# OFFICIAL JOURNAL

OF THE GRAND DUCHY OF LUXEMBOURG

MÉMORIAL A

*No 267 of 10 June 2022*


**Law of 9 June 2022 amending:**

**1. the Law of 21 March 2012 on waste, as amended;**
**2. the Law of 31 May 1999 on the establishment of a fund for the protection of the environment, as amended.**

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 1er of the Law of 21 March 2012 on waste, as amended, is replaced by the following provisions:

" Article 1. Subject matter and scope

This Law lays down measures to protect the environment and human health by preventing or reducing the generation of waste, the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use, which are crucial for the transition to a circular economy and for guaranteeing the Union's long-term competitiveness.

**Article 2.**

Article 2 of the same Law is amended as follows:

1. In paragraph 1, letter (a) is replaced by the following text:
"a) gaseous effluents emitted into the atmosphere"

2. In paragraph 1, the following letters are added:
"f) uncontaminated soils *in situ*;
g) buildings permanently connected with land. "

3. Paragraph 2 is repealed.

4. Paragraph 3 is supplemented by letters (e) and (f), which read as follows:
"e) substances that are destined for use as feed materials as defined in letter (g) of Article 3(2) of Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council and repealing Council Directive 79/373/EEC, Directive 80/511/EEC of the Commission, Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC of the Council, as well as Commission Decision 2004/217/EC and which do not consist of animal by-products or contain animal by-products.
f) contaminated soils *in situ*.

"

**Article 3.**

Article 4 of the same Law is replaced as follows:
" Article 4. Definitions

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

1. 'Bio-waste' means biodegradable garden and park waste, food and kitchen waste from households, offices, restaurants, wholesalers, caterers, canteens and retail premises and comparable waste from food processing plants.
2. 'Resource centre' means fixed infrastructure open to the public for the separate collection of products for reuse and of municipal waste for preparation for reutilisation; high quality recycling, other forms of recovery and disposal, as well as raising public awareness and information on waste and resource management.
3. 'Collection' means the gathering of waste, including the preliminary sorting and preliminary storage of waste for the purposes of transport to a waste treatment facility.
4. 'Separate collection' means the collection where a waste stream is kept separately by type and nature so as to facilitate a specific treatment.
5. 'Broker' means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste.
6. 'Waste' means any substance or object which the holder discards or intends or is required to discard.
7 'Food waste' means all foodstuffs within the meaning of Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.
8. 'Hazardous waste' means any waste which displays one or more of the hazardous properties listed in Annex V.
9. 'Construction and deconstruction waste' means waste produced by construction and deconstruction activities, including renovation.
10. 'Green waste' means plant waste from natural or agricultural areas, other than gardens and parks.
11. 'Bulky waste' means municipal solid household waste whose dimensions do not allow collection with the same containers as those used for the collection of other municipal household waste;
12. 'Inert waste' means waste that does not undergo any significant physical, chemical or biological change. Inert waste does not decompose, burn or produce any other physical or chemical reaction, is not biodegradable and does not degrade other materials with which it comes into contact in a way that might result in environmental pollution or cause harm to human health. The total production of leachates and the pollutant content of the waste, as well as the ecotoxicity of the leachate must be negligible and, in particular, must not affect the quality of surface water or groundwater.
13. 'Municipal waste' means mixed waste and separately collected waste:
    a) from households, including paper and cardboard, glass, metals, plastics, bio-waste, wood, textiles, packaging, waste electrical and electronic equipment, waste batteries and accumulators, and bulky waste, including mattresses and furniture,
    b) from other sources where such waste is similar in nature and composition to household waste.
    Municipal waste does not include: waste from production, agriculture, forestry, fishing; septic tanks, sewage systems and treatment plants, including sewage sludge; end-of-life vehicles or construction and deconstruction waste.

    This definition is without prejudice to the distribution of competences in waste management between public and private actors;
14. 'Municipal household waste' means municipal waste from:
    a) households;
    b) co-owned property within the meaning of the amended Law of 16 May 1975 on the status of the co-ownership of buildings comprising at least one residential lot, including multiple-dwelling structures, with the exception of public or private establishments with their own clearly separate waste collection infrastructure;

c) establishments such as shops, craftsmen, communities, reception facilities, schools and extracurricular establishments, insofar as the waste from these is, given its characteristics and quantities, likely to be collected and treated without special technical constraints under the same conditions as waste from households.

15. 'Municipal non-household waste' means municipal waste other than municipal household waste;
16. 'Non-hazardous waste' means waste that is not covered by point 8;
17. 'Problematic waste' means waste that potentially generates nuisance and which, by reason of its nature, requires special management; Problematic waste includes hazardous waste.
18. 'Final waste' means any substance, material, product or object, whether or not resulting from the treatment of waste, that is no longer likely to be recovered or prepared for reutilisation, by extraction of the recoverable part or by reducing its polluting or hazardous nature, taking into account the best technology available at the time of deposit that can be applied without excessive costs;
19. 'Deconstruction' means works involving the partial or total removal of elements of a building;
20. 'Waste holder' means the waste producer or the natural or legal person who is in possession of the waste;
21. 'Disposal' means any operation which is not recovery even where the operation has as a secondary consequence the reclamation of substances or energy; Annex I provides a non-exhaustive list of disposal operations.
22. 'Waste management' means the collection, transport, recovery (including sorting) and disposal of waste, including the supervision of such operations and the after-care of disposal sites, and actions taken as a dealer or broker;
23. 'Waste oils' means any mineral or synthetic lubrication or industrial oils which have become unfit for the use for which they were originally intended, such as used combustion engine oils and gearbox oils, lubricating oils, oils for turbines and hydraulic oils;
24. 'Natural material' means any bio-based material which can be found in the state in which it occurs in the natural environment and which has not undergone a transformation process;
25. 'Best available techniques' means best available techniques as defined in Article 2(9) of the amended Law of 10 June 1999 relating to classified establishments;
26. 'Microplastic' means a particle containing one or more solid polymers, to which additives or other substances may have been added, and for which a percentage equal to or greater than 1 by weight/weight of the particles meets one of the following two criteria:
    a) all dimensions are less than or equal to 5 mm, or
    b) a length greater than or equal to 0.3 micrometres and not more than 15 mm and a diameter ratio greater than 3;
27. 'Making available on the market' means the 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;
28. 'Placing on the market' means the first making available of a product on the Luxembourg market;
29. 'Broker' means any undertaking arranging the recovery or disposal of waste on behalf of others, including such brokers who do not take physical possession of the waste;
30. 'Preparing for reutilisation' means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be reutilised without any other pre-processing;
31. 'Prevention' means measures taken before a substance, material or product has become waste, that reduce such waste;
    a) the quantity of waste, including through the reuse of products or the extension of the life span of products;
    b) the adverse impacts of the generated waste on the environment and human health; or
    c) the content of hazardous substances in materials and products.
32. 'Waste producer' means anyone whose activities produce waste (original waste producer) or anyone who carries out pre-processing, mixing or other operations resulting in a change in the nature or composition of this waste;
33. 'Product producer' means any natural or legal person:
    a) established in the Grand Duchy of Luxembourg which, in a professional capacity, manufactures, 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 products in the Luxembourgish market. or

b) is the first player to receive, in a professional capacity, 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 products in the Luxembourgish market; or

c) established outside the Grand Duchy of Luxembourg which, in a professional capacity, sells 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;

34. 'Recycling' means any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes; It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations;
35. 'High quality recycling' means any waste management operation permitting recycling that ensures that the quality of the materials is maintained for as long as possible in the economic circuit, thereby achieving a high level of resource efficiency;
36. 'Reuse' means any operation by which products or components that are not waste are used again for the same purpose for which they were conceived;
37. 'Regeneration of waste oils' means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;
38 'Extended producer responsibility scheme' means a set of measures taken to ensure that producers of products bear financial responsibility or financial and organisational responsibility for the management of the waste stage of a product's life cycle;
39. 'Backfilling' means any recovery operation where suitable non-hazardous waste is used for purposes of reclamation in excavated areas or for engineering purposes in landscaping; Waste used for backfilling must substitute non-waste materials, be suitable for the aforementioned purposes, and be limited to the amount strictly necessary to achieve those purposes.
40. 'Reutilisation' means any operation by which substances, materials or products which have become waste are used again.
41. 'Treatment' means recovery or disposal operations, including preparation prior to recovery or disposal;
42. 'Recovery' means any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy. Annex II sets out a non-exhaustive list of recovery operations.
43. 'Material recovery' means any recovery operation, other than energy recovery and the reprocessing into materials that are to be used as fuel or other means to generate energy. It notably includes preparation for reutilisation, recycling and backfilling."

**Article 4.**

Article 5 of the same Law is replaced as follows:

" Article 5. Annexes

(1) Annexes I, II, and V may be amended by grand-ducal regulation in order to adapt them to the development of European Union legislation in this area.

(2) Amendments to Annex IV to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives as amended by delegated acts of the European Commission pursuant to Articles 38(3) and Article 38a of this Directive shall apply with effect from the date of the entry into force of the amending acts of the European Union.

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 5.**

In Article 6(1), subparagraph 1 of the same Law, the introductory sentence is replaced as follows:

“ A substance or an object resulting from a production process whose primary purpose is not the production of said good shall be considered to be a by-product rather than waste within the meaning of Article 4 if the following conditions are met.”

**Article 6.**

Article 7 of the same Law is amended as follows:

1. Paragraph 1 is amended as follows:
   a. The introductory sentence is replaced by the following provisions:
      “ Waste shall cease to be waste within the meaning of Article 4(6) once it has undergone a recovery or recycling operation and meets specific criteria to be defined in compliance with the following conditions: ”
   b. paragraph 1(a) is replaced by the following provisions:
      the substance or object must be used for specific purposes;
   c. paragraph 1, subparagraph 2 is deleted.
2. Paragraph 2 is replaced by the following:
   “ (2) On the basis of the conditions referred to in paragraph 1, grand-ducal regulations may specify the detailed criteria to be met in order that specific substances or objects cease to be waste within the meaning of Article 4(6). These detailed criteria must take into account any possible harmful effects of the substance or object on the environment and human health.
3. Paragraph 4 is replaced by the following:
   “(4) Unless there are criteria established at European Union level or in accordance with this Article for substances or objects, decisions to the effect that certain waste has ceased to be waste may be taken on a case-by-case basis by the competent administration on the basis of a detailed file sent to the latter and containing the information relating to the conditions required in accordance with paragraph (1) and, where applicable, paragraph (2). These decisions shall take into account the limit values for pollutants and any possible harmful effects on the environment and human health. The competent administration shall ensure that said decisions and the results of the checks performed are published on a website accessible to the public.
4. A paragraph 5 with the following wording is added:
   “(5) Any natural or legal person who:
      a) uses a material for the first time that has ceased to be waste and which has not been placed on the market; or
      b) who places a material on the market for the first time after it has ceased to be waste, shall ensure that this material meets the relevant requirements of the legislation applicable to chemical substances and products. The conditions set out in paragraph (1) must be met before the legislation on chemical substances and products can be applied to the material that has ceased to be waste.”

**Article 7.**

In Article 9(1) of the same Law, letter (b) is replaced as follows:
“b) preparing for reuse;”

**Article 8.**

Article 11 of the same Law is replaced as follows:

“ Article 11. Waste management information

Appropriate information must be provided at all levels in order to allow transparent waste management. This information does not cover awareness-raising as regards food waste.

For these purposes, any person who collects waste, with the exception of collections by voluntary contribution in public spaces, must inform the producer or holder of the destination and the manner of treatment of this waste. ”

**Article 9.**

Article 12 of the same Law is amended as follows:

1. Paragraph 2 is supplemented by the following letters:

"c) determine the qualitative or quantitative objectives and the indicators with which to monitor and evaluate the implementation of waste prevention and reuse measures, as well as to determine the actors, the procedures and the frequency of transmission of this information to the competent administration;

d) determine the qualities that products or components must have in order to be reused.

2. The article shall be supplemented by the following paragraphs:

"(3) Parties and events open to the public must be organised in such a way as to generate as little waste as possible. Annex VI includes a list of single-use products that are prohibited at such events and, where applicable, indicates the date from which this prohibition applies.

(4) Food donations and other forms of redistribution for human consumption have priority over animal feed and processing into non-food products.

In order to prevent and limit the production of food waste:

1. supermarkets with a sales area of at least 400 square metres must create, implement and update a food waste prevention plan. Supermarkets of the same brand may develop a plan for all of their supermarkets.

   This plan must include a methodology and measures to reduce food waste. It can be an integral part of the waste prevention and management plan referred to in Article 27(3). The food waste prevention plan must be communicated annually to the competent administration no later than 31 October of the year preceding the year to which the plan applies. The supermarkets concerned shall publish the plans on a website accessible to the public.
2. All restaurant customers shall have the right to have their leftover meals returned to them to take away.

(5) Producers of products must promote reduction of the content of hazardous substances in materials and products, without prejudice to the harmonised legal requirements established at European Union level for these materials and products.

Any supplier of an article within the meaning of Article 3(33) 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 shall communicate the information provided for in Article 33(1) of said Regulation to the European Chemicals Agency from 5 January 2021, using the formats and usage tools made available by said agency for this purpose.

(6) In order to prevent waste abandonment:

1. It shall be prohibited to leave printed advertising materials on vehicles.
2. It shall be prohibited to launch confetti, streamers and other festive projectiles, if they contain plastic or metal, on public roads.

(7) From 1 January 2024, it shall be prohibited to deposit and distribute printed commercial advertising materials in letter boxes without the express consent of the recipient, with the exception of the free information press.

(8) From 1 January 2023 onwards, restaurants shall be required to serve meals and beverages consumed on the premises of the establishment in reusable cups, glasses and tumblers, including their closures and lids, reusable plates and containers, and to provide reusable cutlery.

(9) From 1 January 2025 onwards, containers, trays, plates and cutlery used in the context of home delivery or takeaway meal services shall be reusable and subject to a return scheme. Persons subject to the extended producer responsibility scheme pursuant to the amended Law of 21 March 2017 on waste and packaging waste shall be required to present to the competent administration by no later than 1 January 2024, a roadmap for the deployment of the aforementioned products in the context of home delivery or takeaway meal services.

(10) In order to combat the dispersion of microplastics:

1. From 1 January 2025 onwards, new washing machines shall be fitted with a filter to retain plastic microfibres. A grand-ducal regulation shall establish the procedures for application of this Article.
2. It shall be prohibited to place on the market any substance in microplastic state, as such or as a mixture, intentionally present in a concentration greater than or equal to 0.01 percent, calculated as the ratio between the mass of microplastic and the total mass of the sample of material in question containing this microplastic. Natural microplastics that have not been chemically modified or which are biodegradable are not affected.
   This prohibition shall apply:
   1. to rinse-off cosmetic products for exfoliation or cleaning that contain solid plastic particles. Exception is made for particles of natural origin not liable to persist in the environment, release active chemical or biological ingredients thereinto, or affect animal food chains;
   2. For medical devices and *in vitro* diagnostic medical devices, it shall be prohibited to do so from 1 January 2024 onwards;
   3. For rinse-off cosmetic products other than those mentioned in point 1, it shall be prohibited to do so from 1 January 2026 onwards;

   This prohibition shall not apply to substances and mixtures:
   1. when they are used on an industrial site;
   2. when they are used in the manufacture of medicines for human or veterinary use;
   3. when the microplastics are strictly confined by technical means throughout their life cycle to avoid their release into the environment and when the microplastics are contained in waste intended to be incinerated or disposed of as hazardous waste;
   4. when the physical properties of microplastics are permanently altered when the substance or mixture is used, such that the polymers no longer meet the definition of microplastics;
   5. when the microplastics are permanently incorporated into a solid matrix during their use.

**Article 10.**

Article 13 of the same Law is replaced as follows:

(1) Article 13. Recovery

(1) Without prejudice to Article 15, all waste holders must ensure that their waste undergoes a preparation operation for reutilisation, high quality recycling or another recovery operation, while respecting the waste hierarchy referred to in Article 9(1). For these purposes, individuals must make use of the separate collection infrastructure and systems available to them.

(2) In order to facilitate or improve preparation for reutilisation, high quality recycling or other recovery operation, the different waste fractions shall be subject to separate collection and shall not be mixed with other waste fractions, materials with different properties, water or any other product or substance likely to reduce the potential of the waste in question for preparation for reutilisation, high quality recycling or recovery. When mixing has occurred, the waste must be separated before any pre-treatment or treatment process.

The separate collection mentioned in paragraph (1) must be established at least for the following waste fractions:

1. paper and cardboard;
2. glass;
3. metals;
4. plastics;
5. bio-waste;
6. wood;
7. textiles;
8. packaging within the meaning of Article 3(7) of the amended Law of 21 March 2017 on packaging and packaging waste;

9. problematic household waste;
10. electrical and electronic equipment within the meaning of the Law of 9 June 2022 on waste electrical and electronic equipment;
11. batteries within the meaning of the amended Law of 19 December 2008 on batteries and waste batteries;
12. tyres;

(3) The Minister may grant an exemption from paragraph (2) if at least one of the following conditions is met:

1. the joint collection of certain types of waste does not affect its ability to be prepared for reutilisation, recycling or other recovery operations in accordance with Article 9(1) and, at the end of these operations, produces a result of comparable quality to that obtained by means of separate collection;
2. separate collection does not produce the best environmental result in terms of the overall environmental impact of management of the waste streams concerned;
3. separate collection is not technically feasible if waste collection best practices are taken into account;
4. separate collection would entail disproportionate economic costs given the cost of the negative environmental and health impacts of the collection and treatment of mixed waste, the possibilities of improving the efficiency of collection and treatment of the waste and revenues from sales of secondary raw materials, as well as application of the polluter pays and extended producer responsibility principles.

Persons wishing to obtain an exemption within the meaning of this paragraph must submit an application to the competent administration that contains the elements necessary to be able to judge whether at least one of the conditions mentioned above has been met.

Exemptions may be granted for a maximum period of five years. They shall be renewable on the basis of a new application file. During the entire period of validity of the exemption, at least one of the conditions mentioned in subparagraph 1. must be met.

The exemption may be withdrawn if none of the conditions referred to in subparagraph 1 are being met.

Exemptions granted shall be reviewed by the competent authority at least every five years, taking into account waste collection best practices and other developments in waste management.

Mixed collections of different waste fractions existing on 1 January 2020, with the exception of mixed collections of final waste, shall be reviewed no later than three years after this date.

(4) From 1 January 2023 onwards, mixing reusable, recyclable and final fractions of bulky waste during collection shall be prohibited.

(5) Buildings comprising at least four residential lots must be equipped with the necessary infrastructure for separate collection of the different fractions of waste referred to in paragraph 2 points 1, 2, 5 and 8 to 11 that are produced there.

(6) From 1 January 2023, any retail establishment with a sales area of more than 400 square metres offering self-service food and consumer products shall have a take-back collection point after the checkouts for the separate collection of packaging waste from products purchased in the establishment. The establishment shall visibly inform consumers of the existence of this mechanism.

(7) From 1 January 2024, Supermarkets with a sales area of more than 1 500 square metres must have the necessary infrastructure inside the building for at least the separate collection of municipal household waste including paper, cardboard, glass, plastic, portable batteries and accumulators, metal packaging, composite packaging and very small waste electrical and electronic equipment within the meaning of the Law of 9 June 2022 on waste electrical and electronic equipment. This infrastructure must include monitoring of the quality of sorting. The establishment shall visibly inform consumers of the existence of this mechanism.

(8) Without prejudice to the extended producer responsibility referred to in Article 19, any promotional campaign for waste collection must be reported to the competent administration by the establishment concerned at least 30 working days prior to the start of the campaign, indicating the start and duration of the campaign, the type of products concerned, the collector, the destination and the waste treatment

method.

At the end of the campaign, the sales establishment must inform the competent administration of the quantities of waste collected and provide certification that the waste has been treated in accordance with this Law.

The competent administration may prohibit implementation of the collection campaign if:

1. the campaign does not permit compliance with the waste hierarchy specified in Article 9(1);
2. the information referred to in subparagraph 1 is not provided within the time limit indicated therein.

(9) It shall be prohibited to incinerate waste that has been collected separately pursuant to Article 14(1) and Article 25 to be prepared for reutilisation or for high quality recycling, with the exception of waste resulting from subsequent treatment operations performed on separately collected waste for which incineration produces the best environmental result in accordance with Article 4.

(10) Where necessary for compliance with paragraph (1) and to facilitate or improve recovery, hazardous substances, mixtures and components of hazardous waste must be removed before or during recovery, in order to be treated in accordance with Articles 9 and 10.

(11) A grand-ducal regulation may determine other fractions of waste for which separate collection must be performed, as well as the separate collection methods and the configuration of premises for the waste referred to in this Article."

**Article 11.**

Article 14 of the same Law is replaced as follows:

" Article 14. Reuse, preparation for reutilisation and recycling

(1) The producers referred to in Article 19, the communes and the State, each to the extent that they are concerned, shall be required to take the necessary measures to promote reuse and preparation for reutilisation, through:

1. reutilisation preparation activities, including the establishment of and support for reuse, repair and reutilisation networks;
2. facilitation of considerations of reuse and preparation for reutilisation in public contracts, as provided for under Article 22;
3. the use of economic instruments and quantitative targets or other measures;
4. facilitation, where compatible with good waste management, of access to waste held by the collection systems or facilities that is likely to be prepared for reutilisation but which is not intended to be prepared by the collection system or facility in question.

(2) Without prejudice to the provisions of Article 9(2), energy recovery is only acceptable for waste for which recycling or any other form of material recovery is not feasible.

(3) The purpose of separate collection of waste must be to ensure that it is prepared for reutilisation or for high quality recycling.

(4) In order to comply with the objectives of this Law and effect a transition to a circular economy with a high level of resource efficiency, the various actors involved in the production and management of waste must take the necessary measures in order to achieve the following objectives:

1. by 2020, the preparing for reutilisation and the recycling of waste materials such as at least paper, metal, plastic and glass from households and possibly from other origins as far as these waste streams are similar to waste from households, shall be increased to a minimum of overall 50 percent by weight;
2. by 2020, the preparing for reutilisation, recycling and other material recovery, including backfilling operations using waste to substitute other materials, of non-hazardous construction and demolition waste excluding naturally occurring material defined in category 17 05 04 in the list of waste shall be increased to a minimum of 70 percent by weight;
3. by 2023, the preparing for reutilisation and recycling of municipal waste shall be increased to a minimum of 55 percent by weight;
4. by 2030, the preparing for reutilisation and recycling of municipal waste shall increase to a minimum

of 60 percent by weight;

5. by 2035, the preparing for reutilisation and recycling of municipal waste shall increase to a minimum of 65 percent by weight.

The competent administration shall calculate the recycling rates. The methods for calculating these rates as well as the data to be provided by the various players concerned, may be determined by grand-ducal regulation."

**Article 12.**

In the same Law, Article 14a is added, which reads as follows:

" Article 14*bis*. Rules applicable to the calculation used to evaluate achievement of the objectives

(1) For the purposes of the calculation to determine whether the objectives set out in Article 14(4), points 3, 4 and 5 have been achieved:

1. the weight of municipal waste produced and prepared for reutilisation, or recycled, during a given calendar year shall be calculated;
2. the weight of municipal waste prepared for reutilisation shall be calculated as the weight of products or product components that have become municipal waste and which have undergone all of the control, cleaning or repair operations necessary to permit their reutilisation without further sorting or pre-treatment;
3. the weight of recycled municipal waste shall be calculated as the weight of waste which, having undergone all of the control, sorting and other preliminary operations necessary in order to remove waste not envisaged for subsequent reprocessing and to ensure high quality recycling, enters the recycling operation whereby the waste is effectively reprocessed into products, materials or substances.

(2) For the purposes of paragraph (1), point 3., the weight of recycled municipal waste shall be measured when the waste enters the recycling operation.

By way of derogation from subparagraph 1., the weight of municipal waste can be measured at the exit of any sorting operation, provided that:

a) this waste is recycled after it leaves the sorting operation;
b) the weight of materials or substances removed by other operations preceding the recycling operation and which are not subsequently recycled is not included in the weight of the waste declared as having been recycled.

(3) A quality control and traceability system is implemented for municipal waste to ensure that the conditions set out in paragraph 1, point 3, and paragraph 2, are met. In order to ensure the reliability and accuracy of the data collected on recycled waste, this system shall take the form of electronic registers created under Article 34(4) of the technical specifications relating to the quality of sorted waste or the average loss rates for sorted waste, as well as for different types of waste and different waste management practices. Average loss rates shall only be used in cases where reliable data cannot be obtained in any other way and shall be calculated on the basis of the calculation rules established under European Union law.

(4) For the calculations referred to in paragraph 1, the amount of biodegradable municipal waste entering an aerobic or anaerobic treatment process shall be considered to have been recycled if this treatment generates compost, digestate or another result with a similar amount of recycled content relative to the inputs, which is to be used as a product, recycled material or substance. When the results of the treatment are used on land, they can only be considered to have been recycled if this use is beneficial for agriculture or the ecosystem.

Municipal bio-waste entering an aerobic or anaerobic treatment process shall only be considered to have been recycled if, in accordance with Article 25, it has been collected separately or sorted at source.

(5) For the calculations referred to in paragraph 1, the quantity of waste that has ceased to be waste at the end of a preparation operation before being reprocessed can be considered to have been recycled provided that this waste is intended to be subsequently reprocessed into products, materials or substances, for the purposes of its original function or for other purposes. However, waste ceasing to be waste that is intended for use as fuel or other means of producing energy, or for incineration, backfilling or landfill, shall not be taken into account as regards the achievement of recycling targets.

(6) For the calculations referred to in paragraph 1, the recycling of metals separated following the incineration of municipal waste may be taken into account provided that the recycled metals meet certain the criteria laid down by Commission Implementing Decision (EU) 2019/1004 of 7 June 2019 laying down rules for the calculation, verification and reporting of data on waste in accordance with Directive 2008/98/EC of the European Parliament and of the Council and repealing Commission Implementing Decision C(2012) 2384.

(7) In the event that waste is exported to another Member State of the European Union for the purposes of preparation for reutilisation, recycling or backfilling in that other Member State, the quantities of waste concerned shall be taken into account when calculating the rates listed in Article 14(4), subject to the provisions of paragraphs 1 to 6.

(8) Waste exported outside the European Union shall only be taken into account in the calculation to assess achievement of the objectives set out in Article 14(4) if the conditions of paragraph (3) of this Article are met and if, in accordance with 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 waste complies with the requirements of that Regulation and that the treatment of the waste outside the European Union took place under conditions that are broadly equivalent to the standards applicable under European Union environmental law.

(9) In the case of the exports referred to in paragraphs (7) and (8), the exporter must check that the required data is available at the facilities concerned. They must enter it in the register referred to in Article 34 and report it to the competent authority in the annual reports referred to in Article 35. ”

**Article 13.**

Article 15 of the same Law is amended as follows:

1. Paragraph 2 is replaced by the following:
   « (2) Waste for which a recovery operation, within the meaning of Article 13(1), cannot be carried out, must undergo a duly authorised safe disposal operation that complies with the provisions of Article 10.”
2. A paragraph 3 containing the following wording is added:
   « (3) Without prejudice to paragraph 1, the landfilling of municipal waste in Luxembourg and the export of municipal waste abroad for landfilling shall be prohibited from 1 January 2030 onwards.”

**Article 14.**

In Article 16(2), a second subparagraph is added which shall read as follows:

“ The competent administration may, without prejudice to other reasoned objections provided for under European regulations on the shipment of waste, decline its consent, in the context of the notification procedure, for waste originating in a country other than Luxembourg destined for a disposal operation located in the Grand Duchy of Luxembourg, should this prove necessary in order to implement the principles of proximity, recovery priority and self-sufficiency”

**Article 15.**

Article 17 of the same Law is amended as follows:

1. Paragraph 1 is replaced as follows:
   “(1) Without prejudice to the provisions of Article 19 and in accordance with the polluter pays principle, the costs of waste management shall be borne by the initial waste producer or by the current or previous holder of the waste.

2. Paragraph 3 is replaced by the following:

"(3) Commune taxes relating to waste management must cover all waste management costs incurred by the respective communes.

Under any new mixed municipal household waste collection contract concluded between communes and third parties and at the latest from 1 January 2024 onwards, the taxes charged to the various households and, where applicable, to the producers of municipal non-household waste, must include at least one variable component calculated according to the weight ~~and/~~or volume of mixed municipal waste actually produced. This component shall apply regardless of the collection procedures implemented.

When several holders of waste jointly use the same collection container, it must be ensured that the taxes are distributed among the different waste holders, at least for mixed municipal household waste, according to the quantities actually produced.

For waste subject to the principle of extended producer responsibility in accordance with the provisions of Article 19, commune taxes must not include costs already covered by the contribution that may be requested from the consumer when purchasing the initial product. "

**Article 16.**

Article 19 of the same Law is replaced as follows:

" Article 19. Extended producer responsibility scheme

(1) In the interests of improving prevention, reuse, preparation for reutilisation, recycling and other waste recovery processes, the producer of the product may be subject to the extended producer responsibility scheme.

Any distributor making products available on the Luxembourg market for which an extended producer responsibility scheme is in place shall be subject to this scheme, unless the producer of said products has already fulfilled this obligation.

If product producers distribute or organise the distribution of the product, they shall be required to assume any take-back responsibilities incumbent upon distributors of the said product.

(2) When applying the extended producer responsibility scheme, technical feasibility and economic viability shall be taken into account, as well as the overall environmental, human health and social impacts, while respecting the need to ensure the correct operation of the internal market.

(3) The persons referred to in paragraph (1) shall be required to contribute proactively to achievement of the objectives of this Law through actions promoting improved product design, prevention, reuse, preparation for reutilisation, recycling and changes in societal behaviour.

Establishing minimum rates of reuse, collection, recovery, preparation for reutilisation or recycling in accordance with the provisions of this paragraph or in accordance with other legislative or regulatory provisions does not exempt the persons concerned referred to in paragraph (1) from taking the necessary measures to ensure that the rates in question are maximised.

(4) The extended producer responsibility scheme shall apply without prejudice to the responsibilities for waste management provided for in Articles 18, 20, 21 and 23 and without prejudice to the specific legislation in force concerning waste streams and the specific product legislation in force.

(5) The persons referred to in paragraph (1) may delegate some or all of the obligations arising from the provisions of the article and from the specific legislative or regulatory provisions in terms of extended producer responsibility to a specific body.

These bodies must be approved in advance by the Minister.

(6) The authorisation referred to in paragraph (5) may only be granted to legal persons meeting the following conditions:

1. their main purpose is to assume responsibility, on behalf of their members, for meeting the requirements of legal and regulatory provisions specific to the various product and waste streams, as regards recovery and separate collection, treatment, recycling, reuse, preparation for reutilisation, financing and information, as the case may be;
2. their members include the persons referred to in paragraph 1, whom they represent;

3. they are incorporated as non-profit organisations;
4. all of their administrators and persons able to commit the association are persons enjoying full civil and political rights;
5. they have sufficient financial and organisational resources, including insurances and financial guarantees for the cases mentioned in the last subparagraph, to fulfil the obligations in question and have national geographical coverage;
6. they represent a minimum quantity of 30 percent by weight of the total products placed annually on the national market for which the body has submitted an approval application. In the event that these products are subdivided into various categories, the rate of 30 percent shall be determined by adding the weight of the products placed on the market annually in each of the categories for which the body has submitted an approval application. In this case, the body must also represent a minimum of 5 percent by weight of the total products placed on the national market annually in all of the respective categories.

The approval application must:

1. mention the identity of the applicant;
2. be accompanied by a copy of the articles of association;
3. indicate the surnames, first names and qualities of the directors, managers and other persons able to commit the body, and document the professional knowledge of the latter;
4. list the products for which the approval is being sought;
5. where applicable, describe the take-back and separate collection methods for the different types of waste, as well as the treatment channels for the different types of waste, including the intermediate and final recipients;

The approval application shall be submitted to the competent administration.

The competent administration may require specific formats, where appropriate in electronic form, for submission of the request.

The approval shall be granted by the Minister for one or more types of products and waste. It shall be granted for a maximum of five years. It shall be renewable. It shall set the conditions with which the body is required to comply.

Approvals may be refused, suspended or withdrawn by the Minister if the body has not complied or is not complying with the legal and regulatory provisions or the specific conditions established. The approval may be reviewed at any time and may be amended by the Minister in the event of duly justified necessity.

In the event of dissolution, cessation of activity or non-extension, or expiry or withdrawal of the approval, the accounts of the approved body shall be purged of current invoices and the provisions collected in the context of financial contributions from the persons mentioned in paragraph (1) shall be returned to the State to guarantee financing for temporary continuation of these activities.

(7) The approved body shall be required:

1. to meet the conditions established in the approval;
2. to conclude contracts or agreements with producers and distributors, or third parties acting on its behalf, to fulfil their obligations;
3. to conclude an insurance contract covering any damage likely to be caused by its activity;
4. to submit its balance sheets and accounts for the complete year and its budget proposals for the following year, on an annual basis and within the deadlines set by the approval;
5. to grant membership to any product producer who so requests;
6. to collect contributions from its members as necessary in order to cover the cost of all of its obligations under this Law, as well as under specific legislation or regulations governing the product or products subject to the extended producer responsibility scheme(s) for which it has been designated;
7. to introduce modulated member contributions in accordance with the provisions of paragraph (11), subparagraph 4;
8. to set up an appropriate self-checking mechanism based, where appropriate, on regular independent audits, in order to assess its financial management, including compliance with the requirements set out in paragraph 46, subparagraph 1, and the quality of the data collected and

communicated in accordance with this Article and the requirements of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste;
9. to carry out awareness-raising and information measures in relation to the extended producer responsibility scheme.

It shall also be required, where applicable:

1. to implement prevention and reuse measures in consultation with the competent administration;
2. to ensure that the waste is treated in accordance with Article 10;
3. to ensure transparency in waste flows, in terms of quantities and destinations, treatment methods and recycling and recovery collection rates;
4. to operate as far as possible on the basis of calls for tenders;
5. to register its members with the competent administration and keep the list up to date;
6. to achieve at least the objectives imposed, where applicable, under specific regulations, for all persons with whom it has concluded a contract and within the established time limits. To do this, it must ensure that all persons with whom it has concluded a contract, as well as intermediate and final recipients submit their data and that it is of sufficient quality.

(8) The approved body shall be authorised to invoice the non-affiliated persons referred to in paragraph 1, in proportion to their respective market shares, for the costs that it has incurred in managing their waste, as well as for the communication costs, where applicable, that they are required to cover in accordance with specific legislative and regulatory provisions.

The communes shall be authorised to invoice the approved body or the persons mentioned in paragraph 9 for the costs of managing any waste which, despite their legal obligation to collect and treat it, is collected or treated at the communes' expense.

In accordance with the provisions of the amended Law of 25 March 2005 on the operation and financing of the SuperDrecksKëscht action, the costs of managing waste that falls under the collection and treatment obligation of producers, and which, because it is problematic waste due to its nature, composition or contamination, is collected as part of the collection of problematic waste, shall be invoiced, in accordance with Article 3(4) of the aforementioned Law, to the approved body or to the persons referred to in paragraph 9.

(9) Any person referred to in paragraph (1) who has not delegated their responsibilities to an approved body in accordance with paragraph (5) must meet their obligations by means of an individual system.

The individual system shall be subject to the same requirements as the collective system and must be approved under the same conditions, except for points 1, 2, 3, 4 and 6 of paragraph 6(1), points 2, 4, 5, 6, 7 and 8 of paragraph 7(1) and points 4, 5 and 6 of paragraph 7(2).

(10) Product producers shall publish information on their achievement of the waste management objectives and, where extended producer responsibility obligations have been collectively met, each approved body shall also make public the following information:

1. its owners and the associate members of each body;
2. the financial contributions paid by the product producers per unit sold or per tonne of products placed on the market;
3. the procedure for selecting waste management bodies.

(11) The financial contributions paid by the persons referred to in paragraph (1) to comply with the extended liability obligations must cover the following costs for products placed on the market:

1. the costs of separate collection of waste and its subsequent transportation and treatment, including the treatment necessary to achieve the waste management objectives and the necessary costs of achieving the objectives determined by the specific legislation on the matter, taking into account revenues derived from preparation for reuse, sales of secondary raw materials generated by its products, the revenue mentioned in paragraph 8(1) and, where applicable, unclaimed deposit fees;
2. the costs mentioned in paragraph 8(2) and (3);
3. costs arising from providing waste holders with adequate information in accordance with paragraph 7(9);
4. data collection and submission costs.

The provisions of subparagraph 1 shall not apply to extended producer responsibility schemes established under legislation relating to electrical and electronic equipment, end-of-life vehicles, batteries and accumulators and associated waste.

The financial contributions should not exceed the costs necessary to provide cost-effective waste management services, including prevention and communication costs (including data) and operational costs. These costs shall be established between the actors concerned in a transparent manner.

Where the extended producer responsibility obligations have been collectively met, the financial contributions should be modulated for each product or group of similar products, taking account of their durability, repairability, possibilities for reuse, preparation for reutilisation and recyclability, as well as the presence of any hazardous substances and the use of recycled materials. The approach taken should be based on analysis of the life cycle and meet the requirements established under legislation in the field and, where there are any, on the basis of harmonised criteria aimed at ensuring that the internal market functions correctly.

(12) The competent administration shall implement an appropriate monitoring and control framework to ensure that the persons referred to in paragraph 1 and approved organisations bound by extended producer responsibility obligations are meeting their obligations, including in the case of distance selling, that financial resources are used wisely and that all actors involved in implementing extended producer responsibility schemes report reliable data.

Where several approved bodies are implementing extended producer responsibility obligations for the same product, the competent administration and the Luxembourg Regulatory Institute (ILR), each in its area of competence, shall monitor implementation of the extended producer responsibility obligations.

Persons referred to in paragraph (1) who are established in another Member State of the European Union and market products in Luxembourg shall be authorised to designate a natural or legal person established on national territory as their agent responsible for ensuring that they meet their obligations under extended producer responsibility schemes.

(13) Existing extended producer responsibility systems must comply with this Article by 5 January 2023 at the latest.

(14) The public information requirements of this Article shall be without prejudice to protection of the confidentiality of commercially sensitive information under applicable national and European Union Law.

**Article 17.**

Article 20 of the same Law is amended as follows:

1. Paragraph 1 shall be replaced with the following provisions:
   "(1) Communes shall be required to manage commune household waste.

   Communes may accept municipal non-household waste in their collection, transport, recovery and disposal processes.

   In order to guarantee the efficient management and disposal of municipal non-household waste, communes may require the actors involved to participate in consultations.
2. In paragraph 2, the words "recycling centres" are replaced by "resource centres".
3. Paragraph 2(2) is deleted;
4. Paragraph 3 is replaced by the following:
   « (3) In order to encourage the application of Article 9, communes shall be assessed annually using a catalogue of waste management criteria developed by the competent administration at communal or intercommunal level. The results of this assessment shall be published by the competent administration on a website accessible to the public."
5. In paragraph 4, subparagraph 1 is replaced as follows:
   « Communes shall be required to deploy prevention measures for municipal household waste.

   Communes shall be required to advise and provide information on a regular basis regarding possibilities for the prevention, reuse, preparation for reutilisation, recycling and recovery of municipal waste. To this end, they may hire or call upon persons qualified in the field. In addition, from 1 January 2024 onwards, communes shall be required to inform households and, where applicable,

producers of non-household municipal waste, annually, of the volume or weight of mixed municipal waste that they have actually produced."

6. In paragraph 5, the words "household waste or similar waste" are replaced by "municipal household waste".
7. Paragraph 6 is replaced by the following:
   "(6) Without prejudice to the separate collections organised by the persons referred to in Article 19(1), in the context of implementation of the extended producer responsibility scheme, or by the State within the framework of problematic waste collection in accordance with the provisions of the amended Law of 25 March 2005 on the operation and financing of the SuperDrecksKëscht action, and notwithstanding any other separate collection systems implemented, communes shall ensure that product reuse and municipal household waste management resource centres are available and accessible in order to achieve the objectives of this Law. In order to perform these tasks, they may call upon the third-party natural or legal persons referred to in Article 30.

   These resource centres must provide coverage for the entire country, taking into account the density of the population, in order to operate as a harmonised network. The infrastructure set up in accordance with Article 13(7) may form part of that network.

   All residents of the Grand Duchy of Luxembourg shall be guaranteed access to resource centres, regardless of their place of residence.

   A grand-ducal regulation shall determine the procedures for developing, operating and managing resource centres and organising the network. "
8. Paragraph 7 is replaced by the following:
   "(7) Without prejudice to the collections referred to in Article 19 and the collections organised within the framework of problematic waste collection in accordance with the provisions of the amended Law of 25 March 2005 on the operation and financing of the SuperDrecksKëscht action, any collection of waste referred to in subparagraph 1 of paragraph 1 must only be carried out with the prior written agreement of the commune concerned."
9. Paragraph 9 is amended as follows:
   1. In paragraph 1, a letter (c) is added which reads as follows:
      "c) the arrangements for managing waste that the communes are able to accept in accordance with paragraph 1(2)."
   2. Paragraph 2 is replaced by the following:
      " Except in emergency cases, regulations shall be issued on the prior advice of the competent administration. In the absence of an opinion within two months, the communal council may proceed to adopt the regulation. The regulations shall be published by the communal authorities on a website accessible to the public.
10. In paragraph 11, the words "household waste" are replaced by "municipal household waste".

**Article 18.**

Article 21 of the same Law is amended as follows:

1. In paragraph 2(c), the words "household waste and bulky waste and, where applicable, similar waste" are replaced by the words "municipal household waste".
2. In paragraph 4, the words "The State shall ensure" are replaces by the words "The Minister and the competent administration shall ensure".
3. In paragraph 5, the words "household and similar waste" are replaced by the words "municipal household waste".
4. Paragraph 6 is replaced by the following:
   "(6) A coordination platform for waste and resource management is hereby established. A grand-ducal regulation shall specify the composition and powers of this coordination platform.
5. Paragraph 7 is replaced by the following:
   "(7) The competent administration shall be required to advise and inform waste producers and holders regularly regarding possibilities for the prevention, preparation for reutilisation, recycling, recovery and disposal of waste. To this end, it may hire or call upon persons qualified in the field.

6. A paragraph 8 is added which reads as follows:

" (8) In the event of duly justified necessity and in order to comply with the provisions of Articles 9 and 10, the competent authority may take appropriate measures to initiate or develop specific waste management sectors.

**Article 19.**

Article 22 of the same Law is replaced as follows:

"Article 22. Specific obligations of legal persons governed by public law

Legal persons governed by public law shall be required to use, or prescribe the use of, the following for the needs of their own services, in the context of public works, supply and service contracts, taking into account the provisions of Article 36(1) of the amended Law of 8 April 2018 on public contracts, relating to technical specifications and labels, test reports, certifications or other means of proof:

1. services that generally contribute to preventing waste, by taking into account reuse and preparation for reutilisation, and which ensure the separate collection and high quality recycling of the waste produced;
2. products and substances that are characterised by a certain longevity, repairability or lend themselves to reuse or preparation for reutilisation, which, in comparison with other products and substances, give rise to less waste, less hazardous waste or waste that is easier to dispose of or recover and which is manufactured from secondary raw materials or according to processes using clean technologies.

Exception may be granted to this obligation because of circumstances relating to the subject of the contract, the competitive situation of economic operators, or reasons specific to the contracting authority. For public contracts falling within the scope of ~~B~~book II of the amended Law of 8 April 2018 on public procurement, legal persons governed by public law shall indicate, in the procurement documents and in the individual report to be drawn up pursuant to Article 195 of the amended Grand-Ducal Regulation of 8 April 2018 implementing the Law of 8 April 2018 on public contracts, the main reasons for their decision, if applicable, not to take into account reuse and preparation for reutilisation in the context of the public contract concerned.

The provisions of this article do not apply in procedures carried out pursuant to Articles 20, 63, 64 and 124 of the amended Law of 8 April 2018 on public procurement, as well as those falling within the scope of the Law of 26 December 2012 on defence and security public contracts"

**Article 20.**

Article 23 of the same Law is amended as follows:

1. Paragraph 4 shall be replaced with the following provisions:

"(4) If hazardous waste has been mixed, in disregard of paragraph 3(1), a separation operation must be carried out, if technically feasible and necessary, in order to comply with Articles 9 and 10.

If separation is not possible or not required under the first subparagraph, the mixed waste must be treated in a facility that is duly authorised to treat this mixture.

2. In paragraph 6(1) the term 'mixed' is replaced by 'dangerous'.
3. Paragraph 6 is supplemented by a paragraph 3, which reads as follows:

"Separate collection of municipal household hazardous waste shall be mandatory so that this waste is treated in accordance with Articles 9 and 10 and does not contaminate other waste streams. This collection shall take place within the problematic waste collection framework in accordance with the provisions of the amended Law of 25 March 2005 on the operation and financing of the SuperDrecksKëscht action.

**Article 21.**

Article 24(1) of the same Law is replaced by the following:

"(1) Without prejudice to the hazardous waste requirements set out in Article 23:

1. used oils shall be collected separately, unless separate collection is not technically feasible;
2. used oils shall be treated, giving priority to regeneration or other recycling operations providing overall environmental results equivalent to or better than regeneration, in accordance with Articles 9 and 10;

3. waste oils with different characteristics shall not be mixed with each other, nor waste oils with other waste or substances, if such a mixture prevents their regeneration or another recycling operation providing overall environmental results equivalent to or better than those for regeneration."

**Article 22.**

Article 25 of the same Law is replaced as follows:

"Article 25. Bio-waste and green waste

(1) Bio-waste and green waste must be sorted and recycled at source or undergo separate collection for submission primarily to composting or digestion operation or, if this is not possible due to the nature of the material, to any other appropriate recovery operation for the material, in compliance with the provisions of Articles 9 and 10.

(2) Bio-waste and green waste must be treated in a manner that is compatible with a high level of environmental protection.

The use of materials produced from bio-waste and green waste must be without risk to the environment or human health.

(3) A grand-ducal regulation may set quality standards for materials produced from bio-waste and green waste. These standards may vary according to the different areas of use of these materials. The recovery or recycling operations applicable to different types of bio-waste and green waste, as well as the minimum standards for bio-waste and green waste management, may also be determined by grand-ducal regulation.

(4) It shall be prohibited to make mixed collections of bio-waste or green waste and plastics, or treat them jointly, whether or not biodegradable."

**Article 23.**

Article 26 of the same Law is replaced as follows:

"Article 26. Inert waste, construction and deconstruction waste

(1) When planning a construction and awarding a contract for it, waste prevention, including reuse, must be taken into account. This prevention shall also concern reducing the amount of excavated soil destined for landfill. Building owners must be able to demonstrate the preventive considerations that have been applied to any request from the competent administration

(2) Without prejudice to the provisions of Article 13(2), the building owner must ensure that the various fractions of construction and deconstruction site waste are subject to separate collection, including at least wood, mineral fractions (concrete, bricks, tiles and ceramics, stones, etc.), metal, glass, cardboard, plastic, plaster and hazardous waste. If, in breach of this paragraph, they have been subject to mixed collection, they must undergo a separation and sorting operation.

(3) Prior to any deconstruction of a building with a built volume of more than 1 200 cubic metres and producing at least 100 cubic metres of waste, the building owner must write up an inventory identifying the different materials used in the construction work to be deconstructed. This inventory must be kept available on-site for presentation to the competent administration and to the persons referred to in Article 45(1). On request, a copy of the inventory must be sent to the competent administration.

This inventory shall, in the case of deconstruction, provide for separate collection of the various materials with a view to their respective treatment, taking into account the priorities set under Article 9.

In the event of building deconstruction projects with a built volume greater than or equal to 3 500 cubic metres, this inventory must be carried out by an organisation approved under the Law of 21 April 1993 on the authorisation of private or public natural or legal persons, other than the State, to carry out technical study and inspection tasks in the field of the environment.

For any building construction with a built volume greater than or equal to 3 500 cubic metres, for which the construction permit was granted after 1 January 2025, the project manager must create a computer record of the various materials used, indicating their locations. After completion of the building, this register must be updated by the owner or the co-ownership association.

The content and methods of establishing and managing the inventory and the computer record referred to in this paragraph may be determined by grand-ducal regulation.

All measures must be taken to avoid materials being contaminated by others, thereby preventing them from being recycled. Particular attention should be paid to hazardous products and materials contaminated with hazardous substances that must not be mixed with uncontaminated materials.

(4) Where deconstruction work is carried out by private individuals, the provisions of paragraphs (2) and (3) shall apply to the extent practicable.

Derogation from the provisions of paragraph (3) may be possible if, due to a serious threat to public safety, a construction threatening ruin must be deconstructed as a matter of urgency on the order or by action of the authorities empowered by law for this purpose. In this case, all possible measures must be taken to avoid any contamination of the surroundings by the construction materials.

(5) The communes shall be required to provide private individuals with separate collection structures for small quantities of inert waste, construction waste and deconstruction waste coming from the sites of private individuals. The communes must take all necessary measures to permit separation of the various fractions of this waste that can, by their nature, undergo a recovery operation from those that must undergo a disposal operation.

(6) Road waste shall be treated in accordance with Article 10, with the objective of promoting the efficient use of resources and ensuring environmental protection. A grand-ducal regulation shall specify measures targeting road waste and materials: prevention, reutilisation, recycling and other forms of recovery, aimed at reducing the quantity to be disposed of, including the necessary preliminary studies and the obligations to be met by road waste and material treatment facilities.

(7) The reutilisation of recovered inert materials must be entered in the public tender notes relating to road constructions and other works.

(8) A grand-ducal regulation may set quality standards to be met by materials produced from recycled construction and deconstruction waste. These standards may vary according to the different areas of use of these materials.

(9) Inert waste shall be disposed of through a network of regional inert waste landfills.

A grand-ducal regulation shall establish the selection procedures for the location and extension of regional landfills for inert waste. This grand-ducal regulation shall take into account the guidelines of the national waste and resource management plan referred to in Article 36.

Landfills for inert waste other than that determined in accordance with subparagraph 3 shall be prohibited.

Regional landfills for inert waste must be equipped with infrastructure for recycling recoverable inert waste.

**Article 24.**

In the second subparagraph of Article 27(3) of that Law, the words “household waste” are replaced by “municipal household waste”.

**Article 25.**

Article 30 of the same Law is amended as follows:

1. In paragraph 1(a), the word “and” is replaced by “or”;
2. Paragraph 5 is replaced by the following:

“(5) An authorisation shall expire if:

1. the facility or site has not been put into service, or activity has not started, within the time frame established in the authorisation;
2. the facility or site has been idle for three consecutive years;
3. the facility or site has been destroyed or put out of use in whole or in part by any kind of accident. If only part of the facility or site has been destroyed or put out of use, the new

authorisation request shall be limited to the part in question;
4. the issued authorisation has expired;
5. the activity of the facility or site has effectively ceased."

3. In paragraph 7(1), the last sentence is replaced as follows:
" It shall be possible to materially combine the two application files.

4. In paragraph 7(2), the first sentence is replaced by the following:
"If an establishment, undertaking, facility or operation referred to in letters d) and e) of paragraph (1) of this Article features in class 4 of the legislation relating to classified establishments, or does not reach the lower threshold of this class 4, it shall be exempt from authorisation under the provisions of this Law."

5. In paragraph 8, the words "paragraph 3" are deleted.
6. Paragraphs 9, 10 and 11 with the following wording are added:
"(9) All shipments of waste must be accompanied by a copy of the authorisation required under paragraph 1(a).
(10) Establishments or undertakings involved in the collection or transport of waste, including public services, must ensure that the vehicles that they use to transport waste are equipped with two reflective white rectangular warning panels at least 40 cm wide and 30 cm high, with the inscription 'A' in black, in a font size of 20 cm. One of the panels must be placed on the front of the vehicle and the other on the rear. When transporting using a trailer, the rear panel must be attached to the rear of the trailer. The panels must be easily visible from the outside. This requirement does not apply to the establishments or undertakings mentioned in Article 32(1), points 2, 3, 4, and 5, including public services.
(11) The competent administration may require specific formats, where appropriate in electronic form, for submission of the authorisation applications referred to in paragraph 1."

**Article 26.**

Article 31(3) of that Law is amended as follows:
"(3) Authorisations may be refused or withdrawn if the holder has not complied or is not complying with the legal and regulatory provisions or the specific conditions established.

**Article 27.**

Article 32 of the same Law is amended as follows:

1. Paragraph 1 is replaced as follows:
" By way of derogation from the provisions of Article 30, the following shall be subject to registration with the competent administration:

1. establishments or undertakings that transport waste in the context of importation onto Luxembourg territory;
2. establishments or undertakings that collect or transport inert waste from roadworks, excavations or deconstruction;
3. establishments or undertakings, including agricultural and forestry operations, which collect or transport waste consisting of non-hazardous natural materials from agricultural or forestry operations, manure or slurry, sewage sludge, green waste or biodegradable garden and park waste;
4. establishments or undertakings that collect or transport waste from their own activities;
5. establishments or undertakings that supply products and then take the same products back from their customers once they have become waste, with a view to grouping and recovery or appropriate disposal;
6. the collection infrastructure referred to in Article 13(7);
7. the resource centres;
8. the collection points for non-hazardous municipal waste listed in Chapter 20 01 of the list of wastes referred to in Article 8(1) for its preparation for reutilisation, as well as establishments preparing this waste for reutilisation.

2. Paragraph 3 is supplemented by letters (e) and (f), which read as follows:
(e) the set-up, operation and management procedures;
(f) the record-keeping and reporting procedures.

3. A paragraph 4 is added which reads as follows:
"(4) All shipments of waste must be accompanied by a copy of the registration required under points 1 to 5 of paragraph (1)."

**Article 28.**

Article 34 of the same Law is amended as follows:

1. Paragraph 1 shall be replaced with the following provisions:
"(1) The establishments and undertakings referred to in Article 30(1) and waste producers, except households, shall keep a chronological register showing:

a) the quantity, nature and origin of the waste and the quantity of products and materials resulting from preparation for reutilisation, recycling or other recovery operations;
b) if appropriate, the destination, the collection frequency, the means of transport and the treatment method envisaged for the waste.

They shall make this data available to the competent authorities by means of the electronic register referred to in paragraph 4.

For the purposes of establishing the registers, collectors, traders, brokers and recipients shall communicate all of the required information to the waste producers and, more particularly, the recipient of the waste and the method of treatment applied.

For waste producers, the register shall be an integral part of the waste prevention and management plan referred to in Article 27(3). "

2. In paragraph 2, the phrase "except in the case of establishments and undertakings involved in transport, which shall keep such records for at least 12 months" is deleted.

3. A new paragraph 4 is added, which reads as follows:
"(4) The Minister shall have the competent Administration establish a national electronic register to record the waste-related data referred to in paragraph 1.

The exact content, format and procedures for using the register may be specified by grand-ducal regulation.

The chronological register referred to in paragraph 1 must be kept using the electronic register as soon as it goes into production. The production date shall be published at the appropriate time by the competent administration.

"

**Article 29.**

Article 35 of the same Law is amended as follows:

1. In paragraph 1, subparagraph 1 is replaced as follows:
" By 31 March of each year, the establishments or undertakings referred to in Article 30(1) and Article 32(1) shall send the competent administration an annual report on the previous year, including the information contained in the register in aggregate form. They shall be exempt from submitting the annual report if they have granted the competent administration the right to online access to their data in the register mentioned in Article 34(4). "

2. Paragraph 5 is replaced by the following:
"(5) Based on the data received and on the data from the electronic register referred to in Article 34(4), the competent administration shall write up the reports provided for by this Law and by the European and international provisions, as well as the waste management statistics. Waste statistics shall be published regularly by the competent administration on a website accessible to the public.

**Article 30.**

Article 36 of the same Law is replaced as follows:

" Article 36. National waste and resource management plan

(1) The Minister shall have the competent administration establish a national waste and resource management plan, in accordance with Articles 1, 9, 10 and 16.

(2) The national waste and resource management plan shall generate an analysis of the situation in terms of waste and resource management as well as the measures to be taken to ensure that waste is prepared for reutilisation, recycling, recovery or disposal under the best possible conditions and in an environmentally friendly manner, as well as an assessment of how the plan will support implementation of the provisions and achievement of the objectives of this Law.

(3) The national waste and resource management plan shall contain at least the following elements:

1. the type, quantity and source of waste produced on national territory, the waste likely to be transferred out of or into national territory and an assessment of the future evolution of waste flows;
2. the main existing disposal and recovery facilities, including all specific provisions concerning used oils, hazardous waste, waste containing significant quantities of critical raw materials, or waste streams covered by specific national provisions or specific provisions of European Union law;
3. a needs assessments regarding the closure of existing waste treatment infrastructure and the creation of additional waste treatment facilities in accordance with Article 16;
   It shall be ensured that an assessment is made of investments and other financial resources necessary to meet these needs, including for the local authorities. This assessment shall be included in the relevant waste and resource management plan or in other strategic documents covering the entire national territory;
4. sufficient information on the location criteria for the identification of sites and the capacity of future disposal facilities or large recovery facilities, if necessary;
5. the major guidelines for waste management and reuse, including planned waste management methods and technologies, or guidelines for the management of other waste posing particular management problems;
6. the organisational aspects of waste management and reuse, including a description of the distribution of competences between the public and private actors ensuring waste management;
7. an assessment of the usefulness and validity of the use of economic or other instruments to solve various waste and resource issues, promoting the transition to a circular economy, while taking into account the need to ensure the correct operation of the internal market;
8. implementation of awareness and information campaigns intended for the general public or specific categories of consumers;
9. information on the measures to be taken to ensure that none of the waste likely to be recycled or recovered, especially municipal waste, is admitted to a landfill, with the exception of waste whose landfill produces the better environmental outcome in accordance with Article 9;
10. an assessment of the existing waste collection systems, including the material and territorial coverage of the separate collection and measures intended to improve its operation, and of any derogation granted in accordance with Article 13(3) and the need for new collection systems;
11. measures aimed at preventing any form of fly-tipping and eliminating all types of litter;
12. appropriate qualitative or quantitative indicators and objectives, regarding the quantity of waste produced and its treatment, as well as the municipal waste that is disposed of or is subject to energy recovery.

(4) The waste and resource management plan must comply with:

1. the waste management requirements established by the Law of 21 March 2017 on packaging and packaging waste;
2. the objectives set in Article 14;
3. the requirements relating to waste management established by the Grand-Ducal Regulation of 24 February 2003, as amended, on the landfill of waste, for the purposes of preventing litter;
4. the provisions of the amended Law of 8 September 1997 approving the Convention for the

protection of the marine environment of the North-East Atlantic, signed in Paris on 22 September 1992, Annexes I to IV of Appendices 1 and 2 of the Final Declaration of the Ministerial Meeting of the Oslo and Paris Commissions of 21-22 September 1992;

5. Article 28 of the amended Law of 19 December 2008 on water.

(5) If necessary, specific plans can be drawn up for particular waste streams. ”

**Article 31.**

Article 37 of the same Law is replaced as follows:

“Article 37. Waste prevention programmes

(1) The Minister shall have the competent Administration establish, in accordance with Articles 1 and 9, one or more waste prevention programmes providing for at least the waste prevention measures set out in Article 12.

These programmes may be integrated into the national waste and resource management plan provided for in Article 36, or into other environmental programmes, as separate programmes where appropriate.

Waste prevention targets and measures shall be clearly defined.

(2) The programmes referred to in paragraph (1) shall set waste prevention targets. These programme(s) shall, where applicable, describe the contribution to waste prevention of the instruments and measures listed in Annex VII and assess the usefulness of the example measures set out in Annex IV of Directive 2008/98/EU of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, as amended, or of other appropriate measures. The programme(s) shall also describe existing waste prevention measures and their contribution to waste prevention.

Specific programmes on food waste prevention shall also be included.

**Article 32.**

Article 40(3) of the same Law is replaced by the following:

“ (3) The provisions of this Article also apply to the revisions of the plans and programmes referred to in Articles 36 and 37, except in the case of minor changes or rectifications to the aforementioned plans and programmes that do not require an impact assessment within the meaning of the legislation relating to assessment of the environmental impacts of certain plans and programmes.

**Article 33.**

Article 41 of the same Law is replaced by the following provisions:

“Article 41. Legal value of the plans and programmes

The plans and programmes referred to in Articles 36 and 37 shall be approved by the Government in Council.

Their achievement is of public interest.

**Article 34.**

Article 42 of the same Law is replaced as follows:

“Article 42. Prohibited activities

The abandonment, discharge and uncontrolled management of waste shall be prohibited, including open-air incineration, fly-tipping and disposal in waste water networks.

**Article 35.**

Article 43 of the same Law is replaced as follows:

“Article 43. Preventive and curative measures

In the event of a human health risk or harm to human health or to the environment, the Minister may take any such measures as the situation requires. They may:

1. require analyses, expert appraisals or technical tests to be carried out;
2. order the closure of the facility or site;

3. require suspension of the activity likely to be causing said harm;
4. order works aimed at quantifying, halting, repairing and eliminating harm to the environment.

”

**Article 36.**

Article 45 of the same Law is replaced as follows:

“ Article 45. Investigation and identification of infringements

(1) Officers of the Customs and Excise Administration from the grade of chief brigadier upwards and officials and employees in processing groups A1, A2 and B1 of the Environmental Administration may be charged with identifying infringements of this Law and its implementing regulations.

While performing their function, agents of the Customs and Excise Administration and agents of the Environmental Administration shall act in the capacity of judicial police officers. They shall report any infringements in written statements that shall serve as evidence in the absence of proof to the contrary.

(2) The agents referred to in paragraph 1 must have undergone special professional training in the investigation and identification of infringements. The programme and duration of the training, as well as the assessment procedures shall be specified by grand-ducal regulation.

(3) Before taking up their duties, they shall take the following oath before the Luxembourg district court, sitting in civil matters:

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

Article 458 of the Penal Code shall apply.

**Article 37.**

Article 46 of the same Law is amended as follows:

1. Paragraphs 1 and 2 are replaced as follows:

“ (1) Where there are serious indications of an infringement of this Law or its implementing regulations, members of the Grand-Ducal police force and the persons referred to in Article 45(1) shall have access, day and night and without prior notification, to the facilities, premises, land, developments and means of transport subject to this Law and to the regulations adopted for its implementation. The control actions undertaken shall comply with the principle of proportionality in relation to the reasons given.

“ (2) The provisions shall not apply to premises used as dwellings.

a) 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 in premises intended for use as dwellings, a home visit may be carried out between 06.00 and 00.00 by a judicial police officer, a member of the Grand Ducal Police or an agent within the meaning of Article 45, acting under a mandate from the examining magistrate.”

2. In paragraph 3, the first sentence is replaced by the following:

“ (3) In the exercise of the powers provided for in paragraphs 1 and 2, those concerned are authorised to: ”.

**Article 38.**

Article 47 of the same Law is amended as follows:

1. Paragraphs 1 and 2 are replaced by the following provisions:

“(1) Infringements of the following shall be punished with a prison sentence of eight days to three years and a fine of €251 to €750 000 or only one of these penalties:

1. Article 13(9);
2. Article 15(1) and (2);
3. Article 18(1) and (3);
4. Article 23(1), (3) and (4);
5. Article 24(1) and (2);
6. Article 26(9), subparagraph 3;

7. Article 42, provided that it concerns hazardous waste.

The same sanctions shall apply in the event of obstruction of or non-compliance with the administrative measures adopted under Articles 43 or 49.

The same applies to infringements of the requirements laid down in Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste:

1. any person who makes an illegal shipment as defined in Article 2(35);
2. any person who mixes waste during shipment in breach of the provisions of Article 19;
3. any person who infringes a decision taken by the competent authority under Article 24(2) and (3).

(2) Infringements of the following shall be punished with a prison sentence of eight days to six months and a fine of €251 to €150 000 or only one of these penalties:

1. Article13(1) and (10);
2. Article 14(2);
3. Article 16(1), letter a), subparagraph 2 and letter c), and (4);
4. Article 19(9) and (13);
5. Article 20(7);
6. Article 25(4);
7. Article 30(1).

(2a) Infringements pursuant to the following shall be punished with a fine of €24 to €10 000:

1. Article 12(6), (7) and (10);
2. Article 23(5), provided that the breach was committed on a public highway;
3. Article 25(1);
4. Article 30(9) and (10);
5. Article 32(1), points 1 to 5, and (4);
6. Article 42, provided that it concerns non-hazardous waste;
7. Article 42, provided that it concerns cigarette ends.

The same applies to infringements of the requirements laid down in Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste:

1. any notifier and any addressee who has not concluded a valid contract in accordance with Article 5 or Article 18(2);
2. any person who has not concluded a financial guarantee or equivalent insurance in accordance with Article 6;
3. any person who has not carried out the recovery or disposal operations within the time limits set by the second sentence of Article 9(7);
4. any operator of an intermediate recovery or disposal operation who has not, within the time limits set by Article 15, certified receipt of the waste or the fact that the recovery or intermediate disposal operation has been completed;
5. any person who, after consenting to a shipment, does not comply with the requirements for movement documents mentioned in Article 16;
6. any person who ships the waste referred to in Article 3(2) and (4), without the waste being accompanied by the information referred to in Article 18(1), letter a).”

2. In paragraph 4, the words “agents of the Customs and Excise Administration” are replaced by the words “agents of the Environmental Administration”.

**Article 39.**

Article 48 of the same Law is replaced as follows:

“ Article 48. Taxed warnings

In the event of contraventions punished in accordance with the provisions of Article 47(2a), taxed warnings may be issued by officials of the Grand Ducal Police who have been thus empowered by the Director General of the Grand Ducal Police, as well as by officials of the Administrations concerned who have been thus empowered by the competent ministers, while exercising their functions in relation to the controls referred to in Article 45.

The taxed warning shall be subject to the condition that the offender either agrees to pay the taxed warning on the spot to the prequalified officials or, if the taxed warning cannot be paid at the place of the offence, that they pay it within the time limit specified in the warning. In the latter case, payment may be made by transfer to the postal or bank account indicated in the warning. For warnings issued by the aforementioned agents of the Grand Ducal Police, payment may also be made at one of the offices of the Grand Ducal Police.

The taxed warning shall be replaced by an ordinary statement:

1. if the offender has not paid within the specified time limit;
2. if the offender declares that they are unwilling or unable to pay the taxes;
3. if the offender is a minor at the time of the offence.

The amount of the taxed warning as well as the payment methods shall be established by a grand-ducal regulation that also specifies the procedures for applying this Article and which will establish a catalogue grouping the contraventions according to the amount to be collected under the taxed warnings.

The minimum amount of a taxed warning shall be €24. The maximum amount of a taxed warning shall be €1 000. Payment of the taxed warning within 45 days of identification of the infringement, plus reminder fees where applicable, shall have the consequence of halting any prosecution.

Where the taxed warning has been settled after this period, it shall be refunded in the event of acquittal and put towards the fine imposed and any legal costs in the event of conviction. In this case, payment of the taxed warning shall not prejudice the outcome of any legal action.

The competent administrations shall keep a register of the data necessary for implementation of this Article.

**Article 40.**

Article 49 of the same Law is amended as follows:

1. Paragraph 1 is replaced as follows:

"(1) In the event of non-compliance with the provisions of Articles 12 to 16, 18, 19(7, 9, 10, 11 and 13), 23 to 27, 30, 32 to 35, 42 and 54(2), the Minister may:

a) give the operator of an establishment or a producer or holder, importer or distributor a time frame within which they must comply with these provisions. This may not exceed two years;
b) suspend all or part of the activity of waste traders, brokers, collectors or transporters, the operation of the establishment or site work as a temporary measure, or close the establishment or the site in whole or in part and apply seals."

2. Paragraph 3 is now deleted.

**Article 41.**

After Article 49 of the same Law, an Article 49a shall be inserted, which reads as follows:

" Article 49*bis*. Administrative fines

The Minister may impose an administrative fine of €250 to €10 000 in the event of a breach of:

1. Article 12(3), second sentence, and (4), point 1, (5), subparagraph 2, and (8) and (9);
2. Article 13(2), subparagraph 1, and (4), (5) and (8);
3. Article 17(3);
4. Article 19(7), (10) and (11);
5. Article 23(2) and (5), except the cases referred to in Article 47(3);
6. Article 26(1), (2) and (3);
7. Article 27(2), letters b) and d);
8. Article 32(1), points 6 to 8;
9. Article 33(2) and (3);
10. Article 34(1), subparagraphs 1 and 2, and (2);
11. Article 35(1) and (2);

Fines shall be payable within two months of notification of the written decision.

Administrative fines shall be collected by the Luxembourg Registration Duties, Estates and VAT Authority

(Administration de l'enregistrement, des domaines et de la TVA). Recovery shall be as for registration duties.

**Article 42.**

Article 50(1) of the same Law is amended as follows:

"(1) Decisions taken by virtue of this Law may be appealed before the Administrative Court, which shall rule as the trial judge. Such an appeal must be brought under penalty of revocation within 40 days of notification of the decision."

**Article 43.**

Annex II of the same Law is replaced as follows:

"

ANNEX II

Recovery operations

R 1 Use principally as a fuel or other means to generate energy(*)

R 2 Solvent reclamation/regeneration

R 3 Recycling or reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes) (**)

R 4 Recycling/reclamation of metals and metal compounds (***)

R 5 Recycling/reclamation of other inorganic materials (****)

R 6 Regeneration of acids or bases

R 7 Recovery of components used for pollution abatement

R 8 Recovery of components from catalysts

R 9 Oil re-refining or other reuses of oil

R 10 Land treatment resulting in benefit to agriculture or ecological improvement

R 11 Use of wastes obtained from any of the operations numbered R 1 to R 10

R 12 Exchange of wastes for submission to any of the operations numbered R 1 to R 11(*****)

D 13 Storage of wastes pending any of the operations numbered D 1 to D 12 (excluding temporary storage, pending collection, on the site where it is produced) (******)

(*) This operation includes incineration facilities whose main activity consists in treating municipal solid waste, provided that its energy efficiency is greater than or equal to:

- 0.60 for operational facilities authorised in accordance with Community legislation applicable prior to 1 January 2009,
- – 0.65 for facilities authorised after 31 December 2008, calculated using the following formula: energy efficiency = (Ep - (Ef + Ei))/(0.97 x (Ew + Ef)), where:

Ep represents the annual production of energy in the form of heat or electricity. It is calculated by multiplying the energy produced in the form of electricity by 2.6 and the energy produced in the form of heat by 1.1 for commercial operations (GJ/year);

Ef represents the annual energy input of the fuel system used for steam production (GJ/year);

Ew represents the annual quantity of energy contained in the treated waste, calculated based on the lower calorific value of the waste (GJ/year);

Ei represents the annual quantity of energy imported, excluding Ew and Ef (GJ/year);

0.97 is a coefficient taking into account the energy losses due to incineration bottom ash and radiation.

This formula shall be applied in accordance with the reference document on the best available techniques for waste incineration (BREF Incineration).

The value given by the energy efficiency formula shall be multiplied by a climate correction factor (CCF), as follows:

(1) CCF for operational facilities authorised in accordance with the European Union legislation in force, prior to 1 September 2015

CCF = 1 if HDD ≥ 3 350

CCF = 1.25 if HDD ≤ 2 150

CCF = – (0.25/1 200) × HDD + 1.698 when 2 150 < HDD < 3 350

(2) CCF for facilities authorised after 31 August 2015 and facilities referred to in point 1 after 31 December 2029

CCF = 1 if HDD ≥ 3 350

CCF = 1.12 if HDD ≤ 2 150

CCF = – (0.12/1 200) × HDD + 1.335 when 2 150 < HDD < 3 350

(The resulting CCF value shall be rounded to the third decimal place.)

The HDD value (Heating Degree Days) to be taken into consideration shall be the average of the annual HDD values for the place of installation of the incineration plant, calculated over a period of twenty consecutive years prior to the year for which the CCF is calculated. For the calculation of the HDD value, the following method established by Eurostat should be applied: HDD is equal to (18 °C – Tm) × d if Tm is less than or equal to 15 °C (heating threshold) and is equal to zero if Tm is greater than 15 °C, where Tm is the average outside temperature (Tmin + Tmax)/2 over a period of d days. The calculations are made on a daily basis (d = 1) and added together to obtain a year.

(**) This includes preparation for reuse, gasification and pyrolysis using the components as chemicals and recovering organic material as backfilling.

(***) This includes preparation for reuse.

(****) This includes preparation for reuse, recycling inorganic construction materials, recovery of inorganic materials as backfilling and cleaning soils for recovery.

(*****) If there is no other appropriate R code, this operation may cover operations prior to recovery, including pre-treatment, including dismantling, sorting, crushing, compaction, agglomeration, drying, crushing, packaging, repackaging, separation, grouping or mixing, prior to execution of the operations numbered R 1 to R 11.

(******) ‘Temporary storage’ means preliminary storage within the meaning of Article 4, point 19).

**Article 44.**

Annex IV is replaced as follows:

“

ANNEX IV

Processing times

(1) For applications submitted under the provisions of Articles 7, 9 and 30, letters a), b), c) and f)

1. The competent administration shall decide whether the application is admissible within fifteen days of the confirmation of receipt relating to it.

The application shall be found inadmissible if, in the opinion of the competent administration, it is considered to be manifestly incomplete.

An application is manifestly incomplete if it does not contain the specific information and documents set out by this Law. If not stated by this Law, the competent administration shall establish a list of the information and documents required which shall be made public by electronic means.

An application shall also be deemed inadmissible if it contains contradictory information or documents.

Inadmissible files shall immediately be returned to the applicant by the competent administration without further action. Reasons shall be given for the inadmissibility decision. The lack of a response from the competent administration within the fifteen days referred to in subparagraph 1 of this point shall constitute admissibility of the application.

Disputes relating to the admissibility of an application file shall be examined according to the procedure provided for in Article 50(1).

2. For applications declared admissible, the competent administration shall have three months to inform the applicant if their application file is complete.
3. If the file is not complete or if, on the basis of the elements of the file, the competent administration requires additional information in order to be able to judge whether the planned activity complies with the provisions of Articles 9 and 10, it shall invite the applicant, once only, within the aforementioned period, to complete their file or provide the additional information.
   The applicant shall send the requested information to the competent administration within two months, in a single communication, with the required precision and according to the rules of the art.
   This period may be extended only once, by one month, on the reasoned written request of the applicant.
   In the absence of a response within the aforementioned deadlines, the request shall be considered null and void. The applicant shall be informed of the fact by the competent administration.
4. In the event that the application file has been declared complete in accordance with point 2 or the additional information requested has been sent to the competent administration within the time limits mentioned in point 3, the Minister shall have three months to make the decision.

(2) For applications submitted under the provisions of Article 19

a) For applications submitted under the provisions of Article 19 of this Law, the competent administration shall decide whether the application is admissible within one month of confirming receipt thereof.
   A file shall be deemed inadmissible if:

   1. the specific conditions set out in Article 19(6), subparagraph 1 are not met;
   2. if it does not contain the specific documents set out in Article19(6), subparagaph 2.

   If necessary, the competent administration shall request any missing documents from the applicant, who shall have a period of one month to provide them. At the end of this period, the Minister shall again have a period of one month to rule on the admissibility of the file.
b) For applications declared admissible, the Minister shall have three months to make the decision.
   If the file contains contradictory indications or documents, or if information is lacking, the competent administration shall invite the applicant, once only, within the aforementioned time limit, to complete the file by providing these documents or information.
   The applicant shall send the requested information to the competent administration within two months, in a single communication.
   This period may be extended only once, by one month, on the reasoned written request of the applicant.
   If the requested information is not transmitted to the competent administration within this period, the file shall be considered null and void and the applicant informed of the fact.
   If the requested information is sent within the specified period, the Minister shall have three months from their receipt to make the decision.

(3) For applications submitted under the provisions of Article 30, letters d) and e)
The processing times shall be those mentioned in the legislation relating to classified establishments:

1. for establishments, undertakings, facilities or operations not covered by the amended Law of 10 June 1999 relating to classified establishments: those in class 3 of the said legislation;
2. for establishments, undertakings, facilities or operations covered by the amended Law of 10 June 1999 relating to classified establishments: those in class 1 of the said legislation.

„

**Article 45.**

Annex III of the same Law is repealed.

**Article 46.**

The same Law is supplemented by an Annex VI and Annex VII, which read as follows:

“ Annex VI

Products referred to in Article 12(3)

i. Single-use plastic products banned from 1 January 2023 onwards at parties and events open to the public
   1. Trays and other food containers
   2. Plates
   3. Cutlery (forks, knives, spoons, chopsticks)
   4. Stirrers
   5. Straws
   6. Cocktail sticks
   7. Beverage containers: tumblers, cups, glasses
   8. Bottles

ii. Single-use products prohibited from 1 January 2025 onwards at parties and events open to the public
   1. Plates
   2. Stirrers
   3. Straws
   4. Cocktail sticks
   5. Beverage containers: tumblers, cups, glasses
   6. Bottles (other than glass bottles)
   7. Beverage cans
   8. Beverage cartons

ANNEX VII

EXAMPLES OF ECONOMIC INSTRUMENTS AND OTHER MEASURES TO PROMOTE APPLICATION OF THE WASTE HIERARCHY REFERRED TO IN ARTICLE 9

1. Charges and restrictions for landfill and waste incineration that encourage waste prevention and recycling, while maintaining landfill as the least desirable waste management option;
2. Waste volume pricing systems that charge waste generators on the basis of the actual amount of waste produced and provide incentives for source-sorting recyclable waste and reducing mixed waste;
3. Tax incentives for donations of products, especially food;
4. Extended producer responsibility schemes for different types of waste and measures aimed at improving their efficiency, cost-effectiveness and management;
5. Deposit systems and other measures to encourage the efficient collection of used products and materials;
6. Sound investment planning for waste management infrastructure, through the use of European Union funds;
7. Sustainable public contracts aimed at encouraging better waste management and the use of recycled products and materials;
8. Progressive elimination of subsidies contrary to the waste hierarchy;
9. Use of fiscal measures or other means to promote the use of products and materials that have been prepared for reuse or recycled;
10. Support for research and innovation in advanced recycling and remanufacturing technologies;
11. Use of best available techniques for waste treatment;
12. Economic incentives for local and regional authorities, to promote waste prevention and intensify separate collection systems while avoiding supporting landfill and incineration;
13. Public awareness campaigns focusing in particular on separate collection, waste prevention and litter reduction, and integration of these issues into education and training;

14. Coordination systems, including by digital means, between all of the competent public authorities involved in waste management;
15. Promotion of permanent dialogue and cooperation between all stakeholders in waste management, as well as voluntary agreements and company reports on waste.

”

**Article 47.**

The amended Law of 31 May 1999 establishing an Environmental Protection Fund is amended as follows:

1. Article 2(1), letter (c) is replaced by the following provision:
   “(c) waste prevention and reduction, sound waste management, circular economy and participation in related projects;”
2. Article 4 is amended as follows:
   a) The aid referred to in letter (d) is increased to 75 percent.
   b) letter (g) is replaced as follows:
   “g) aid up to a maximum of 50 percent of the investment cost for innovative resource management or circular economy activities and projects and which is likely to contribute significantly to the objectives of the amended Law of 21 March 2012 on waste.”

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.

Geneva, 9 June 2022.
**Henri**

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

*The Minister for Health,*
**Paulette Lenert**

*The Minister for Justice,*
**Sam Tanson**

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

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

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

*The Minister for Labour, Employment and the Social and Solidarity Economy,*
**Georges Engel**

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Parl. doc. 7659; Ord. sess. 2019-2020, 2020-2021 and 2021-2022; Directive (EU) 2018/851.