

## Law of 9 June 2022 amending the Law of 21 March 2017 on packaging and packaging waste.

We, the undersigned, Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having heard the opinion of our Council of State;

Having obtained the assent of the Chamber of Representatives;

Having regard to the decision of the Chamber of Representatives of 27 April 2022 and the decision of the Council of State of 10 May 2022 that no second vote should take place;

*Have ordered and do hereby order:*

### Article 1.

Article 1 of the Law of 21 March 2017 on packaging and packaging waste is replaced by the following:

#### 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.

Article 3 of the same Law is replaced as follows:

#### 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;
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, 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 21a 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;
- 9a. 'service packaging': any primary or secondary packaging, used at the point where goods or services are made available to consumers;
- 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. 'approved body': the legal entity approved in accordance with the Law of 21 March 2012 and assuming the obligations of extended producer responsibility;
- 14. 'plastic': a material consisting of a polymer as defined in 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;
- 15. '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;
- 16. 'packaging manager': any natural or legal entity
  - a) established in the Grand Duchy of Luxembourg which, in a professional capacity, fulfils or directly sells 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 packaged products in the Luxembourgish market. or
  - b) is the first player to receive, in a professional capacity, packaged products imported into the Grand Duchy of Luxembourg by any natural or legal entity 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 packaged products in the Luxembourgish market; or

- c) established outside the Grand Duchy of Luxembourg which, in a professional capacity, sells packaged products in the Grand Duchy of Luxembourg directly to households or 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;

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;

- 17. 'plastic bags': bags, with or without handles, made from plastic and supplied to consumers in sales outlets for merchandise or products;
- 18. "light plastic bags": plastic bags with a thickness of less than 50 microns;
- 19. '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;
- 20. 'oxo-degradable plastic bags': plastic bags made of plastics containing additives that catalyse the fragmentation of plastics into microfragments;
- 21. 'deposit system': the return system by which the purchaser pays a sum of money that is refunded when the packaging used is returned;
- 22. '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;
- 23. '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;

- 24. '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;

- 25. '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;

The definitions of the terms 'waste', 'municipal waste', 'municipal household waste', 'municipal non-household waste', 'waste management', 'collection', 'separate collection', 'placing on the market', 'marketing', '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 3.

Article 4(1), subparagraph 1 of the same Law is replaced by the following:

"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 1 and 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."

### Article 4.

Article 5 of the same Law is replaced as follows:

#### "Article 5 Reduction of packaging

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

- 1. 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;

2. 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;
3. from 1 January 2025, single-use products listed in Annex I, Part A of the Law of 9 June 2022 relating to the assessment of the effects of certain plastic products on the environment and bags, regardless of the size, the mode of consumption or the material they are made of, cannot be provided free of charge in merchandise or product sales outlets.

(2) The price of the packaging referred to in paragraph 1, points 2 and 3 must be displayed separately at the point of sale.

Where the selling price displayed for a particular good or product includes the price of the packaging referred to in paragraph 1, point 3, a reduction in the amount corresponding to the price of this packaging shall be given to those who do not accept the packaging.

## Article 5.

After Article 5 of the same Law, an Article 5a shall be inserted, which reads as follows:

### Art. 5bis. 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.

Article 6 of the same Law is replaced as follows:

### Article 6 Recovery and recycling

(1) 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 percent by weight for plastic;
  - b) 25 percent by weight for wood;
  - c) 70 percent by weight for ferrous metals;
  - d) 50 percent by weight for aluminium;
  - e) 70 percent by weight for glass;
  - f) 75 percent by weight for paper and cardboard.
5. by 31 December 2030 at the latest, at least 70 percent by weight of all packaging waste will be 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 percent by weight for plastic;
  - b) 30 percent by weight for wood;
  - c) 80 percent by weight for ferrous metals;
  - d) 60 percent by weight for aluminium;
  - e) 75 percent by weight for glass;

f) 85 percent by weight for paper and cardboard.

(2) 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.”

#### **Article 7.**

After Article 6 of the same Law, an Article 6a shall be inserted, which reads as follows:

“ Art. 6bis. 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.

By 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 11a, paragraph 9 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives.

(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 pursuant to environmental legislation.”

#### **Article 8.**

Article 7 of the same Law is replaced as follows:

“ 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:

1. 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 at least return this packaging waste 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.

2. 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 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 9.

Article 8 of the same Law is replaced as follows:

### " 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 resulting from the Law on reducing 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 these obligations.

(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 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 10.**

Article 10 of the same Law is replaced as follows:

" 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 materials 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) 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.**

Article 12(1) of the same Law is replaced as follows:

"(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, shall be managed by the Environment Administration. They shall include data based on this annex and 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. "

#### **Article 12.**

Article 13 of the same Law is repealed.

**Article 13.**

Article 15 of the same Law is replaced as follows:

**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 Environment 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 14.**

Article 17 of the same Law is replaced as follows:

**Article 17 Investigation and detection of infringements**

(1) 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 Criminal Code applies."

**Article 15.**

Article 18 of the Law is replaced by the following:

**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 implementation.

(2) The provisions of paragraph 1 do not apply to premises used for housing. However, and without prejudice to Article 33(1) of the Criminal Code, 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 in the evening and midnight by a judicial police officer, a member of the Grand Ducal Police or an 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 subparagraph 1 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 16.**

Article 19 of the same Law is replaced as follows:

“ Article 19 Criminal penalties

Infringements of Article 6(1), Article 7(1)(1) and (3), 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 measures or non-compliance with the administrative measures imposed pursuant to Article 21.

Infringements of Article 8(1)(2), 8(2) and 8(4) are punishable by a prison sentence of eight days to six months and a fine of 251 euro to 150 000 euro or one of these penalties only.

#### **Article 17.**

Article 20 of the same Law is replaced as follows:

“ Article 20 Administrative fines

The Minister may impose an administrative fine of 250 euro to 10 000 euro in the event of infringement of Article 5(1) and (2), Article 7(2), point 1(3), Article 8(3)(3), Article 10(2), Article 12(2), Article 14(1), 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 18.**

Article 21(1) of the same Law is amended as follows:

1. The reference to Article 19(1) is replaced by a reference to Article 19.

2. Point 2 is replaced by the following:

“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.”

#### **Article 19.**

Article 24 is replaced by the following:

“ 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) and Article 21a of this Directive.

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) and Article 21a 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.”

#### **Article 20.**

Annex I of the same Law is amended as follows:

3. In point 1, letter (b) is replaced as follows:

- 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 its residues from packaging waste management operations.”

4. In point 3, letter (d) is replaced as follows:

“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.

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We mandate and order that this Law be inserted in the Official Journal of the Grand Duchy of Luxembourg in order to be executed and observed by all those whom the matter concerns.

*The Minister for the Environment, Climate  
and Sustainable Development,*  
**Joëlle Welfring**

*The Minister for the Interior,*  
**Taina Bofferding**

*The Minister for the Economy,*  
**Franz Fayot**

*The Ministry for Agriculture, Viticulture  
and Rural Development,*  
**Claude Haagen**

Geneva, 9 June 2022.

**Henri**

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Parl. doc. 7654; Ord. sess. 2019-2020, 2020-2021 and 2021-2022; Directive (EU) 2018/852.

