



Draft Text

Draft law amending:

1. the amended Law of 21 March 2012 on waste;
2. the amended Law of 21 March 2017 on packaging and packaging waste;
3. the Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment.

Chapter 1 - Amendment of the amended Law of 21 March 2012 on waste

Article 1. In Article 4 of the amended Law of 21 March 2012 on waste, points 26 and 33 are deleted.

Article 2. Article 6 of the same Law is supplemented by a paragraph 3 which reads as follows:

'(3) Unless there are criteria established at European Union level or in accordance with this Article for substances or objects, decisions determining that a substance or object is recognised as a by-product and is not considered as waste may be taken on a case-by-case basis by the competent administration on the basis of a detailed dossier sent to it containing information on the conditions required in accordance with paragraph 1 and, where applicable, paragraph 2.'

Article 3. Article 12 of the same Law is amended as follows:

1. In paragraph 1(b), the reference to Article 4, point 21, is replaced by a reference to Article 4, point 31;

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

'Annex VI shall include a list of single-use products which are prohibited from being served to the consumer and, where applicable, the date from which that prohibition shall apply. Separate collection of the different fractions of waste listed in Article 13(2) and generated therein must be ensured.'

3. Paragraphs 9 and 10 shall be deleted.

Article 4. Article 13 of the same Law is amended as follows:

1. Paragraph 2 is replaced by the following:

'(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. Where mixing has occurred, the waste shall be separated prior to any pre-treatment or treatment process.

Separate collection as referred to in subparagraph 1 is introduced at least for the following fractions of waste:

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, point 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 Article 2(1), point 10, of the Law of 9 June 2022 on waste electrical and electronic equipment;
11. batteries within the meaning of Article 3(1), point 1, of Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020, and repealing Directive 2006/66/EC;
12. tyres.'

2. Paragraph 5 is replaced by the following:

'(5) Buildings comprising at least four residential lots shall be equipped with the necessary facilities for the separate collection of the different fractions of waste generated therein and referred to in paragraph 2, points 1, 2, 5, and 8–10.

3. Paragraph 7 is replaced by the following:

'(7) From 1 January 2026, a sufficient number of supermarkets covering the national geographical territory, while taking into account demographic considerations, shall be equipped with the necessary facilities for the separate collection of municipal household packaging waste consisting of paper, cardboard, glass, plastic, metal packaging, and composite packaging.

Such collection facilities shall be determined jointly by supermarkets, approved bodies referred to in Article 19(5) and communes. Supermarket operators shall submit to the competent administration by 1 July 2025 a coordinated plan that sets out the distribution of the selected locations.



In such facilities, quality monitoring of sorting shall be ensured and a report on the quality of packaging waste collected shall be drawn up by the approved bodies referred to in Article 19(5). The supermarket shall inform consumers of the existence of this arrangement in a visible manner. These collection facilities shall be accessible to the public during the opening hours of the supermarkets concerned.'

Article 5. Article 19 of the same Law is replaced by the following provisions:

' Article 19. Extended producer responsibility scheme

(1) With a view to enhancing prevention, re-use, preparation for reutilisation, recycling and other means of waste recovery, the product producer may be subject to the extended producer responsibility scheme.

(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 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.

(4) The persons referred to in paragraph 1 contribute proactively to the achievement of the objectives of this Law through actions promoting improved product design, prevention, re-use, preparation for reutilisation, recycling and changes in societal behaviour. The setting of minimum rates of re-use, collection, recovery, preparation for reutilisation or recycling in accordance with other laws or regulations shall not exempt the persons referred to in paragraph 1 from taking the necessary measures to ensure that the rates in question are maximised.

(5) Depending on the specific legislation on extended producer responsibility, the persons referred to in paragraph 1 shall fulfil their obligations under this Article and that legislation by means of an individual system or by contractually entrusting an approved body with the performance of those obligations in accordance with paragraph 6.

Approved bodies may entrust and delegate the operational implementation of the waste management concerned to their members.

Persons referred to in paragraph 1 who are established in another country which market products in the Grand Duchy of 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.

(6) Individual systems and bodies responsible for extended producer responsibility and acting on behalf of product producers shall be approved by the Minister. To this end, an approval application shall be submitted to the competent administration. The procedure for examining such a request is set out in Annex IV, except where a special law provides for a different procedure.

The approval application must:



1. mention the identity of the applicant;
2. indicate the surnames, names, and capacities of the directors, managers, and other persons who may commit the applicant;
3. list the products for which the approval is being sought;
4. if applicable, describe in detail how the obligations of the producers or the body representing them will be fulfilled.

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

In order to obtain approval, the applicant shall fulfil the following conditions:

1. have sufficient financial and organizational resources to fulfill the obligations in question;
2. where appropriate, have the necessary insurance to cover the operational activities of extended producer responsibility;
3. clearly define the geographical coverage;
4. where appropriate, have the financial guarantee provided for by the specific legislation.

In addition, the approval of a body competent with regard to extended producer responsibility and acting on behalf of product producers may be granted only to legal persons which fulfil the following conditions:

1. their main purpose according to their statutes 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, re-use, preparation for reutilisation, financing and information, as the case may be;
2. they must have a list of the surnames, names and capacities of the directors, managers and other persons who may commit the body and documentation concerning their professional knowledge;
3. their members include the persons referred to in paragraph 1, whom they represent;
4. they are incorporated as non-profit organisations;
5. all of their administrators and persons who may commit the association are persons enjoying full civil and political rights;
6. they must have national geographical coverage;
7. they must provide a strategy for achieving the minimum representativeness in the national market referred to in paragraph 7, point 8.

The approval shall be granted by the Minister for one or more types of products and waste. It lays down the conditions with which producers or the approved body representing them are required to comply. Approval shall be limited in time and may be renewed in accordance with the procedure laid down in this Article.

Approval may be refused, suspended or withdrawn by the Minister where the producer or approved body has not complied or does not comply with the legal provisions or specific conditions laid down. The approval may be reviewed at any time and may be amended by the Minister in the event of duly justified necessity.

(7) Any person referred to in paragraph 1 shall be required to:



1. meet the conditions established in the approval;
2. ensure transparency in waste flows, in terms of quantities and destinations, treatment methods and recycling and recovery collection rates;
3. submit to the competent administration, in accordance with Article 35, an annual report covering the previous year.

In addition, every approved body is required to:

1. conclude contracts or agreements with producers and distributors, or third parties acting on its behalf, to fulfil their obligations;
2. conclude an insurance contract covering any damage likely to be caused by its activity;
3. 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;
4. grant membership to any product producer who so requests;
5. set up an appropriate self-monitoring mechanism, based, where appropriate, on regular independent audits, in order to assess its financial management, including compliance with the requirements set out in paragraph 6, subparagraph 1, and the quality of the data collected and reported in accordance with this Article and the requirements of Regulation (EC) No 1013/2006;
6. carry out awareness-raising and information measures in relation to the extended producer responsibility scheme;
7. register its members with the competent administration and update the list in accordance with the terms and procedures defined by the administration;
8. represent, within the period laid down by the approval, at least 30% by weight of the total products placed annually on the national market. If those products are subdivided into different categories, the 30% rate shall be calculated by adding together the weight of the products placed annually on the market in each category for which the body has applied for approval. In this case, the body must also represent at least 5% by weight of the total products placed annually on the national market in each of the respective categories.

It is also required, as the case may be, to achieve, for all persons who have concluded a contract with it and within the time limits laid down in the approval, at least the objectives imposed, where appropriate, by the specific legislation. To that end, the body shall ensure that all persons who have concluded a contract with it, as well as intermediate and final consignees, provide the data and ensure its quality.

(8) Product producers shall publish information on the achievement of waste prevention and management objectives and, where extended producer responsibility obligations are fulfilled collectively, each approved body shall also make public information on:

1. its owners and affiliated members;
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.

The provision of information to the public pursuant to this paragraph shall be without prejudice to the protection of the confidentiality of commercially sensitive information in accordance with applicable national and European Union law.



(9) Financial contributions paid to approved bodies by the persons mentioned in paragraph 1 to comply with the extended responsibility obligations shall cover the costs inherent in their legislative obligations in this area.

The financial contributions shall 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.

(10) The approved body shall be authorised to invoice the persons mentioned in paragraph 1 who are not affiliated, in proportion to their respective market shares, the costs inherent in fulfilling their obligations as product producers which it assumes in accordance with the specific laws and regulations.

The communes shall be authorised to invoice the approved bodies and the persons mentioned in paragraph 1 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.

Waste management costs which fall under the product producers' collection and treatment obligation, and which are collected in the context of the collection of problematic waste, in accordance with the provisions of the amended Law of 25 March 2005 on the operation and financing of the SuperDrecksKëscht action, other than waste collected through the channels set up by product producers or approved bodies, shall be invoiced, in accordance with Article 3(4) of the aforementioned Law, to the approved body or persons mentioned in paragraph 1.

(11) The competent administration shall monitor and ensure that the persons referred to in paragraph 1 and the approved bodies responsible for implementing extended producer responsibility obligations comply with their obligations, including in the case of distance sales, that the financial resources are used appropriately, and that all actors involved in the implementation of 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.'

Article 6. Article 20 of the same Law is amended as follows:

1. The following subparagraphs 2 and 3 are added to paragraph 3:

' The communes shall send the catalogue of criteria to the competent administration no later than 31 March of the year concerned.

If a commune does not fulfil the obligation mentioned in subparagraph 2, the competent administration shall draw up or have drawn up the list of criteria at the expense of the commune in question. The competent administration shall give the commune prior notice of the application of this provision, by registered letter with acknowledgement of receipt.'

2. Paragraph 9 is supplemented by a subparagraph 3, which reads as follows:



' A commune which is a member of a communal association shall be exempt from the requirement for a prior opinion if the association itself has requested an opinion on a draft communal regulation and the commune in question decides to adopt it.

Article 7. In Article 21(2)(c) of the same Law, the words 'municipal household waste' are replaced by the words 'municipal waste'.

Article 8. Article 26 of the same Law is amended as follows:

1. In paragraph 3, subparagraphs 4 and 5 are deleted;

2. Paragraph 7 is replaced by the following:

'(7) The reutilisation or re-use of recovered inert materials shall be entered in the public tender documents for road construction and other works.'

3. In paragraph 9, subparagraph 2, the first sentence is replaced by the following:

' A Grand-Ducal Regulation may lay down the selection procedures for the location of regional landfills for inert waste and extensions thereof.'

Article 9. Article 30 of the same Law is amended as follows:

1. In paragraph 1, the following amendments are made:

(a) Point (a) is supplemented by the following words: 'except for transit transport;'

(b) Point (f) is deleted;

2. In paragraph 6, the second sentence is deleted;

3. In paragraph 7, subparagraph 2 is replaced by the following:

' Where an establishment, undertaking, installation or operation referred to in paragraph 1(d) or (e), is included in Class 4 of the legislation on classified establishments or does not reach the lower threshold of that Class 4, it is exempted from an authorisation under the provisions of this Law. However, it is subject to registration in accordance with Article 32 if it is included in Class 4 of the legislation on classified establishments.'

4. Paragraph 8 is replaced by the following:

'(8) For bodies approved in accordance with Article 19, approval shall be equivalent to authorisation as a waste broker under this Article.'

5. A new paragraph 12 is added, which reads as follows:

'(12) The application for authorisation shall contain the data set out in Annex VIII.'

Article 10. Article 32(1) of the same Law is replaced as follows:



'(1) By way of derogation from 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 which supply products and take the same products back from their customers once they have become waste, as well as packaging containing these products, with a view to grouping and recovery or appropriate disposal;
6. the collection and storage facilities referred to in Article 13(7);
7. resource centres;
8. the collection and storage 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;
9. the undertakings, installations or operations referred to in Article 30(1)(d) or (e), which are included in Class 4 of the legislation on classified establishments.'

Article 11. Article 33 of the same Law is amended as follows:

1. Paragraph 3 shall be replaced with the following provisions:

'(3) In the event of the cessation of activities of the establishments, installations and undertakings referred to in Article 30(1)(a), (d) and (e), the operating site shall be rehabilitated in such a way as to prevent damage to the environment and to ensure supervision of the rehabilitation in accordance with the terms and conditions laid down by the Minister.'

2. In paragraph 4, the words 'public or private' are deleted.

Article 12. Article 34 of the same Law is amended as follows:

1. In paragraph 1, subparagraphs 2 and 3 are replaced by the following:

'For waste subject to notification in accordance with Regulation (EC) No 1013/2006, they shall make those data available to the competent administrations by means of the electronic register referred to in paragraph 4.

For the purpose of registers, collectors, transporters, traders, brokers, or consignees shall provide waste producers with all the required information, in particular the consignee of the waste and the treatment method applied.'

2. Paragraph 4 is replaced by the following:



'(4) The competent administration shall establish a national electronic register to record the data relating to waste subject to notification in accordance with Regulation (EC) No 1013/2006 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 shall be maintained by electronic means as soon as it is put into production, for the waste included therein. The production date shall be published at the appropriate time by the competent administration.'

Article 13. Article 35 of the same Law is amended as follows:

1. In paragraph 1, subparagraph 1, the second sentence is deleted;

2. Paragraph 2 is replaced by the following:

'(2) Producers, third parties acting on their behalf, and the approved bodies referred to in Article 19 shall submit to the competent administration a report relating to the previous year, providing information on the operation and, where applicable, the achievement of the rates concerning extended producer responsibility schemes for the products which concern them. The information to be included in the report shall be specified in the respective legislation, approvals, or other agreements.

The competent administration may request that the data be verified by an approved auditor.

For the communication of reports, the competent administration may prescribe the use of specific formats, where appropriate in electronic form.');

3. Paragraph 3 is repealed.'

Article 14. In Article 46(3)(b) of the same Law, the words 'extended responsibility scheme' are replaced by the words 'scheme of extended responsibility'.

Article 15. Article 47 of the same Law is amended as follows:

1. In paragraph 1, the following two new points are inserted between point 6 and point 7:

'6a. Article 30(1), subparagraph 1;

6b. Article 33(3);'

2. In paragraph 2, points 4 and 7 are deleted.

Article 16. In Article 49(1), first sentence, of the same Law, the words 'paragraphs 7, 9, 10, 11 and 13,' are deleted.

Article 17. Article 49a, subparagraph 1, of the same Law is amended as follows:

1. Point 1 is replaced by the following:



'1. Article 12(3), second and third sentences, (4), subparagraph 2, point 1, (5), subparagraph 2, and (8) and (9);'

2. Point 4 is replaced as follows:

'4. Article 19(5), subparagraph 1, (7), (8), subparagraph 1, and (9);'

3. Point 7 is replaced by the following provisions:

'7. Article 27(2)(b) and (d), and (3)';

4. Point 9 is amended as follows:

'9. Article 33(2) and (4);'.

Article 18. In Annex I to the same Law, in footnote '(***)', the reference to Article 4, point 17, is replaced by a reference to Article 4, point 3.

Article 19. Annex II of the same Law is amended as follows:

1. Before code R 1, a code R 0 shall be added which shall read as follows:

'R0 - Preparation for reutilisation;'

2. In footnote '*****', the reference to Article 4, point 19, is replaced by a reference to Article 4, point 3.

Article 20. Annex IV of the same Law is replaced as follows:

' ANNEX IV

Time limits and investigation procedures

1. Applications pursuant to Article 6(3), Article 7(4), and Article 9

The competent administration shall have three months to verify whether the dossier submitted is complete.

Where the dossier is not complete, the competent administration shall invite the applicant to complete the dossier by specifying the missing information and elements.

The applicant shall send the requested information to the competent administration in a single submission within three months of the administration's request.

If the information requested is not forwarded to the competent administration within that period, the dossier shall be closed without further action and the applicant shall be informed thereof.

The competent administration shall take a decision within three months from finding that the dossier is complete.

2. Applications pursuant to Article 19



(a) The competent administration shall decide within one month of the acknowledgment of receipt of the application whether it is admissible.

A dossier shall be admissible if it contains all the supporting documents relating to the requirements referred to in Article 19(6) and, where applicable, the supporting documents relating to the conditions listed in the specific legislation.

Where appropriate, the competent administration shall request the missing documents from the applicant, who shall have one month to provide them. At the end of that period, the competent administration again has one month to decide on the admissibility of the dossier.

(b) For applications declared admissible, the Minister shall have three months to make the decision.

Where the dossier contains contradictory information or documents or where there is no information, the competent administration shall invite the applicant once within the abovementioned period to complete the dossier by providing such information or documents.

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 information requested is not forwarded to the competent administration within that period, the dossier shall be closed without further action and the applicant shall be informed thereof.

If the requested information is sent within the specified period, the Minister shall have three months from their receipt to make the decision.

3. Requests for derogation pursuant to Article 23(3)

The competent administration shall have three months to verify whether the dossier submitted is complete.

Where the dossier is not complete, the competent administration shall invite the applicant to complete the dossier by specifying the missing information and elements.

The applicant shall send the requested information to the competent administration in a single submission within three months of the administration's request.

If the information requested is not forwarded to the competent administration within that period, the dossier shall be closed without further action and the applicant shall be informed thereof.

The competent administration shall take a decision within three months of finding that the dossier is complete.

4. Applications for authorisation pursuant to Article 30(1)(a), (b) and (c)

(a) 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 inadmissible if, upon assessment by the competent administration, it is to be regarded as 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.

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 inadmissibility of the application.

(b) For applications declared admissible, the competent administration shall have three months to inform the applicant if their application dossier is complete.

(c) If the dossier is not complete or if, on the basis of the elements of the dossier, 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 dossier 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.

If the information requested is not submitted within the above-mentioned time limits, the application shall be closed without further action. The applicant shall be informed of the fact by the competent administration.

(d) In the event that the application dossier 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.

5. Applications for authorisation pursuant to Article 30(1)(d) and (e)

(a) For any administrative procedure introduced, the competent administration has sixty days to verify whether the dossier submitted is complete.

(b) Where the dossier is complete, the competent administration shall inform the applicant accordingly, specifying the action to be taken.

(c) Where the dossier is not complete, the competent administration shall invite the applicant to complete the dossier by specifying the missing information and elements.

(d) The applicant shall transmit the requested information to the competent administration in one go within 180 days. If a study is to be carried out by a person approved under the Act of 21 April 1993 on the approval of private or public natural or legal persons, other than the State, for the



performance of technical study and verification tasks in the field of the environment or if a risk study and a safety report are to be carried out under Article 16 of the amended Act of 10 June 1999 on classified establishments, this period may be extended by 180 days on the basis of a decision by the competent administration.

In the event that the information requested is not transmitted to the competent administration within the time limits referred to in subparagraph 1, the dossier is closed without further action and the applicant shall be informed thereof.

In the event that the information requested is sent within the time limits referred to in subparagraph 1, the competent administration shall inform the applicant within 30 days if the dossier is complete.

(e) If the competent administration considers that the dossier is still incomplete, the dossier shall be closed without further action and the applicant shall be informed thereof.

(f) The competent administration shall take a decision on the administrative steps taken with a public inquiry within 45 days from the end of the public inquiry period referred to in Article 19(4) of the aforementioned Law of 10 June 1999.

In the case of administrative procedures introduced without a public inquiry, the competent administration shall take a decision within 45 days from the day on which all the competent administrations find that the dossier is complete.

In the event that the application for authorisation concerns establishments covered by the amended Law of 15 May 2018 on environmental impact assessments and the document referred to in Article 4(4), subparagraph 2, point 2, or in Article 10 of that Law is not available at the time referred to in subparagraphs 1 and 2, the 45-day period of the competent administration referred to in Article 10 shall start from the receipt of that document by the Environment Administration.

6. Registrations pursuant to Article 32(1)

The competent administration shall have three months to verify whether the dossier submitted is complete.

Where the dossier is not complete, the competent administration shall invite the applicant to complete the dossier by specifying the missing information and elements.

The applicant shall send the requested information to the competent administration in a single submission within three months of the administration's request.

If the information requested is not forwarded to the competent administration within that period, the dossier shall be closed without further action and the applicant shall be informed thereof.

The competent administration must take a decision within three months, either by registration or by refusal of registration. In both cases, it shall inform the applicant accordingly.'

Article 21. In Annex V to the same Law, the footnote 'Hazardous property HP 14 is assigned to waste on the basis of the criteria set out in Annex IV to Council Directive 67/548/EEC.' is replaced by the footnote 'Hazardous property HP 14 is assigned to waste on the basis of the criteria set out in Annex IV to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December



2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, as amended.'

Article 22. Annex VI of the same Law is amended as follows:

1. In the heading of point (ii), the words '1 January 2025' are replaced by the words '1 January 2026';
2. A subparagraph 3 with the following wording is added:

' On request, a derogation for a professional or semi-professional run or cycling race may be granted by the Environment Administration for beverage containers used to supply high-level athletes during that run or race.'

Article 23. After Annex VII to the same Law, a new Annex VIII is inserted, which reads as follows:

ANNEX VIII

Information to be provided in the case of an application for an authorisation pursuant to Article 30(1)(d) and (e)

- (1) As regards the general component:
 - 1° A non-technical summary of the information referred to in paragraphs 2 and 3;
 - 2° The identification data of the operator and, where applicable, their representative;
 - 3° The identification data of the applicant and, where applicable, their representative;
 - 4° The data relating to the location of the establishment site;
 - 5° A list of the nomenclature points and designation of the establishments concerned by the administrative procedure, as set out in the amended Grand-Ducal Regulation of 10 May 2012 on the new nomenclature and classification of classified establishments;
 - 6° A description of the establishment and its activities;
 - 7° Detailed plans of the establishment, indicating in particular the layout of the premises and the location of the installations, respectively of the establishments;
 - 8° Where applicable, the references of the authorisations concerned by the administrative procedure;
 - 9° An indication of the name and official classification according to the European waste nomenclature for all fractions of waste, as well as recovery operation codes R or disposal operation codes D;
 - 10° An assessment of the amount of the financial guarantee as requested in Article 33.
- (2) As regards the specific component [*] [**]:
 - 1° General points:
 - a) an indication of the measures taken to prevent incidents and accidents and to limit their consequences;



- b) in the event that the procedure concerns an establishment covered by the Law of 15 May 2018 on environmental impact assessment: the document referred to in Article 4(4), subparagraph 2, point 2, of that Law or the reference to the environmental impact assessment on the electronic medium dedicated to environmental impact assessments installed for that purpose and accessible to the public, indicating the last day of its publication and, where applicable, the reasoned conclusion referred to in Article 10 of that Law;
- 2° With regard to air:
- a) planned technology and techniques for the prevention and reduction of air pollution by atmospheric emissions and odours;
 - b) sources (description and plans), substances, concentrations and rates of pollutants released into the air;
 - c) measures for monitoring air emissions by discharge point;
 - d) measures for the maintenance of prevention and reduction techniques;
 - e) where appropriate, in the case of an environmental quality standard: Impact of atmospheric emissions at immission;
 - f) where appropriate, in the case of an existing national reduction commitment: an estimate of the annual emissions of the establishment during the planned operating period;
 - g) impact of odour emissions at immission;
- 3° With regard to water:
- a) planned technology and techniques for the prevention and reduction of water pollution;
 - b) techniques for reducing the consumption of drinking water;
 - c) quantity of drinking water consumed;
 - d) sources (description and plans), temperature, substances and concentrations, and flows of pollutants discharged into water per discharge point;
 - e) measures to monitor emissions into water by discharge point;
 - f) measures for the maintenance of prevention and reduction techniques;
 - g) where applicable, in the case of known existing or future environmental quality standards: Impact on this standard at the discharge point;
- 4° With regard to soil and subsoil:
- a) planned technology and techniques for preventing soil and subsoil pollution;
 - b) sources (description and plans), concentrations and flows of pollutants released into soil and subsoil;
 - c) measures for monitoring emissions into the soil and subsoil;
 - d) measures for the maintenance of prevention and reduction techniques;
 - e) the state of the establishment site of the installation;
- 5° With regard to noise:



- a) planned technology and techniques for the prevention and reduction of acoustic emissions;
 - b) sources (description and plans) and sound power of transmitters;
 - c) measures for the maintenance of prevention and reduction techniques;
 - d) impact of noise emissions at immission;
- 6° With regard to vibrations:
- a) planned technology and techniques for the prevention and reduction of vibrations;
 - b) sources (description and plans) and scope of vibrations;
 - c) vibration monitoring measures;
 - d) measures for the maintenance of prevention and reduction techniques;
 - e) impact of vibrations at immission;
- 7° With regard to radiation:
- a) planned technology and techniques for the prevention and reduction of radiation;
 - b) sources (description and plans) and scope of radiation;
 - c) radiation monitoring measures;
 - d) measures for the maintenance of prevention and reduction techniques;
 - e) impact of radiation at immission;
- 8° As regards the production and management of waste and other operational residues, as well as the management of waste to be treated:
- a) an indication of how the waste and residues produced are prepared in order to comply with the order of priority of waste management: re-use, recycling, recovery, disposal;
 - b) measures to prevent and reduce the production of waste and operational residues and their harmfulness;
 - c) an indication of the ways of re-use, recycling, recovery, or disposal of waste whose production cannot be avoided or reduced or which cannot be recycled;
 - d) types of waste and residues from operations;
 - e) quantity of stored waste to be treated or generated;
- 9° With regard to energy:
- a) planned technology and techniques for reducing energy consumption and efficient use of energy;
 - b) energy used in or produced by the installation;
 - c) measures to monitor energy consumption;
 - d) maintenance measures for the planned technologies;
 - e) in case an authorisation for a Class 1, 1B, 3 or 3B establishment in respect of classified establishments referred to in Article 14a of the amended Law of 5 August 1993 on the rational use of energy is required, the opinion of the Minister referred to in paragraph 1, subparagraph 2, of that Article;



- 10° In the event that the procedure concerns an establishment covered by the Law of 15 May 2018 on environmental impact assessment: the document referred to in Article 4(4), subparagraph 2, point 2, of that Law or the reference to the environmental impact assessment on the electronic medium dedicated to environmental impact assessments installed for that purpose and accessible to the public, indicating the last day of its publication and, where applicable, the reasoned conclusion referred to in Article 10 of that Law;
- 11° In the case of an establishment covered by Chapter II of the amended Law of 9 May 2014 on industrial emissions:
- a) where appropriate, the baseline report in accordance with Article 21(2) of the aforementioned Law of 9 May 2014;
 - b) the measures provided for, other than those referred to in the abovementioned paragraphs, in order to comply with the general principles of the operator's fundamental obligations set out in Article 12 of the aforementioned Law of 9 May 2014;
 - c) the main alternatives studied to replace the proposed technology, in the form of a summary;
 - d) where appropriate, a comparison of the techniques provided for with the best available techniques set out in the best available techniques reference document referred to in Article 3, point 3, of the aforementioned Law of 9 May 2014;
- 12° In the case of a waste incineration or co-incineration plant covered by Chapter IV of the aforementioned Law of 9 May 2014 on industrial emissions:
- a) the total incineration or co-incineration capacity of the plant (t/h and t/d, power);
 - b) the list of all types of waste that can be treated, including the types of waste listed in the European List of Waste established by Decision 2000/532/EC;
 - c) the quantity of the above-mentioned waste that is incinerated or co-incinerated (t/h);
 - d) for hazardous waste: the minimum and maximum mass flow rate of hazardous waste incinerated or co-incinerated, the minimum and maximum calorific value, and their maximum content of polychlorinated biphenyls, pentachlorophenol, chlorine, fluorine, sulphur, heavy metals, and other polluting substances;
 - e) an indication of how the heat produced by the incineration or co-incineration plant is recovered through the production of heat, steam, or electricity, where feasible;
 - f) an indication of the design, equipment, maintenance, and operation of the installations in order to comply with the requirements of that Chapter;
 - g) an indication of sampling and measurement procedures, and the frequencies for monitoring emissions;
 - h) an indication of situations of technically unavoidable shutdowns, disturbances or failures of purification systems or measuring systems, during which emissions into the air and discharges of wastewater cannot be complied with;
 - i) operational and technical measures relating to the control and acceptance criteria for waste accepted on site;



13° In the case of an installation covered by Chapter V of the aforementioned Law of 9 May 2014:

- a) an indication of the activity according to the table in Part 2 of I of Annex VII to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions and emissions from livestock (integrated pollution prevention and control), as amended;
- b) an indication of the quantity of solvents consumed per year in tonnes;
- c) where appropriate, submission of a solvent management plan;

14° In the case of an installation falling under the heading '050000 waste' of the Grand-Ducal Regulation referred to in Article 2 of the abovementioned Law of 10 June 1999, other than those referred to in point 12:

- a) the total processing capacity of the installation (t/h and t/d);
- b) a list of all types of waste that can be accepted and treated (recycled, recovered, disposed of), including the types of waste listed in the European List of Waste established by Decision 2000/532/EC;
- c) the recovery or disposal operation codes in accordance with Annexes I and II to this Law, by type of waste;
- d) the quantity of waste to be treated;
- e) in the case of hazardous waste to be treated: the maximum pollutant content;
- f) operational and technical measures relating to the control and acceptance criteria for waste accepted on site.

[*] For Class 1, 1B, 3, and 3B establishments in relation to classified establishments, in the absence of available data due to the experimental nature of the establishment, an estimation of the above data may be sufficient.

[**] Applications for authorisation for an establishment covered by the aforementioned Law of 15 May 2018 and which have been the subject of an environmental impact assessment do not require information relating to environmental protection to the extent that it is sufficiently covered by the assessment in question.

(3) Where an establishment, undertaking, installation or operation referred to in Article 30(1)(d) and (e), of this Law additionally requires an operating permit in accordance with the legislation on classified establishments and the components mentioned in paragraphs 1 and 2 are already covered as part of an application for authorisation under the amended Law of 10 June 1999 on classified establishments, the aforementioned components are not to be filled in.

Chapter 2 - Amendments to the amended Law of 21 March 2017 on packaging and packaging waste

Article 24. Article 5 of the amended Law of 21 March 2017 on packaging and packaging waste is amended as follows:



1. In paragraph 1, point 3 is amended as follows:

‘3. from 1 January 2026, no bag with handles may be provided free of charge in points of sale of goods or products.’;

2. Paragraph 2, subparagraph 1, is replaced by the following:

‘ The cost of the packaging referred to in paragraph 1, point 3, shall be displayed separately at the point of sale.

3. The article is supplemented by the following paragraphs 3 and 4:

‘(3) From 1 January 2027:

1. the final distributor who carries out his commercial activity in the HORECA sector and who makes available on the market, in take-away packaging, cold or hot beverages, which are poured into a container at the point of sale to be taken away, offers a system allowing consumers to bring their own container to be filled;

2. The final distributor who carries out his commercial activity in the HORECA sector and who makes available on the market, in take-away packaging, ready-to-eat food intended for immediate consumption without further preparation and generally consumed directly from the container, shall offer a system allowing consumers to bring their own container to be filled.

The final distributors referred to in points 1 and 2 shall offer the goods served in the container supplied by the consumer at a price which is not higher and under conditions which are not less favourable than those of the sales unit consisting of the same goods and single-use packaging.

Final distributors shall inform final consumers at the point of sale, by means of clearly visible and legible signs or information panels, of the possibility of obtaining the goods in a refillable container supplied by the consumer.

Final distributors may refuse to fill a container supplied by the end user if the necessary hygiene conditions are not met or if the container is unfit for the packaging of the foodstuff or beverage sold.

(4) From 1 January 2028, the final distributor who carries out his commercial activity in the HORECA sector and who makes available on the market, in take-away packaging, hot or cold drinks or ready-to-eat food, intended for immediate consumption without further preparation, which are placed in a container at the point of sale to be taken away, shall offer consumers the possibility of using packaging covered by a re-use system.

Final distributors shall inform final consumers at the point of sale, by means of clearly visible and legible signs or information panels, of the possibility of obtaining the goods in re-usable packaging.

Final distributors shall offer the goods served in re-usable packaging at a price which is not higher and under conditions which are not less favourable than those of the sales unit consisting of the same goods and single-use packaging.

From 1 January 2030, final distributors shall ensure that 10% of such take-away packaging filled at the point of sale is re-usable packaging and is taken back. From 1 January 2035, this rate shall be 20% and from 1 January 2040, it shall be forty per cent.



Final distributors shall be exempt from the obligations of this paragraph if they meet the definition of a microenterprise set out in European Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises.'

Article 25. In Article 7 of the same Law, paragraphs 1 and 2 are replaced by the following:

'(1) With a view to minimising the disposal of packaging waste in the form of municipal waste and achieving a high level of separate collection of packaging waste and without prejudice to the obligations of communes or associations of communes responsible for the management of municipal household waste under the Law of 21 March 2012, communes or associations of communes shall ensure the availability of systems for the separate collection of household packaging waste.

Communes or associations of communes shall ensure, where appropriate in collaboration with packaging managers, the availability and accessibility of public facilities for the separate collection of household packaging waste, enabling final holders to bring packaging waste free of charge to the aforementioned collection facilities.

Communes are authorised to invoice the approved body or persons referred to in Article 19(9) of the Law of 21 March 2012 for the costs of waste management, which, despite their legal obligation to collect and treat, have been collected or treated at the communes' expense.

(2) Users of household packaging are required to use the collection systems for the separate collection of household packaging waste made available to them by the communes or associations of communes or by packaging managers

Article 26. Article 8 of the same Law is replaced by the following provisions:

' Article 8. Extended producer responsibility scheme

(1) In order to comply with his obligations under this Law and those arising from the Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment, the packaging manager is subject to the extended producer responsibility scheme referred to in Article 19 of the Law of 21 March 2012.

(2) For re-usable household packaging for which there is a take-back system, the packaging manager may contractually entrust an approved body with the performance of all his obligations or fulfil his obligations through an individual system.

For other household packaging, the packaging manager shall contractually entrust an approved body with the fulfilment of all his obligations.

For non-household packaging, the packaging manager may contractually entrust an approved body with the fulfilment of all his obligations or fulfil his obligations through an individual system.

(3) In order to achieve the objectives referred to in Article 1, packaging managers shall ensure, while complying with hygiene requirements and in accordance with Article 10 of the Law of 21 March 2012:

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



2. the re-use, preparation for reutilisation or recovery, including recycling, of collected packaging or packaging waste;
3. where appropriate, where material recovery cannot be carried out, the energy recovery of the packaging waste collected.

In addition, packaging managers are required to:

1. implement prevention and re-use measures in consultation with the competent administration;
2. operate, if possible, on the basis of calls for tenders;
3. carry out awareness-raising measures with the aim of preventing packaging waste;
4. provide adequate information on the functioning of the extended producer responsibility scheme on a regular basis to users of packaging and holders of packaging waste;
5. ensure the collection and communication of data inherent in their legislative and regulatory obligations.

Extended producer responsibility schemes for packaging and packaging waste shall be open to the participation of economic operators in the sectors concerned and to the participation of the competent public authorities. They shall also apply in a non-discriminatory manner to imported products, including the arrangements and any tariffs imposed for access to the systems, and shall be designed in such a way as to avoid barriers to trade or distortions of competition.

(4) For household packaging waste, the following provisions shall apply:

1. Approved bodies shall be authorised to organise and operate systems for the collection of household packaging waste, whether alternative or complementary, provided that such systems comply with the objectives of this Law, guarantee the same territorial coverage as the systems set up by communes or associations of communes, and ensure at least the free collection of household packaging waste;
2. For household packaging waste that is covered by centralised management, the approved bodies shall ensure, each in so far as it is concerned, the financing of waste management, including preparation operations for reutilisation, from the collection point by voluntary contribution.

For household packaging waste that does not fall under centralised management, the terms of the financial intervention of the approved bodies in the separate collection of this waste are determined by mutual agreement between these bodies and the communes concerned.

The entire cost of waste management, including preparation operations for reutilisation, must be covered by contributions from the packaging managers;

3. Approved bodies are required to conclude a contract with the communes or associations of communes responsible for the management of municipal household waste, which defines the technical conditions and arrangements for the collection of the packaging waste concerned and the handling of packaging waste;



Under no circumstances may the contract prejudice the powers of the communes or associations of communes responsible for the management of municipal household waste in this area;

4. Approved bodies are required to calculate the contributions of their contractors in such a way as to finance the related costs of existing collections and to create sorting of collected packaging waste, preparation operations for reutilisation, treatment of packaging waste, as well as the costs of informing waste holders and the transmission and collection of information. The costs taken into account must not exceed the costs necessary for an economically efficient service.

(5) In addition, approved bodies are required to:

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

2. introduce a modulation of the contributions requested from its members where the extended producer responsibility obligations are fulfilled collectively. The financial contributions paid by its members shall be modulated for each product or group of similar products and shall take into account, in particular, their durability, reparability, re-usability and recyclability, as well as the presence of hazardous substances, adopting a life-cycle approach in accordance with the relevant requirements laid down by European Union law and, where they exist, on the basis of harmonised criteria in order to ensure the proper functioning of the internal market.

(6) The approved body, and under an individual extended producer responsibility system, the packaging manager, are required to take out a financial guarantee, in the form of an autonomous guarantee on first demand, covering cases of cessation of activities, insolvency, or withdrawal of approval, with the beneficiary being the State of the Grand Duchy of Luxembourg, represented by the Minister. The amount of the guarantee shall correspond to the amount necessary to cover the costs related to the waste management operations of the extended producer responsibility system for a period of six months. The duration of the guarantee must cover the entire period of activity of the approved body. The guarantee must be irrevocable and unconditional. It must be taken out with a bank established in the European Union and be drawn up in one of the official languages of the Grand Duchy of Luxembourg. The law applicable to the guarantee referred to above is Luxembourg law and the courts having jurisdiction to hear and determine a dispute relating to it are those of the Grand Duchy of Luxembourg.

(7) Packaging waste is managed in accordance with the waste hierarchy referred to in Article 9 of the Law of 21 March 2012.

Article 27. Article 19 of the same Law is replaced as follows:

' Article 19. Criminal penalties

Infringements of Article 5(3), Article 6(1), Article 7(1), subparagraph 1, and (2), Article 9, and Article 11(1) shall be punishable by imprisonment for a term of between eight days and three years and a fine of between EUR 251 and EUR 750 000 or by one of those penalties only.



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

Article 28. Article 20, subparagraph 1, of the same Law is replaced as follows:

' The Minister may impose an administrative fine of EUR 250 to EUR 10 000 in the event of an infringement of Article 5(1-4), Article 7(2), Article 8(2-7), Article 10(2), Article 12(2), Article 14(1), Article 15 or Article 16(2).'



Chapter 3 - Amendments to the Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment

Article 29. Article 3 of the Law of 9 June 2022 on the reduction of the impact of certain plastic products on the environment is amended as follows:

1. Subparagraph 1 is supplemented by points 10, 11, and 12, which read as follows:

‘10. ‘product producer’: 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 Luxembourg 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 Luxembourg 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;

11. ‘fruits and vegetables’: plants or parts thereof, such as stems, roots, tubers, leaves, fruits, seeds, which are intended for human consumption, and edible mushrooms;

12. ‘unprocessed fresh fruits and vegetables’: fresh fruits and vegetables complying with the limits of preparation defined by:

(a) marketing standards as referred to in Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and the processed fruit and vegetables sectors, as amended;

(b) the marketing standards as referred to in Commission Implementing Regulation (EU) No 1333/2011 of 19 December 2011 laying down marketing standards for bananas, rules on the verification of compliance with those marketing standards and requirements for notifications in the banana sector, as amended.’

2. In subparagraph 2, the words ‘ ‘product producer”’ are deleted.

Article 30. In Article 4 of the same Law, subparagraph 1 is replaced as follows:

‘ Product producers shall take measures that lead to a measurable quantitative reduction in the consumption of single-use plastic products listed in Part A of Annex I. By 1 January 2030, this reduction shall be 20% compared to units placed on the market in 2022. From 1 January 2035, this reduction is 25% and from 1 January 2040, it is 30%. Product producers must entrust the execution of this obligation to an approved body in accordance with Article 19 of the Law of 21 March 2012.’

Article 31. Article 5, subparagraph 2, of the same Law is replaced by the following:



‘ Any retail store displaying unprocessed fresh fruits and vegetables for sale must display them without packaging composed wholly or partly of plastic.

This obligation shall not apply to fruits and vegetables packaged in lots of 1.5 kilograms or more, as well as to the fruits and vegetables listed in Annex II.

In order to allow the disposal of packaging stocks the following fruits and vegetables may be displayed for sale in packaging made entirely or in part of plastic material until 31 December 2025.’

Article 32. Article 8 of the same Law is amended as follows:

1. Paragraph 1 is supplemented by a subparagraph 2, which reads as follows:

‘To that end, the product producer shall contractually entrust a approved body with the performance of all his obligations.’

2. Paragraph 4 is amended as follows:

(a) Subparagraph 2 is replaced by the following: ‘ By 1 January 2030, product producers mentioned in subparagraph 1 must achieve a reduction of at least 20% compared to the quantities discarded in the year 2024. The competent administration establishes and publishes a methodology for quantifying the quantities disposed of and for verifying the reduction. In order to verify the reduction, product producers shall measure each year the quantities released of the products referred to in subparagraph 1 by the methodology established by the competent administration. Upon request, they shall send these calculations to the competent administration.

(b) The paragraph shall be supplemented by a third subparagraph, which shall read as follows: ‘From 1 January 2035, this reduction is 25% and from 1 January 2040, it is 30%.’ ;

3. The article is supplemented by paragraph 9, which reads as follows:

‘(9) Product producers are required to:

1. operate, if possible, on the basis of calls for tenders;
2. provide, on a regular basis, adequate information on the functioning of the extended producer responsibility scheme to holders of waste from single-use plastic products;
3. ensure the collection and communication of data inherent in their legislative and regulatory obligations.’

Article 33. Article 15 of the same Law is amended as follows:

1. In subparagraph 1, the words ‘Article 5,’ are deleted;

2. In subparagraph 3, the words ‘and in Article 8(4), subparagraph 2, first sentence’ are deleted.

Article 34. Article 16, subparagraph 1, of the same Law is replaced as follows:

‘ The Minister may impose an administrative fine of EUR 250 to EUR 10 000 in the event of infringement of Article 4(4), Article 5, Article 6(2), second subparagraph, and Article 8(1), subparagraph 2, and paragraphs 2–5 and 7–9.’



Article 35. Annex II of the same Law is replaced as follows:

Annex II

The following fruits and vegetables presenting a risk of deterioration for sale in bulk shall be exempt from the obligation referred to in the Article 5, subparagraph 2:

1. Endives, asparagus, broccoli, mushrooms, early potatoes, early carrots, and small carrots;
2. Lettuce, corn salad, young shoots, aromatic herbs, spinach, sorrel, edible flowers, mung bean sprouts;
3. Cherries, cranberries, lingonberries and physalis;
4. Ripe fruit, i.e. fruit sold to the final consumer at full maturity, the packaging of which presented for sale bears such an indication;
5. Sprouted seeds;
6. Raspberries, strawberries, blueberries, blackberries, redcurrants, star gooseberries, starberries and sorrels, blackcurrants and kiwis.