

# OFFICIAL JOURNAL

OF THE GRAND DUCHY OF LUXEMBOURG



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- 269 of 10 June 2022

## **Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment.**

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. Aims**

This Law aims to prevent and reduce the impact of certain plastic products on the environment, in particular the aquatic environment, and on human health, and to promote the transition to a circular economy with innovative and sustainable business models, products and materials, thus also helping the internal market to function efficiently.

### **Article 2. Scope**

This Law applies to the single-use plastic products listed in Annex I, to products made from oxo-degradable plastic and to fishing gear containing plastic.

It constitutes a special law in relation to the amended Law of 21 March 2012 on waste, hereinafter the 'Law of 21 March 2012' and the Law of 21 March 2017 on packaging and packaging waste.

### **Article 3. Definitions**

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

1. 'fishing gear waste': any fishing gear covered by the definition of 'waste' given in Article 4 of the Law of 21 March 2012, including all the separate components, substances or materials that were part of or attached to the fishing gear when it was discarded, including when it was abandoned or lost;
2. 'packaging': packaging within the meaning of Article 3 of the amended Law of 21 March 2017 on packaging and packaging waste;
3. 'fishing gear': any element or piece of equipment that is used in the context of fishing or aquaculture to target, capture or rear marine biological resources, or that floats on the surface of the sea, and is deployed for the purpose of attracting and capturing or rearing such marine biological resources;
4. 'harmonised standard': a harmonised standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council, as amended.



5. 'plastic': a material consisting of a polymer as defined in Article 3(5) of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which can act as a major structural component of end products, including polymer-based rubbers and plastics of biological origin or biodegradable plastics, whether or not they are derived from biomass or intended to biologically degrade over time.

This definition excludes natural polymers that have not been chemically modified;

6. 'biodegradable plastic': a plastic that is capable of undergoing physical or biological decomposition, such that it ultimately decomposes into carbon dioxide (CO<sub>2</sub>), biomass and water, and is, in accordance with European standards applicable to packaging, recoverable through composting and anaerobic digestion;

7. 'oxo-degradable plastic': plastic materials that include additives which, through oxidation, lead to the fragmentation of the plastic material into micro-fragments or to chemical decomposition;

8. 'tobacco products': tobacco products within the meaning of Article 2(1)(a) of the amended Law of 11 August 2006 on tobacco control;

9. 'single-use plastic product': a product made entirely or partially from plastic and that is not designed, created or placed on the market to accomplish, during its lifetime, several journeys or rotations by being returned to a producer to be refilled or reused for an identical use to that for which it was designed;

The definitions of the terms 'waste', 'collection', 'separate collection', 'making available on the market', 'marketing', 'treatment', 'producer of products' and 'extended producer responsibility scheme' appearing in Article 4 of the Law of 21 March 2012 apply.

#### **Article 4. Reduction of consumption**

Producers of products are taking measures that result in a measurable quantitative reduction in the consumption of the single-use plastic products listed in Part A of Annex I by 2026, compared with 2022. For the period in question, this reduction must be at least 20 percent as regards the number of units placed on the market. From 1 January 2026, a reduction of at least 10 percent must be achieved each year compared to the quantities placed on the market during the previous year. Producers of products must entrust the execution of this obligation to an approved body in accordance with Article 19 of the Law of 21 March 2012.

The Minister responsible for the Environment, hereinafter the 'Minister', coordinates the measures necessary to achieve an ambitious and sustained reduction in the consumption of the single-use plastic products listed in Part A of Annex I, in accordance with the general objectives of the European Union's waste policy, in particular the prevention of waste, so as to induce a significant reversal of the upward trend in consumption.

The Environment Agency monitors the single-use plastic products listed in Part A of Annex I that are placed on the market, as well as the reduction measures that have been adopted.

To this end, as part of the annual report referred to in Article 35 of the Law of 21 March 2012, the approved body communicates the quantities of the single-use plastic products listed in Part A of Annex I that were made available on the market during the preceding year.

#### **Article 5. Restrictions on placing on the market**

The placing on the market of the single-use plastic products listed in Part B of Annex I and of products made from oxo-degradable plastic is prohibited.

From 1 July 2023, any retail outlet which offers for sale fresh fruit and vegetables listed in Annex II shall be required to display them without packaging made entirely or partially of plastic material. This obligation does



not apply to fruit and vegetables packaged in batches of 1.5 kilograms or more.

## **Article 6. Product requirements**

(1) The single-use plastic products listed in Part C of Annex I, and which have plastic caps and lids, may only be placed on the market if their caps and lids remain attached to the containers when the products are being used for their intended purpose.

Metal caps and lids with plastic seals are not considered to be plastic.

(2) With regard to the beverage bottles listed in Part F of the Annex, the following requirements apply:

1. As of 2025, the beverage bottles listed in Part F of Annex I that are manufactured mainly from polyethylene terephthalate, hereinafter 'PET bottles', must contain at least 25 percent recycled plastic, calculated as an average of all PET bottles placed on the market by the same producer;
2. As of 2030, the beverage bottles listed in Part F of Annex I must contain at least 30 percent recycled plastic, calculated as an average of all such beverage bottles placed on the market by the same producer.

To this end, in accordance with Article 19 of the Law of 21 March 2012, as part of the annual report referred to in Article 35 of the Law of 21 March 2012, the approved body communicates the quantities of PET bottles made available on the market in the preceding year and the average percentage of recycled plastic in these bottles. In the absence of an implementing act from the European Union, the methods for calculating and verifying the objectives are set by the Environment Agency.

## **Article 7. Marking requirements**

(1) Each single-use plastic product listed in Part D of the Annex that is placed on the market must bear a visible, clearly legible and indelible marking affixed to its packaging or to the product itself, informing consumers of the following elements:

1. The appropriate solutions for managing waste from the product, or the means of disposing of waste that are to be avoided for this product, in accordance with the waste hierarchy;
2. The presence of plastic in the product and the harmful effects on the environment resulting from littering or other inappropriate means of disposing of the waste from the product.

(2) The provisions of this Article concerning tobacco products are in addition to those provided for by the amended Law of 11 August 2006 on tobacco control.

## **Article 8. Extended producer responsibility**

(1) For all of the single-use plastic products listed in Part E of Annex I and for fishing gear containing plastic, extended producer responsibility schemes are established in accordance with the respective provisions of the Law of 21 March 2012.

(2) Producers of the single-use plastic products listed in Part E, Section I of Annex I must cover the costs in accordance with the provisions relating to extended producer responsibility contained in the Law of 21 March 2012 and the Law of 21 March 2017 on packaging and packaging waste and, where they are not already included, must also cover the following costs:

1. The costs of the awareness-raising measures referred to in Article 10 with regard to these products;

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2. The costs of collecting the waste from these products that is handed over to public collection systems, including costs relating to infrastructure and its operation, as well as to the transport and subsequent treatment of such waste;
  3. The costs of cleaning up litter resulting from these products, as well as the transport and subsequent treatment of such litter.
- (3) Producers of the single-use plastic products listed in Part E, Sections II and III of Annex I must cover at least the following costs:
1. The costs of the awareness-raising measures referred to in Article 10 with regard to these products;
  2. The costs of cleaning up litter from these products, as well as the transport and subsequent treatment of such litter; and
  3. The costs of data collection and communication in accordance with Article 19 of the Law of 21 March 2012.

With regard to the single-use plastic products listed in Part E, Section III of Annex I, producers of the products must also cover the costs of collecting the waste from these products that is handed over to public collection systems, including costs relating to infrastructure and its operation, as well as to the transport and subsequent treatment of such waste. The costs include the establishment of specific infrastructure to collect waste from these products, such as appropriate receptacles in places where waste is most frequently the subject of littering.

(4) Producers of the single-use plastic products listed in Part E, Section III must take the necessary measures to prevent the abandonment, disposal and uncontrolled management of these products which have become waste.

From 1 January 2024, a reduction of at least 10 percent must be achieved each year compared to the quantities disposed of during the previous year by producers of the products concerned by subparagraph 1. The competent administration establishes and publishes a methodology for quantifying the quantities disposed of and for verifying the reduction.

(5) The costs to be covered as referred to in paragraphs 2 and 3 do not exceed the costs needed to provide the services referred to therein in a cost-effective manner and are established in a transparent manner between the actors concerned. The costs of cleaning up litter are limited to activities carried out by or on behalf of the public authorities. The calculation method is developed in such a way that the costs of cleaning up litter can be determined in a proportionate manner. In order to minimise administrative costs, financial contributions towards the cost of cleaning up litter can be defined by establishing appropriate fixed multi-year amounts.

(6) Producers of products established in another Member State of the European Union that place products on the Luxembourg market are authorised to appoint a natural or legal person established within the national territory as their representative with responsibility for ensuring compliance with their obligations under extended producer responsibility schemes.

(7) Any producer established in the Grand Duchy of Luxembourg and that sells the single-use plastic products listed in Part E of Annex I or fishing gear containing plastic in another Member State of the European Union in which it is not established must appoint a representative in that other Member State. The representative is the person responsible for ensuring compliance with this producer's obligations in accordance with this Law within the territory of this other Member State.



(8) With regard to extended producer responsibility schemes for fishing gear containing plastic, producers of fishing gear containing plastic must cover the costs of the separate collection of waste from fishing gear containing plastic that has been disposed of in a specific collection system, as well as the costs of its transport and subsequent treatment.

Producers must also cover the costs of the awareness-raising measures referred to in Article 10 regarding fishing gear containing plastic.

### **Article 9. Separate collection**

In the interest of recycling, the quantity of waste from the single-use plastic products listed in Part F of Annex I that is collected separately must correspond to:

- a) 77 percent, by weight, of the total amount of waste from these products generated in a given year, including litter, no later than 2025;
- b) 90 percent, by weight, of the total amount of waste from these products generated in a given year, including litter, no later than 2029.

Packaging managers as defined in Article 2(16) of the Law of 21 March 2017 on packaging and packaging waste shall be responsible for reaching this collection target.

### **Article 10. Awareness-raising measures**

The Environment Agency and the Water Management Agency, each in their own area of competence, ensure that consumers are informed of and encouraged to adopt responsible consumption habits in order to reduce litter from the products covered by this Law, and ensure that consumers of the single-use plastic products listed in Part G of Annex I and users of fishing gear containing plastic are provided with the following information:

1. The availability of reusable alternative products, reuse systems and waste management solutions for these single-use plastic products and fishing gear containing plastic, as well as the best practices of rational waste management applied in accordance with Article 10 of the Law of 21 March 2012;
2. The impact on the environment, and in particular on the marine environment, of littering and other forms of inappropriate disposal of the waste from these single-use plastic products and fishing gear containing plastic; and
3. The impact of the inappropriate disposal of waste from these single-use plastic products on the sewer system.

### **Article 11. Coordination of measures**

Without prejudice to Article 4(1), the measures taken within the framework of this Law are an integral part of the programmes of measures established in accordance with the amended Law of 19 December 2008 on water and of the waste management plans and waste prevention programmes established in accordance with the Law of 21 March 2012, and they must be consistent with these programmes and plans.

The measures taken pursuant to Articles 4 to 9 must comply with the provisions relating to foodstuffs so as to ensure that food hygiene and food safety are not compromised.

The Environment Agency and the Directorate for Health, each in their own area of competence, encourage the use of sustainable alternatives to single-use plastic for materials intended to come into contact with foodstuffs.



## **Article 12. Specifications and guidance for single-use plastic products**

To determine whether a food container should be considered a single-use plastic product for the purposes of this Law, in addition to the criteria listed in Annex I on food containers, its tendency to become litter, due to its volume or size, especially in the case of single portions, plays a decisive role.

## **Article 13. Administrative measures**

(1) In the event of non-compliance with the provisions of Article 5, Article 6(1), Article 6(2)(1) and (2), Article 7 and Article 9, the Minister may:

1. set the producer or approved body a period within which it must comply with these provisions. This period may not exceed two years;
2. suspend, in whole or in part, the activity of the producer or the operation of the establishment as a temporary measure or have the establishment closed in whole or in part and affix seals.

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

(3) The measures listed in paragraph 1 are lifted when the producer or approved body becomes compliant.

## **Article 14. Special provisions**

The following provisions of the Law of 21 March 2012 apply:

1. Articles 44, 45 and 46 concerning the investigation and observation of infringements, supervisory powers and supervisory prerogatives; and
2. Article 50(2) concerning the right for approved ecological associations to take legal action.

## **Article 15. Criminal penalties**

Infringements of Article 5, Article 6(1)(1), Article 6(2)(1) and (2), and Article 9 are punishable by a prison sentence of eight days to three years and a fine of 251 euros to 750,000 euros or one of these penalties only.

The same penalties apply in the event of obstruction of or non-compliance with the administrative measures taken under Article 13.

Infringements of Article 7(1) and the first sentence of Article 8(4)(2) are punishable by a prison sentence of eight days to six months and a fine of 251 euros to 150,000 euros or one of these penalties only.

## **Article 16. Administrative fines**

The Minister may impose an administrative fine of 250 euros to 10,000 euros in the event of an infringement of Article 4(4) and Article 6(2)(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 17. Appeals**

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.

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## Article 18. Entry into force

Article 6(1) enters into force on 3 July 2024, and Article 8 enters into force on 31 December 2024, with the exception of the single-use plastic products listed in part E, Section III of Annex I, for which Article 8 enters into force on 5 January 2023.

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 Justice,*  
**Sam Tanson**

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

*The Minister for Finance,*  
**Yuriko Backes**

Geneva, 9 June 2022.

**Henri**

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Parl. doc. 7656; Ord. sess. 2019-2020, 2020-2021 and 2021-2022; Directive (EU) 2019/904.

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## Annex I

### PART A

#### Single-use plastic products referred to in Article 4 on the reduction of consumption

1. Drinking cups, including their closures and lids;
2. Food containers, i.e. containers such as boxes, with or without closures, used to contain food which:
  - a) is intended for immediate consumption, either on site or to take away,
  - b) is usually consumed in the container, and
  - c) is ready to be eaten without further preparation, such as cooking, boiling or reheating,including food containers used for fast food or for other meals ready for immediate consumption, except beverage containers, plates, and sachets and packaging containing food.

### PART B

#### Single-use plastic products referred to in Article 5 on restrictions on placing on the market

1. Cotton bud sticks, except when covered by Council Directive 90/385/EEC<sup>1</sup> or Council Directive 93/42/EEC<sup>2</sup>;
2. Cutlery (forks, knives, spoons, chopsticks);
3. Plates;
4. Straws, unless they fall under Directive 90/385/EEC or Directive 93/42/EEC;
5. Beverage stirrers;
6. Sticks to be attached to and to support balloons, with the exception of balloons used for industrial or professional uses and applications and which are not distributed to consumers, and the mechanisms of these sticks;
7. Food containers made of expanded polystyrene, i.e. containers such as boxes, with or without means of closure, used to contain food that:
  - a) is intended for immediate consumption, either on site or to take away,
  - b) is usually consumed in the container, and
  - c) is ready to be eaten without further preparation, such as cooking, boiling or reheating,including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates, and sachets and packaging containing food;
8. Beverage containers made of expanded polystyrene, including their caps and lids;
9. Drinking cups made of expanded polystyrene, including their closures and lids.

<sup>1</sup> Council Directive 90/385/EEC of 20 June 1990 on the approximation of the laws of the Member States relating to active implantable medical devices (OJ L 189, 20.7.1990, p. 17)

<sup>2</sup> Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ L 169, 12.7.1993, p. 1)



## PART C

### Single-use plastic products referred to in Article 6(1) relating to product requirements

Beverage containers with a maximum capacity of three litres, i.e. containers used to hold liquids, such as beverage bottles and their caps and lids, and composite beverage packaging and their caps and lids, except:

- a) glass or metal beverage containers with plastic caps and lids,
- b) beverage containers intended and used for foodstuffs intended for special medical purposes within the meaning of Article 2(g) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 in liquid form.

## PART D

### Single-use plastic products referred to in Article 7 on marking requirements

- 1) Sanitary towels, tampons and tampon applicators;
- 2) Wet wipes, i.e. pre-soaked wipes for body and household use;
- 3) Tobacco products with filters and filters sold for use in combination with tobacco products;
- 4) Drinking cups.

## PART E

### 1. Single-use plastic products referred to in Article 8 on extended producer responsibility

- 1) Food containers, i.e. containers such as boxes, with or without closures, used to contain food which:
  - a) is intended for immediate consumption, either on site or to take away,
  - b) is usually consumed in the container, and
  - c) is ready to be eaten without further preparation, such as cooking, boiling or reheating,

including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates, and sachets and packaging containing food;

- 2) Sachets and packaging made of flexible materials containing food intended for immediate consumption in the sachet or packaging, without further preparation;
- 3) Beverage containers with a maximum capacity of three litres, i.e. containers used to hold liquids, such as beverage bottles and their caps and lids, and composite beverage packaging and their caps and lids, except glass or metal beverage containers with plastic caps and lids;
- 4) Drinking cups, including their closures and lids;
- 5) Lightweight plastic bags as defined in Article 2(18) of the Law of 21 March 2017, as amended, on packaging and packaging waste.



## **II. Single-use plastic products referred to in Article 8(3) on extended producer responsibility**

- 1) Wet wipes, i.e. pre-soaked wipes for body and household use;
- 2) Balloons, with the exception of balloons used for industrial or professional uses and applications, and which are not distributed to consumers.

## **III. Other single-use plastic products referred to in Article 8(3) on extended producer responsibility**

Tobacco products with filters and filters sold for use in combination with tobacco products.

### PART F

#### **Single-use plastic products referred to in Article 9 on separate collection and Article 6(2) on product requirements**

Beverage bottles with a maximum capacity of three litres, including their caps and lids, except:

- a) glass or metal beverage bottles with plastic caps and lids;
- b) beverage bottles intended and used for foodstuffs intended for special medical purposes within the meaning of Article 2(g) of Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 in liquid form.

### PART G

#### **Single-use plastic products referred to in Article 10 on awareness-raising measures**

- 1) Food containers, i.e. containers such as boxes, with or without closures, used to contain food which:
  - a) is intended for immediate consumption, either on site or to take away,
  - b) is usually consumed in the container, and
  - c) is ready to be eaten without further preparation, such as cooking, boiling or reheating, including food containers used for fast food or other meals ready for immediate consumption, except beverage containers, plates, and sachets and packaging containing food;
- 2) Sachets and packaging made of flexible materials containing food intended for immediate consumption in the sachet or packaging, without further preparation;
- 3) Beverage containers with a maximum capacity of three litres, i.e. containers used to hold liquids, such as beverage bottles and their caps and lids, and composite beverage packaging and their caps and lids, except glass or metal beverage containers with plastic caps and lids;
- 4) Drinking cups, including their closures and lids;
- 5) Tobacco products with filters and filters sold for use in combination with tobacco products;
- 6) Wet wipes, i.e. pre-soaked wipes for body and household use;
- 7) Balloons, with the exception of balloons used for industrial or professional uses and applications, and which are not distributed to consumers;
- 8) Lightweight plastic bags as defined in Article 2(18) of the Law of 21 March 2017, as amended, on

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packaging and packaging waste.

9) Sanitary towels, tampons and tampon applicators.

**Annex II****List of fruits and vegetables referred to in Article 5(2)**

Fresh fruit	Fresh vegetables
Pineapples	Garlic
Apricots	Artichokes
Avocado	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	Sweetcorn
Oranges	Turnips
Papayas	Onions
Grapefruit	Leeks
Peaches	Peppers
Physalis	Potatoes
Dragon fruit	Pumpkins
Platemine/Kaki	Radishes

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Pears	Rhubarb
Pomelo	Tomatoes
Apples	
Plums	
Grapes	

