article 3 of the same draft law, a new Article 4 is added, worded as follows:

'Art. 4. In Article 15, Paragraph 3 is supplemented by the following phrase:

', except in cases of force majeure duly noted by the Minister. '

Amendment 4 amending Article 5

Article 5 of the same draft law is amended as follows:

1. In Paragraph 1, the words 'the producer of products' are replaced by the words 'the natural or legal person who develops, manufactures, processes, treats, sells or imports products (the producer of the product)';



2. Following Paragraph 11, a new Paragraph 12 is added, worded as follows:

'(12) The provision of information to the public under this article shall not prejudice the protection of the confidentiality of commercially sensitive information in accordance with applicable national and European Union law.'

Amendment 5 amending Article 11

Following Article 11, Point 2, of the same draft law, a new Point 3 is added, worded as follows:

'3. The Article is supplemented by a new Paragraph 5 worded as follows:

'(5) Operators shall ensure that the personnel responsible for infrastructure management and the personnel responsible for managing deposited waste are trained in the matter. This training shall include components dedicated to the intake, separate collection, reuse and recycling of collected products and waste and shall enable the personnel to carry out these tasks in accordance with this law, the Law, of 9 June 2022, on waste electrical and electronic equipment and the amended Law, of 21 March 2017, on packaging and packaging waste.

Operators ensure that the personnel responsible for handling problematic waste have received specialised training in managing such waste. This training includes a section dedicated to safety and intervention procedures in the event of a risky situation. '

Amendment 6 amending Article 12

Article 12, Point 1, of the same draft law is replaced as follows:

'1. Paragraph 1 is amended as follows:

a) Subparagraph 1 is replaced as follows:

'Establishments and undertakings referred to in Article 30, Paragraph 1, producers of hazardous waste, with the exception of households, and establishments and undertakings carrying out the collection or transport of hazardous waste professionally or acting as dealers and brokers of hazardous waste, shall keep a chronological register indicating:

a) the quantity, nature and origin of the waste and the quantity of products and materials resulting from preparation for reuse, recycling or other recovery operations;

b) where applicable, the destination, collection frequency, means of transport, and planned treatment method for this waste. ';

b) Subparagraph 3 is replaced as follows:

'For the purpose of establishing the registers, collectors, transporters, traders, brokers or recipients shall communicate to waste producers all the information required and in particular the recipient of the waste and the method of treatment applied. ''



Amendment 7 amending Article 13

Article 13, Point 2, of the same draft law is deleted.

The article numbering is adjusted accordingly.

Amendment 8 amending Article 17

Article 17 of the same draft law is amended as follows:

1. Point 2 is replaced as follows:

'2. Point 4 is replaced as follows:

'4. Article 19, Paragraph 7, Paragraph 8, Subparagraph 1, and Paragraph 9;';

2. A new Point 5 is added following Point 4, worded as follows:

'5. A new Subparagraph 2 is added after Subparagraph 1, reading as follows:

"The Minister may impose an administrative fine of 250 Euro to 250,000 Euro in the event of a violation of Article 19, Paragraph 5, Subparagraph 1. "

Amendment 9 amending Article 22

Article 22, Point 1, of the same draft law, is replaced as follows:

'1. In the heading of Letter ii, the words '1st January 2025' are replaced by the words '1st January 2027';'

Amendment 10 amending Article 26

Article 26 of the same draft law is amended as follows:

1. Article 8, Paragraph 3, Subparagraph 2, Point 4, is replaced as follows:

'4. to provide at least twice a year packaging users and holders of packaging waste with adequate information on the functioning of the extended producer responsibility scheme;';

2. Article 8, Paragraph 5, Point 2, is replaced as follows:

'2. to introduce a modulation of the contributions requested from its members when the obligations of extended producer responsibility are fulfilled collectively. The financial contributions paid by its members are adjusted for each product or group of similar products and take into account their durability, repairability, reusability and recyclability, as well as the presence of hazardous substances, by adopting a life cycle approach. '



Amendment 11 amending Article 27

Article 27 of the same draft law is replaced as follows:

'Art. 27. Article 19 of the same law is replaced as follows:

'Art. 19. Criminal penalties

Offences against Article 6, Paragraph 1, Article 7, Paragraph 1, Subparagraph 1, Article 9, and Article 11, Paragraph 1, are punishable by imprisonment for a term of eight days to three years and a fine of 251 Euro to 750,000 Euro, or by one of these penalties alone.

The same penalties apply in the event of obstruction of measures or failure to comply with administrative measures imposed pursuant to Article 21. ''

Amendment 12 amending Article 28

Article 28 of the same draft law is replaced as follows:

'Art. 28. Article 20, Paragraph 1, of the same law is replaced as follows:

'The Minister may impose an administrative fine of between 250 Euro and 10,000 Euro for any violation of Article 5, Paragraphs 1 and 2, Article 7, Paragraph 2, Article 8, Paragraphs 2 to 7, Article 10, Paragraph 2, Article 12, Paragraph 2, Article 14, Paragraph 1, Article 15, or Article 16, Paragraph 2. ''

Amendment 13 amending Article 29

Article 29, Point 1, of the same draft law is replaced as follows:

'1. Subparagraph 1 is supplemented by a new Point 10, worded as follows:

'10. 'Product producer': any natural or legal person:

a) established in the Grand Duchy of Luxembourg who, in a professional capacity, manufactures, fills, or sells directly in the Grand Duchy of Luxembourg, regardless of the sales technique used, including through distance contracts such as defined in Article L. 222-1 of the Consumer Code, and places products on the Luxembourg market; or

b) who is the first party to receive, in a professional capacity, products imported into the Grand Duchy of Luxembourg by any natural or legal person established or not in the Grand Duchy of Luxembourg, regardless of the sales technique used, including through distance contracts as defined in Article L. 222-1 of the Consumer Code, and places products on the Luxembourg market; or

c) established outside the Grand Duchy of Luxembourg who, in a professional capacity, sells products in the Grand Duchy of Luxembourg directly to households or to users other than households, regardless of the sales technique used, including through distance contracts as defined in Article L. 222-1 of the Consumer Code; »»



Amendment 14 repealing Article 31

Article 31 of the same draft law is repealed.

The draft law is renumbered to take account of this repeal of article.

Amendment 15 amending Article 31 (formerly Article 32)

Article 31, Point 3, of the same draft law is replaced as follows:

'3. A Paragraph 9 is added after Paragraph 8, worded as follows:

'(9) Producers of products shall:

1. operate, if possible, on the basis of calls for tenders;
2. provide, at least every six months, holders of single-use plastic product waste with adequate information on the operation of the extended producer responsibility scheme;
3. ensure the collection and communication of data inherent to their legislative and regulatory obligations. '

Amendment 16 amending Article 34 (former Article 35)

Article 34 of the same draft law is replaced as follows:

'Art. 34. In Annex II of the same law, the terms 'Asparagus', 'Broccoli', 'Cherry', 'Endive', 'Kiwi' and 'Physalis' are deleted. '