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# Draft law amending the law of 7 July 2023 on prepackages not bearing the symbol 'e' and bulk sales in the legal metrology sector

*Changes are highlighted in yellow*

## Article 1. Definitions

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

- 1) 'pre-packaging': the whole of a product and the individual packaging in which it is prepackaged;
- 2) 'prepackaged product': a product which is housed in packaging of any kind, outside the presence of the purchaser and in such a way that the quantity of the product contained in the packaging has a value chosen in advance and cannot be altered without altering the packaging or causing the packaging to open or change detectably;
- 3) 'pre-weighed product': a product which is housed in packaging of any kind, without the presence of the purchaser and in such a way that the quantity of the product contained in the packaging does not have a value chosen in advance and cannot be altered without altering the packaging or causing the packaging to open or change detectably;
- 4) 'bulk sale': the sale of various products in non-predefined quantities;
- 5) 'self-service bulk sale': a marketing procedure in which the buyer freely chooses the goods in a non-predefined quantity and carries out the weighing without the intervention of the sales staff at the point of sale.

## Article 2. Bulk sale:

(1) A bulk sale shall be made by means of a weighing instrument with a verification scale in accordance with the table below:

| Nominal quantity of the bulk product sold | Maximum value of the verification scale of the weighing instrument used |
|---|---|
| < 2 kg                                    | 2 g   |
| ≥ 2 kg < 10 kg                            | 5 g   |

- (2) The weighing instruments used for bulk sale display the weight of the goods, the unit price and the price to be paid. The weighing instrument allows the customer to see these indications.
- (3) Any weighing below the minimum range indicated on the weighing instrument is prohibited.
- (4) During bulk sale, only invoicing the weight of the purchased product is allowed.
- (5) Any measuring instrument used in a self-service bulk sale allows the buyer to see all the details of the transaction and allows the packaging used to contain the purchased product to be deducted from the total weight. The instrument provides a receipt, in any form, containing all the transaction details.

## Article 3. Prepackages

(1) Prepackages shall comply with the maximum permissible errors set out in the table below.

The maximum permissible negative error on the actual content compared to the nominal quantity of the prepackage is fixed as follows:

| <i>Nominal Quantity (Qn) in grams or in millilitres</i> | <i>Tolerable negative errors</i> |                |
|---|----------------------------------|----------------|
|   | <i>in % of Qn</i>                | <i>g or ml</i> |
| 1 to 50   | 9                                | -              |
| 50 to 100   | -                                | 4.5            |
| 100 to 200  | 4.5                              | -              |
| 200 to 300  | -                                | 9              |
| 300 to 500  | 3                                | -              |
| 500 to 1 000  | -                                | 15             |
| 1000 to 10,000  | 1.5                              | -              |
| 10,000 to 15,000  | -                                | 150            |
| > 15,000  | 1.0                              | -              |

The values calculated in units of mass or volume of the maximum permissible errors specified in subparagraph 1 in percent shall be rounded up to one tenth of a gram or millilitre.

Any prepackage whose actual content varies over time due to the nature of the product must be manufactured in such a way that no prepackage will have an actual content that exceeds twice the tolerable negative error for the nominal quantity indicated in accordance with the values in the table above.

(2) The indication of a nominal quantity must be precise and unambiguous. Indications of approximate quantity or volume are prohibited.

(3) Any prepackage which bears the indication 'min' or 'at least' or an indication having the same meaning, followed by the indication of the quantity, must in each case comply with this indication of the nominal quantity and the maximum permissible negative error.

(4) If the nominal quantity of a prepackage is increased by a fraction of its nominal value with the words 'free quantity', 'additional quantity' or a phrase of similar meaning, the prepackage must contain at least the corresponding quantity in addition to the nominal quantity indicated.

(5) Where the nominal quantity of a prepackage is indicated in a number of pieces which the prepackage must contain, this indication must be complied with in the unit indicated.

(6) The placing on the market of a prepackage of the same size and appearance with a nominal quantity smaller than that of a pre-existing identical prepackage is prohibited.

(7) Prepackages in which the product is not visible from the outside may not contain any material other than that which it is supposed to contain, in a way as to mislead the buyer as to the actual volume of product that should be contained in this prepackage, unless this material has a specific function in the manufacture of the prepackage.

#### **Article 4. Transitional provision**

The provisions for putting weighing instruments into service in Article 2(1) shall apply after a transitional period of 6 months from the publication of this Law in the Official Journal of the Grand Duchy of Luxembourg for any new weighing instrument put into service and used for bulk sale.