

# LUXEMBOURG

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Luxembourg in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (\*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	LUXEMBOURG
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	
9(2)	X
9(6)	X
10	X
11(1 and 3)	X
12(1)	X
12(2)	X
13(1-5)	
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	
21(1)	X
21(2)	X
21(3)	X
22(1)	X
22(2)	X
24(2)	
25(1)	X
26(1)	
27(1 to 3)	X
27(4)	X
27(6)	X
28(1)	X
28(6)	X
29(3)	X
30(2)	X
30(6)	X
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	

Country	LUXEMBOURG
Article	
	X
37(3)	X
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	
	X
41(4)	X
46(2)	X
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
	X
56(2)	
60(8)	X
60(10)	X
61(1)	X
61(3)	X
62 (4 and 5)	
	X
63(3)	
65	X
66(1)	X
67(1)	
	X

## 2. Types of offences related to REACH in Luxembourg

This section gathers information on the REACH offences pointed by the law in Luxembourg. We divided the offences in four groups:

- Offences related to the registration requirement;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<b>Offences related to the registration requirements</b>	-Failure to comply with main requirements of REACH related to registration (article 5 to 7, article 9 to 12, Article 14, article 17 to 19, article 21, article 22)	- Failure to comply with main requirements of REACH related to registration (article 5 to 7, article 9 to 12, Article 14, article 17 to 19, article 21, article 22)
<b>Offences related to authorisation and</b>	- Failure to comply with main requirements of REACH related to authorisations and restrictions (Article 56, Articles 60 to 62, Articles 65 to 67)	- Failure to comply with main requirements of REACH related to authorisations and restrictions (Article 56, Articles 60 to 62, Articles 65 to 67)

<b>restrictions requirements</b>		
<b>Offences related to the supply chain requirements</b>	- Failure to comply with all supplier obligations	- Failure to comply with all supplier obligations
<b>Offences related to the downstream user requirements</b>	- Failure to comply with all downstream user obligations	- Failure to comply with all downstream user obligations

### 3. Sanctions applicable to legal persons in Luxembourg

This table mentions whether or not Luxembourg applies administrative or and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
<b>Luxembourg</b>	No <sup>1</sup>	N/A	No

### 4. REACH related administrative and criminal penalties in Luxembourg

This section gathers information regarding penalties applicable for the infringement of REACH in Luxembourg. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
<b>Penalties related to infringement of registration requirements</b>	In case of infringement of the Registration requirements the relevant Ministry can provide a time limit of two years where the manufacturers or importers have to comply with their obligations. If after this time limit manufacturers and importers still infringe the registration requirements, the relevant ministry can after issuing a letter of formal notice - Suspend in part or totally the activity as an interim measure, or - Close the premises partly or totally	- From 1 to 3 years prison, and/or - Fine from 251EUR to 50 000 EUR (also applicable for the non-respect of the administrative penalties mentioned sideline)
<b>Penalties related to infringement of authorisation requirements</b>	In case of infringement to the authorisation requirements the relevant Ministry can provide a time limit of two years where the manufacturers or importers have to comply with their obligations. If after this time limit manufacturers and importers still infringe the registration requirements, the relevant ministry can after issuing a letter of formal	- From 1 to 3 years prison, and/or - Fine from 251EUR to 50 000 EUR (also applicable for the non-respect of the administrative penalties mentioned sideline)

<sup>1</sup> A law proposal has been submitted to the Parliament but has not been adopted yet.

	notice - Suspend in part or totally the activity as an interim measure, or - Close the premises partly or totally	
<b>Penalties related to infringement of the supply chain requirements</b>	In case of infringement to the supply chain requirements the relevant Ministry can provide a time limit of two years where the suppliers have to comply with their obligations. If after this time limit manufacturers and importers still infringe the registration requirements, the relevant ministry can after issuing a letter of formal notice - Suspend in part or totally the activity as an interim measure, or - Close the premises partly or totally	- From 1 to 3 years prison, and/or - Fine from 251EUR to 50 000 EUR (also applicable for the non-respect of the administrative penalties mentioned sideline)
<b>Penalties related to infringement of the downstream users requirements</b>	In case of infringement of the downstream users obligations the relevant Ministry can provide a time limit of two years where downstream users have to comply with their obligations. If after this time limit manufacturers and importers still infringe the registration requirements, the relevant ministry can after issuing a letter of formal notice - Suspend in part or totally the activity as an interim measure, or - Close the premises partly or totally	- From 1 to 3 years prison, and/or - Fine from 251EUR to 50 000 EUR (also applicable for the non-respect of the administrative penalties mentioned sideline)

## 5. Short description of REACH sanctions and related issues in Luxembourg

In April 2009, a new Grand Duchy law was enacted in order to provide the rules for application, and the sanctions of REACH in Luxembourg. This law provides a precise list of the REACH provisions that shall not be infringed. The infringement of these provisions can lead to administrative and criminal sanctions. In other words, in the Luxembourg system, there is no hierarchy of sanction in the infringement of the REACH provisions listed (for example this law does not mention the infringement of REACH provisions that could only lead to administrative sanctions).

The law provides a list of competent persons in charge of the monitoring and enforcement of the listed REACH provisions. It is worth noting that this enforcement is monitored by competent persons specialised in different fields (labour law inspectors, customs officers, doctors, engineers and technical's from the environmental administration, engineers and technical's from the management water administration, chemists from the Heath care direction). The law provides that these persons when exercising their function become law enforcement officer that have to declare infringements to the REACH provisions. The procedure they shall respect when monitoring the application of the REACH provisions is very detailed in the law (for example when they can access the premises to inspect, what kind of documents they can have access to, what kind of sampling they can do).

Finally it is worth mentioning that this law provides that certified associations have locus standi when there is an infringement of the listed REACH provisions and that this infringement cause a direct or indirect damage to the collective interests they are aiming to protect.