

Message 001

Communication from the Commission - TRIS/(2026) 0597

Directive (EU) 2015/1535

Notification: 2026/0097/LU

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20260597.EN

1. MSG 001 IND 2026 0097 LU EN 02-03-2026 LU NOTIF

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4. 2026/0097/LU - S20E - Waste

5. Amendments to the draft law amending the legislation relating to waste, packaging and the impact of certain plastic products on the environment

6. Waste, packaging waste and the impact of certain plastic products on the environment concerned by legislative adaptations

7.

Directive (EC) No 94/62 on packaging and packaging waste

This notification concerns amendments to the draft law No 8482, which has already been notified. In particular, the draft law amends the legislation relating to packaging and packaging waste falling within the scope of Directive 94/62/EC. The amendments introduce technical and editorial adaptations without introducing new substantial technical requirements

8. These government amendments concern the draft law amending 1) the amended law, of 21 March 2012, relating to waste; 2) the amended law, of 21 March 2017, relating to packaging and packaging waste; 3) the law, of 9 June 2022, relating to the reduction of the impact of certain plastic products on the environment (hereinafter the 'draft law').

This draft law aims to align certain provisions with the applicable European standards, in order to improve their structuring and to simplify their reading.

In order to take account of Council of State opinions No 62.046 on the draft law and No 61.519 on the Grand-Ducal Regulation of 15 May 2025 on the organisation and management of resource centres, and for reasons of conflict with European Union law and the principle of legal certainty, the present government amendments propose to incorporate, amend, delete and repeal certain provisions of the draft law. The aim is to ensure compliance with European Union law and avoid the penalty laid down in Article 102 of the Constitution.

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In fact, the draft law has been notified to the European Commission as a technical regulation within the framework of the procedures laid down in Directive (EU) 2015/1535. According to the opinion of the European Commission, of 7 May 2025, certain provisions of the draft law may be interpreted not only as an implementation of Directive (EU) 2019/904, but also as an early implementation of the packaging bans under Article 25 and Annex V of Regulation (EU) 2025/40. Although these provisions of Regulation (EU) 2025/40 are applicable from 1 January 2030, the draft law anticipates their application by two to three years.

According to the European Commission, the full reproduction of the provisions of a European Union regulation is contrary to the principle of sincere cooperation enshrined in Article 4, Paragraph 3, of the Treaty on European Union (TEU) and to the direct applicability of European regulations provided for in Article 288 of the Treaty on the Functioning of the European Union (TFEU).

The opinion of the Council of State reiterates certain considerations of the aforementioned opinion of the European Commission and requires, under penalty of formal opposition, that the provisions on the use of reusable packaging for takeaway meals and refills be removed from the draft law.

In addition, as regards the obligation to present certain fruits and vegetables without plastic packaging, the provisions of the draft law are deleted. The basic principle established by the legislative amendment, of 22 June 2022, will thus be retained. From now on, the only change planned is to amend Annex II by removing certain fruits and vegetables from the list of those that must be displayed without packaging composed wholly or partially of plastic. This amendment aims to increase the practicability of the provision, while maintaining a high level of environmental protection, by actively supporting waste prevention.

10. References to the basic texts: 2025/0080/LU

The basic texts were forwarded with an earlier notification:  
2025/0080/LU

11. No

12.

13. No

14. No

15. Yes

16.

TBT aspects: No

SPS aspects: No

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European Commission

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