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**Law of 21 March 2017 on packaging and packaging waste**

**Coordinated text**

Article 1 Aims

 This Law provides for measures aiming, as a first priority, to prevent packaging waste and, as other fundamental principles, to reuse and prepare for reuse of packaging, recycling and other forms of recovery of waste from packaging, and hence to reduce the final disposal of this waste in order to contribute to the transition to a circular economy.

**Article 2 Scope**

This Law applies to all packaging placed on the Luxembourg market and to all packaging waste, whether used or discarded by industries, businesses, offices, workshops, services, household or at any other level, regardless of the materials they are made of.

Article 3 Definitions

For the purposes of this Order, the following definitions apply:

1. ‘economic players’: in the packaging sector, suppliers of packaging materials, manufacturers, processors, fillers and users, importers, traders and distributors, public authorities and public bodies;

2. ‘environmental agreement’: any formal agreement between the Minister responsible for the environment, hereinafter ‘the Minister’ and those responsible for packaging or approved bodies which must be open to all economic players wishing to comply with the conditions set by the agreement in order to contribute to the achievement of the objectives referred to in Article 1;

3. ‘packaging’: the act of placing food in an envelope or in a container in direct contact with the food concerned; this envelope or container;

4. ‘packaging waste’: any packaging or packaging material covered by the definition of waste appearing in Article 4 of the amended Law of 21 March 2012 on waste and resources, hereinafter ‘the Law of 21 March 2012’, excluding production residues;

5. ‘household packaging waste’: packaging waste constituting municipal household waste within the meaning of the Law of 21 March 2012;

6. ‘non-household packaging waste’: packaging waste constituting non-household municipal waste within the meaning of the Law of 21 March 2012;

7. ‘packaging’: any product made of any kind of material, that is intended to contain, protect and present goods ranging from raw materials to finished products during handling and transportation from the producer to the consumer or user.

All disposable items used for the same purposes should be regarded as packaging.

Packaging comprises only:

a) sales packaging or primary packaging, that is to say, packaging designed in such a way as to constitute at the point of sale a sales unit for the end user or the consumer;

b) collective packaging or secondary packaging, that is to say, packaging designed so as to constitute at the point of sale a group of a certain number of sales units, whether sold as such to the end user or to the consumer, or whether it serves only to garnish the displays at the point of sale; it can be removed from the product without modifying its characteristics;

c) transport packaging or tertiary packaging, that is to say, packaging designed to facilitate the handling and transport of a number of sales units or collective packaging for avoiding their physical handling and transport damage. Transport packaging does not include road, rail, sea and air transport containers.

The definition of the concept of ‘packaging’ must also be based on the following criteria:

i. An article is considered to be packaging if it meets the above definition, without prejudice to other functions that the packaging could also have, unless the article is an integral part of a product and is necessary to contain, support or preserve this product throughout its life cycle and all parts are intended to be used, consumed or disposed of together;

ii. Items designed to be filled at the point of sale and single-use items sold, filled or designed to be filled at the point of sale are considered packaging insofar as they play a packaging role and constitute service packaging;

iii. Packaging components and ancillary elements integrated into the packaging are considered to be parts of the packaging into which they are integrated. Auxiliary elements attached directly to or attached to a product and which play a packaging role are considered to be packaging, unless they are an integral part of a product and all the elements are intended for consumption or disposal together.

The articles listed in Annex I to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste as amended by delegated acts of the European Commission taken in accordance with Article 19(2), and Article 21bis of this Directive are examples illustrating the application of these criteria;

8. ‘reusable packaging’: packaging which has been designed, created and placed on the market for being able to accomplish several journeys or rotations during its life cycle by being refilled or reused for use identical to that for which it was designed;

9. ‘composite packaging’: packaging made up of two or more layers of different materials that cannot be separated by hand and form a single unit, comprising an inner receptacle and an outer shell, and which is filled, stored, transported and emptied as such;

10. ‘centralised management’: the system which, for an approved body, consists in taking charge of packaging waste from a collection point through voluntary contributions for the purpose of recycling;

11. ‘management of packaging waste’: waste management as defined in Article 4 of the Law of 21 March 2012;

12. ‘packaging material’: any simple or compound material of natural or artificial origin making up a packaging;

13. ‘making available on the market’: supply of a product for distribution or consumption on the Luxembourg market in the course of a commercial activity, whether in return for payment or free of charge;

14. ‘placing on the market’: making a product available on the Luxembourg market for the first time;

15. ‘approved body’: the legal entity approved in accordance with the Law of 21 March 2012 and assuming the obligations of extended producer responsibility;

16. ‘plastic’: polymer within the meaning of Article 3(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No  793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, to which additives or other substances may have been added and which is capable of serving as the main structural component of bags;

17. ‘organic recycling’: aerobic (composting) or anaerobic (biomethanisation) treatment, by microorganisms and under controlled conditions, of the biodegradable parts of the packaging waste, with the production of stabilised organic amendments or methane. Landfilling cannot be considered a form of organic recycling;

18. ‘packaging manager’: any natural or legal entity established or not in the Grand Duchy of Luxembourg which, in a professional capacity, places packaged products on the Luxembourg market, regardless of the sales technique used, including through distance contracts as defined in Article L.222-1 of the Consumer Code.

With regard to service packaging, any entity that in a professional capacity and with a view to placing on the Luxembourg market produces or imports service packaging is considered to be a packaging manager;

19. ‘plastic bags’: bags, with or without handles, made from plastic and supplied to consumers in sales outlets for merchandise or products;

20. ‘“light plastic bags’: plastic bags with a thickness of less than 50 microns;

21. ‘very light plastic bags’: plastic bags with a thickness less than 15 microns

and necessary for hygienic purposes or supplied as primary packaging for bulk foodstuffs and helping to prevent food waste;

22. ‘oxo-degradable plastic bags’: plastic bags made of plastics containing additives that catalyse the fragmentation of plastics into microfragments;

23. ‘deposit system’: the return system by which the purchaser pays a sum of money that is refunded when the packaging used is returned;

24. ‘market share rate’: percentage, for a given period, of packaging for liquid foods, with the numerator being the volume of liquid food products placed on the market, packaged in reusable packaging and consumed on national territory, and the denominator being the total volume of liquid foods placed on the market and consumed on national territory;

25. ‘recycling rate’: percentage, for a given period, of packaging waste, with the numerator being the weight of packaging waste actually subjected to recycling and the denominator being the total weight of recoverable packaging placed on the Luxembourg market by a packaging manager and consumed on national territory.

This definition does not cover packaging subject to reuse as defined by this Law;

26. ‘recovery rate’: percentage, for a given period, of packaging waste with the numerator being the weight of packaging waste actually subject to recovery and the denominator being the total weight of recoverable packaging placed on the Luxembourg market by a packaging manager and consumed on national territory;

This definition does not cover packaging subject to reuse as defined by this Law;

27. ‘energy recovery’: the use of combustible packaging waste as a means of energy production through direct incineration with or without other waste, but with heat recovery;

This definition does not cover packaging subject to reuse as defined by this Law.

The definitions of the terms ‘waste’, ‘municipal waste’, ‘municipal household waste’, ‘municipal non-household waste’, ‘waste management’, ‘collection’, ‘separate collection’, ‘prevention’, ‘reuse’, ‘preparation for reuse’, ‘treatment‘, ‘recovery’, ‘recycling’, ‘high quality recycling’, ‘disposal’, ‘resource centre’ and ‘extended producer responsibility system’ contained in Article 4 of the Law of 21 March 2012 apply.

**Article 4 Prevention and reuse and environmental agreements**

In addition to the measures intended to prevent the production of packaging waste, adopted in accordance with Article 9 and without prejudice to paragraph 2, the Minister may conclude environmental agreements which respect the objectives referred to in Article 1and primarily aim at reducing the environmental impact of packaging and preventing the production of packaging waste. These agreements may provide for information and public awareness campaigns.

In the production of packaging and other products, environmental agreements can encourage the use of materials from recycled packaging waste by improving market conditions for these materials.

With regard to packaging for liquid foods and other products, environmental agreements may determine the terms and conditions for promoting the production and placing on the market of reusable packaging and set targets relating to market share rates. This Law is without prejudice to the maintenance or establishment of systems guaranteeing the reuse of packaging, in the form of deposit systems or some other appropriate form and pursuant to the objectives referred to in Article 1.

(2) Other preventive measures, including studies and pilot projects, may be determined by the national waste management plan and, where applicable, a specific plan in application of the Law of 21 March 2012.

**Article 5 Reduction of packaging**

In order to sustainably reduce the consumption of packaging in Luxembourg:

1. i) from 1 January 2022, any retail business exhibiting for sale the fresh fruit and vegetables listed in Annex III, including peeled or cut fruit and vegetables, is required to display them without packaging made entirely or partly of plastic. This obligation does not apply to fruit and vegetables packaged in batches of 1.5 kilograms or more;

2. the level of annual consumption of light plastic bags must not exceed ninety unit bags per person as of 31 December 2019 and forty units per person as of 31 December 2025. Very light plastic bags within the meaning of Article 3(5) are excluded;

3. no plastic bag shall be provided free of charge at the points of sale of goods or products. Very light plastic bags within the meaning of Article 3(5) are excluded;

4. the following service packaging cannot be provided free of charge in merchandise or product outlets according to the following schedule:

from 1 January 2023, for bags, regardless of the material they are made of;

from 1 January 2024, service packaging constituting single-use products listed in the Annex, Part A of the Law of… relating to the assessment of the effects of certain plastic products on the environment, regardless of the material they are made of;

from 1 January 2025, for all service packaging.

(2) The products referred to in paragraph 1, points 3) and 4) must have a dissuasive price, displayed separately and visibly at the point of sale and on the invoice. The minimum price can be determined by environmental agreement.

Art. 5*bis*. Reuse

In accordance with the waste hierarchy established in Article 9 of the Law of 21 March 2012, the Minister may conclude environmental agreements to encourage an increase in the share of reusable packaging placed on the market and of packaging reuse systems that are environmentally friendly.

These agreements may include, among others:

1. the use of deposit systems;

2. the definition of qualitative or quantitative objectives;

3. recourse to economic incentive measures;

4. the definition of a minimum percentage of reusable packaging placed on the market each year for each packaging stream.

Article 6 Recovery and recycling

Packaging managers are required to meet the following minimum objectives:

1) 65 percent by weight of packaging waste is recovered or incinerated in waste incineration plants with energy recovery;

2) 60 percent by weight of packaging waste is recycled with the following minimum recycling targets for materials contained in packaging waste: 60 percent by weight for glass, 60 percent by weight for paper and board, 50 percent by weight for metals, 22.5 percent by weight for plastics, comprising exclusively those materials recycled in the form of plastics, and 15 percent by weight for wood.

3) by 31 December 2025 at the latest, a minimum of 65 percent by weight of all packaging waste is recycled;

4) by 31 December 2025 at the latest, the following minimum recycling targets must be achieved for the following specific materials contained in packaging waste:

a) 50% by weight for plastic;

b) 25% by weight for wood;

c) 70% by weight for ferrous metals;

d) 50% by weight for aluminium;

e) 70% by weight for glass;

f) 75% by weight for paper and cardboard.

5) by 31 December 2030 at the latest, at least 70 percent by weight of all packaging waste is recycled;

6) by 31 December 2030 at the latest, the following minimum recycling targets must be achieved for specific materials contained in packaging waste:

a) 55% by weight for plastic;

b) 30% by weight for wood;

c) 80% by weight for ferrous metals;

d) 60% by weight for aluminium;

e) 75% by weight for glass;

f) 85% by weight for paper and cardboard.

Without prejudice to Article 14, the Environment Administration ensures that these obligations and targets be the subject of an information campaign intended for the general public and economic players.

Art. 6*bis*. Rules applicable to the calculation for assessing the achievement of targets

(1) For the purposes of the calculation determining whether the targets set in Article 6(1), points 3 to 6, have been reached:

1. The weight of packaging waste produced and recycled is calculated in a given calendar year. The quantity of packaging waste produced can be considered to be equal to the quantity of packaging placed on the market during the same year;

2. the weight of the recycled packaging waste is calculated as the weight of the packaging that has become waste which, after having been subjected to all the necessary control, sorting and other preliminary operations necessary to remove the waste not covered by subsequent reprocessing processes and to ensure high-quality recycling, enter into the recycling operation during which the waste is effectively reprocessed into products, materials or substances.

(2) For the purposes of paragraph 1, point 1, the weight of the recycled packaging waste is measured when the waste enters the recycling operation.

In derogation from paragraph 1, the weight of recycled packaging waste may be measured at the outlet of any sorting operation, provided that:

1. this waste, after leaving the sorting operation, is then recycled;

2. the weight of materials or substances removed by other operations preceding recycling and which are not subsequently recycled is not included in the weight of the waste declared as having been recycled.

(3) To ensure that the calculation rules are respected and that all information is transmitted to the competent administration, an electronic register is set up in accordance with Article 34 of the Law of 21 March 2012.

(4) The quantity of packaging waste that has ceased to be waste at the end of a preparation operation before being reprocessed may be considered as recycled, provided that this waste is intended for subsequent reprocessing in products, materials or substances for the purpose of the original function or for other purposes. However, wastes ceasing to be wastes which are intended for use as fuel or other means of producing energy, or for incineration, backfilling or landfilling, are not taken into account for the achievement of recycling targets.

(5) For the purposes of the calculation determining whether the targets set in Article 6(1), points 3) to 6), have been reached, the Environment Administration may take into account the recycling of metals separated after the waste incineration, in proportion to the quantity of packaging waste incinerated and provided that the recycled metals meet certain quality criteria set out in the implementing act adopted under Article 11*bis*, paragraph 9 of Directive 2008/98/EC.

(6) Packaging waste sent to another Member State of the European Union for recycling in that Member State shall be taken into account for achieving the targets set out in Article 6(1), points 3 to 6, in Luxembourg.

(7) Packaging waste exported from the European Union is not taken into account in the calculation for evaluating the achievement of the targets set in Article 6(1), unless the conditions of paragraph 3 are met and if, pursuant to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, the exporter is able to prove that the shipment of the waste complies with the requirements of that Regulation and that the processing of packaging waste outside the European Union has taken place under conditions that are substantially equivalent to the applicable requirements of the relevant environmental legislation.

Article 7 Return, collection and recovery systems

(1) In order to achieve the targets referred to in Article 1 and in accordance with paragraph 2, packaging managers are required to ensure the following, while complying with the hygiene requirements:

1. the take-back or collection of used packaging or packaging waste from the consumer, any other end user or the waste stream, for the purpose of directing such waste to the most appropriate waste management solutions;

2. the reuse, preparation for reuse or recovery, including recycling, of collected packaging or packaging waste.

These systems are open to the participation of economic players from the sectors concerned and to the participation of the competent public authorities. They also apply to imported products, in a non-discriminatory manner, including with regard to the arrangements and any tariffs imposed for access to the systems, and are designed in such a way as to avoid barriers to trade or distortions of competition.

(2) In order to minimise the disposal of packaging waste in the form of municipal waste and to achieve a high level of separate collection of packaging waste, the following provisions apply:

a) for household packaging waste:

Without prejudice to the obligations of municipalities or associations of municipalities responsible for the management of municipal household waste under the Law of 21 March 2012, municipalities or associations of municipalities must ensure the availability of separate collection systems. The municipalities or associations of municipalities must ensure, where necessary in collaboration with approved bodies, the availability and accessibility of public infrastructure for the separate collection of household packaging waste allowing the final holders to return this packaging waste at least free of charge.

Approved bodies are authorised to organise and operate alternative or complementary systems for the recovery of household packaging waste, provided that these systems comply with the objectives of this Law, guaranteeing the same territorial coverage as the systems set up by municipalities or associations of municipalities and ensuring at least the free collection of household packaging waste.

Users of household packaging are required to use the collection systems for the separate collection of household packaging waste made available to them by the municipalities or unions of municipalities or by approved bodies.

(b) for non-household packaging waste;

Packaging managers of non-household packaging ensure the collection and recovery of this waste within the framework of an extended producer responsibility system as mentioned in Article 8 of this Law.

(3) The establishments or undertakings referred to in Article 30(1) of the [Law of 21 March 2012](http://legilux.public.lu/eli/etat/leg/loi/2012/03/21/n1/jo) may collect or transport packaging waste constituting household waste only insofar as they are mandated for this purpose by the approved bodies.

 (4) Beverage packaging used for human consumption and which is placed on the Luxembourg market is subject to a single national deposit system. The amount of the deposit varies between 10 cents and 1 euro, depending on the nature of the packaging. The date and terms of implementation of the deposit system are defined by the Grand-Ducal Regulation.

Article 8 Packaging managers and approved bodies

(1) In order to meet the obligations incumbent on him/her under this Law as well as those under the Law on the assessment of the effects of certain plastic products on the environment, the packaging manager is subject to the extended producer responsibility system referred to in Article 19 of the Law of 21 March 2012.

For reusable household packaging for which there is a take-back system, the manager may contractually entrust an approved body with the fulfilment of all or part of this obligation. For other household packaging, the manager must contractually entrust an approved body with the fulfilment of this obligation. For non-household packaging, the manager must contractually entrust an approved body with the fulfilment of all or part of this obligation.

(2) For packaging waste that is covered by centralised management, the approved bodies shall ensure, each in so far as it is concerned, the financing of waste management, including operations of preparation for reuse, from the collection point by voluntary contribution.

For packaging waste that does not fall under centralised management, the terms of the financial intervention of the approved bodies in the separate collection of this waste are determined by mutual agreement between these bodies and the municipalities concerned. The entire cost of waste management, including preparation for reuse operations, must be covered by contributions from the packaging managers.

(3) In addition, the approved body is required:

1. to calculate the contributions of its contractors in order to finance the costs, pertaining to existing and future collections, of sorting collected packaging waste and of preparatory operations for reusing and treating packaging waste, as well as the costs of informing waste holders and of transmitting and collecting information. The costs taken into account must not exceed the costs necessary for an economically efficient service.

2. to enter into a contract with the municipalities or associations of municipalities responsible for the management of municipal household waste, which defines in particular the technical conditions and methods for collecting the packaging waste in question and for handling the packaging waste.

In any case, the contract must not prejudice the powers of the municipalities or associations of municipalities responsible for the management of municipal household waste in this area.

3. to communicate to the Minister, annually and as part of the report referred to in Article 35(2) of the Law of 21 March 2012, the contracts concluded with the municipalities or unions of municipalities responsible for the management of municipal household waste .

(4) Management of packaging waste must be carried out in accordance with the waste hierarchy referred to in Article 9 of the Law of March 21 2012.

**Article 9 Essential requirements**

Packaging may be placed on the Luxembourg market only if it meets all the essential requirements referred to in Annex I.

**Article 10 Identification system**

(1) In order to facilitate collection, reuse, preparation for reuse and recovery, including recycling, the packaging shall indicate the nature of the packaging material(s) used in order to allow identification and classification by the sector in question on the basis of Commission Decision 97/129/EC of 28 January 1997 establishing the identification system for packaging materials, pursuant to Directive 94/62/EC of the European Parliament and of the Council on packaging and packaging waste.

(2) To the extent required, the appropriate marking shall be affixed either on the packaging itself or on the label. It must be clearly visible and easily readable. The marking must have an appropriate shelf life, including when the packaging is opened.

**Article 11 Levels of concentration of heavy metals present in packaging**

(1) The sum of the concentration levels of lead, cadmium, mercury and hexavalent chromium present in the packaging or in its parts must not exceed 100 ppm by weight.

(2) The concentration levels referred to in paragraph 1 do not apply to packaging composed entirely of crystal glass.

**Article 12 Information system**

(1) The databases referred to in Annex III to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste as amended by acts of the European Commission taken in accordance with Article 19 of this Directive are managed by the Environment Administration. They provide information on the extent, characteristics and trends of packaging and packaging waste streams, including information on the toxic or hazardous nature of packaging materials and the elements used in their manufacture.

(2) The economic players concerned must provide the Environment Administration with reliable data concerning their sector and required by virtue of this Article. The Environment Administration takes into account the particular problems faced by small and medium-sized undertakings in providing detailed data.

**Article 14 Information for packaging users**

(1) Packaging managers or approved bodies must, each in so far as it is concerned, inform users of packaging, including consumers, about:

the possibilities of preventing packaging waste;

the return, collection and recovery systems available to them and their contribution to the reuse, recovery and recycling of packaging and packaging waste;

the negative impact on the environment of excessive consumption of plastic bags;

the appropriate elements of the packaging and packaging waste management plans which are either part of the national waste management plan or are the subject of a specific plan in application of the Law of 21 March 2012.

(2) The persons who offer packaged products for sale shall ensure that the end consumer is informed in an appropriate manner at the respective points of sale about the reusable or recoverable nature, including recyclable nature, of the packaging and of the recovery system, including in particular the collection of packaging.

The appropriate marking is affixed either on the packaging itself or on the label. It must be clearly visible and easily readable. The marking must have an appropriate shelf life, including when the packaging is opened.

(3) The information measures referred to in paragraphs 1 and 2 are supplemented, where appropriate, by awareness campaigns carried out in collaboration with the Environment Administration.

Article 15 Reports

Each packaging manager who has placed light plastic bags on the market must declare the annual quantity of these bags to the approved body of which that manager is a member.

The approved body must report these quantities to the competent administration as part of the report referred to in Article 35(2) of the Law of 21 March 2012. Very light plastic bags as defined by Article 3(17) are excluded.

**Article 16 Inspections to be undertaken**

(1) The annual report is checked in accordance with the provisions of Article 35(2) of the Law of 21 March 2012.

For control purposes, packaging managers or approved bodies are required to make available to the approved auditor all the documents, accounting and other documents and the elements of calculation that served as a basis for said reports.

The fees for the inspection by the approved statutory auditor are payable by the packaging managers or the approved body(ies).

(2) The results of the inspection carried out by the approved company auditor must be sent without delay by the company auditor to the Environment Administration.

Article 17 Investigation and detection of infringements

(1) In addition to members of the Grand Ducal Police operating within the police framework, agents of the Customs and Excise Administration from the grade of senior brigadier and officials and employees of treatment groups A1, A2 and B1 of the Environment Administration may be responsible for detecting infringements of this Law and of the regulations governing its implementation.

In the exercise of their function, the agents of the Customs and Excise Administration and the agents of the Environment Administration act as judicial police officers. Their reports of infringements serve as evidence until proof to the contrary is provided.

(2) The agents referred to in paragraph 1 must have undergone special professional training relating to the investigation and detection of infringements. The programme and duration of the training as well as the methods of assessment of knowledge are specified by Grand-Ducal regulation.

Before taking up their duties, they take the following oath before the Luxembourg district court, presiding over civil matters:

‘I swear to perform my duties with integrity, accuracy and impartiality.’

Article 458 of the same Code applies.

Article 18 Powers and prerogatives of inspection

(1) The persons referred to in Article 17 shall have access, day and night and without prior notification, to the installations, premises, land, facilities and means of transport subject to this Law and to the regulations adopted for its application.

(2) The provisions of paragraph 1 do not apply to premises used for housing.

However, and without prejudice to Article 33(1) of the Code of Criminal Procedure, if there are serious indications that the origin of the infringement is to be found on the premises intended for housing, a home visit may be carried out between half past six and twenty four hours by a judicial police officer, member of the Grand Ducal Police or agent as defined by Article 45 and acting under a mandate from the investigating judge.

(3) In the exercise of the powers provided for in paragraphs 1 and 2, the agents in question are authorised:

1. to receive communication of all records and documents relating to packaging and packaging waste referred to in this Law;

2. to take or have taken, for examination or analysis, samples of the packaging and packaging waste referred to in this Law. A part of the sample, sealed, is given to the operator of the installation, site or means of transport or to the holder on behalf of the latter, unless the latter expressly waives this right or technical reasons stand in the way;

3. to seize and, if necessary, seal the packaging and packaging waste referred to in this Law as well as the records and documents relating to them.

(4) Any person subject to the measures provided for in paragraph 3 as well as the persons replacing them are required, at the request of the officials responsible for these measures, to facilitate the operations to be carried out by the latter.

The persons referred to in the preceding paragraph may be present at these operations.

(5) A report of the findings and operations is drawn up.

(6) The costs incurred by the measures taken under this Article are included in the costs of the ensuing legal proceedings.

Article 19 Criminal penalties

Infringements of Article 6(1), Article 7(1)(1) and paragraph 3, Article 8(1)(2), Article 8(2), Article 8(4), Article 9 and Article 11(1) are punishable by a prison sentence of eight days to three years and a fine of 251 euro to 750 000 euro or one of these penalties only.

The same penalties apply in the event of obstruction of or non-compliance with the administrative measures imposed pursuant to Article 21.

Article 20 Administrative fines

The Minister may impose an administrative fine of 50 euro to 10 000 euro in the event of infringement of Article 5(1) and (2), Article 7(2)(a), subparagraph 3, Article 8(3)(3), Article 12(2), Article 14(1) and 2, Article 15 or Article 16(2).

Fines are payable within two months of written notice of the decision.

Administrative fines are collected by the Registration Duties, Estates and VAT Authority. Fines are collected in the same way as for registration fees.

**Article 21 Administrative measures**

(1) In the event of non-compliance with the provisions punishable under Article 19 ~~paragraph 1~~of this Law, the Minister may:

set the packaging manager, the approved body or other person concerned a period within which they must comply with these provisions, with this period not exceeding two years;

(2) suspend, in whole or in part, the activity of the packaging manager or approved body and operation of the installation or have the installation closed in whole or in part and affix seals or prohibit placing on the market or impose the withdrawal from the market of packaging and packaging waste referred to in this Law.

(2) Any interested party may request the application of the measures referred to in paragraph 1.

(3) The measures listed in paragraph 1 shall be lifted when the packaging manager, approved body or other relevant person has complied.

**Article 22 Rights of appeal**

An appeal against decisions taken by virtue of this Law, may be lodged before the Administrative Court. This appeal must be brought within forty days of notice of the decision, otherwise the right to appeal will lapse. The right of appeal is also available to the associations and bodies referred to in Article 23.

**Article 23 Right to take legal action against approved environmental associations**

The associations and bodies approved in application of the Law of 21 March 2012 may exercise the rights granted to civil parties with regard to the facts constituting an infringement within the meaning of this Law and causing direct or indirect damage to the collective interests that the object of these associations and bodies is to defend, even if they do not justify a material interest and even if the collective interest in which they act entirely coincides with the social interest, the defence of which is ensured by the public prosecutor. The same applies to associations and bodies governed by foreign law having a legal personality which exercise their statutory activities in the field of environmental protection.

Article 24 Annexes

**Article 24 Amendments to Annex I to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste as amended by delegated acts of the European Commission pursuant to Article 19(2), Article 21bis, of this Directive.**

Amendments to the Annex to Directive 94/62/EC of the European Parliament and of the Council of 20 December 1994 on packaging and packaging waste as amended by delegated acts of the European Commission pursuant to Article 19(2) and Article 21bis of this Directive shall apply with effect from the date of the entry into force of the relevant acts of the European Commission.

The Minister shall publish a notice in the Official Journal of the Grand Duchy of Luxembourg, providing information on the changes thus made, adding a reference to the act published in the Official Journal of the European Union.

**ANNEX I**

**Essential requirements relating to the composition and reusable and recoverable nature (in particular recyclable) of packaging**

**1) Requirements on the manufacture and composition of packaging**

a) Packaging shall be manufactured so as to limit its volume and weight to the minimum necessary for ensuring the required level of safety, hygiene and acceptability both for the packaged product and for the consumer.

b) Packaging shall be designed, manufactured and marketed so as to allow its reuse or recovery, including recycling, in accordance with the waste hierarchy, and to minimise its impact on the environment during the disposal of packaging waste or residue from packaging waste management operations.

c) Packaging shall be manufactured so as to minimise the content of harmful substances and materials and other dangerous substances in the packaging material and its parts, with regard to their presence in the emissions, ash or leachate resulting from the incineration or landfilling of packaging or the residues of packaging waste management operations.

**2) Requirements relating to the reusability of packaging**

Packaging shall simultaneously meet the following requirements:

a) its physical properties and characteristics enable it to withstand several journeys or rotations under normally foreseeable conditions of use,

b) the used packaging can be treated to meet workers' health and safety requirements,

c) the requirements specific to recoverable packaging after the packaging ceases to be reused and thereby becoming waste are met.

**3) Requirements relating to the recoverable nature of packaging**

a) Packaging recoverable by recycling materials

Packaging shall be manufactured so as to allow a certain percentage by weight of the materials used to be recycled for the production of marketable goods, in compliance with the standards in force in the European Union. The setting of this percentage may vary depending on the type of material constituting the packaging.

b) Packaging recoverable by energy recovery

Packaging waste treated for energy recovery shall have a lower minimum calorific value to optimise energy recovery.

c) Packaging recoverable by composting

Packaging waste treated for composting shall be sufficiently biodegradable so as not to interfere with separate collection or with the composting process or activity into which it is introduced.

d) Biodegradable packaging

Biodegradable packaging waste shall allow physical, chemical, thermal or biological decomposition so that most of the compost thereby obtained will ultimately decompose into carbon dioxide, biomass and water.

Oxo-degradable plastic packaging is not considered to be biodegradable.

**ANNEX II**

**Environmental agreement**

The environmental agreements provided for in this Law are subject to the following rules:

1) Agreements shall specify their objectives and duration.

2) The agreements and the results achieved by their application are available to the public and communicated to the European Commission by the Minister.

3) The application of the agreements is subject to regular control by the Administration.

4) The agreements contain measures and penalties in the event of non-compliance with their provisions.

5) Agreements are concluded for a fixed period which may not exceed five years. They are not renewable by tacit agreement.

6) Agreements terminate either at the end of the term for which they were concluded, or upon the achievement of their objectives, or by mutual agreement of the parties.

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**ANNEX III**

List of the fruits and vegetables referred to in Article 5(1)(1)

|  |  |
| --- | --- |
| **Fresh fruit** | **Fresh veg** |
| Pineapples | Garlic |
| Apricots | Artichokes |
| Avocados  | Asparagus |
| Bananas | Aubergines |
| Carambola  | Beetroot |
| Cherries | Broccoli  |
| Lemons | Carrots |
| Limes | Celery |
| Clementines |  |
| Quinces | Brussels sprouts |
| Figs | Cauliflower  |
| Passion fruit | Kohlrabies  |
| Guavas  | Red cabbage |
| Pomegranates  | Green cabbage |
| Kiwi fruit | Cucumbers |
| Lychees | Squash |
| Mandarins | Courgettes  |
| Mangos | Beans  |
| Melons | Endives |
| Mirabelle plums | Fennel |
| Nectarines | Corn |
| Oranges | Turnips |
| Papayas | Onions |
|  | Leeks |
| Peaches | Peppers |
| Physalis | Potatoes |
| Dragon fruit | Pumpkins |
| Kakis | Radishes  |
| Pears | Rhubarb  |
| Grapefruit | Tomatoes |
| Apples |  |
| Plums |  |
| Grapes |  |