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French

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National specialised courts

Luxembourg

In this section, you will find an overview of the specialised courts in Luxembourg.

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Specialised courts

Specialised courts in the ordinary court system

The Arbitral and the Supreme Social Insurance Councils

All **social insurance disputes** relating to affiliation or qualification, contributions, administrative fines and benefits, with the exception of those covered by Article 317 or relating to Articles 147 and 148 of the Social Insurance Code (*Code des assurances sociales*), are decided by the Arbitral Social Insurance Council (*conseil arbitral des assurances sociales*) or, on appeal, by the Supreme Social Insurance Council (*conseil supérieur des assurances sociales*). Final decisions handed down by the Arbitral Council and adjudications of the Supreme Council can be appealed on a point of law to the Court of Cassation.

Administrative courts

The Administrative Court

Unless otherwise provided by law, appeals can be lodged with the Administrative Court (*Cour Administrative*), which sits in Luxembourg, against decisions given by the Administrative Court of First Instance (*tribunal administratif*), on applications for the **annulment** of individual administrative decisions or decisions delivered in relation to administrative measures of a regulatory nature. The Administrative Court also acts on appeal and **on the substance** in proceedings challenging decisions of other administrative courts that have heard applications for annulment where special laws grant jurisdiction to those courts.

All lawyers entitled to plead before the courts of the Grand Duchy are entitled to plead before the Administrative Court; however, only lawyers included in List I of the roll drawn up each year by the Bar Councils (*conseils des ordres des avocats*) have the right to perform preparatory and procedural measures (legal representation).

The State is represented before the Administrative Court by an official or by a lawyer.

The Administrative Court of First Instance

The Administrative Court of First Instance (*Tribunal Administratif*), sitting in Luxembourg, decides on actions brought for lack of authority, acting in excess of authority, improper exercise of authority, or breach of the law or of procedures designed to protect private interests, **against administrative decisions** in respect of which no other remedy is available in accordance with the laws and regulations, and against administrative measures having a regulatory character irrespective of the authority from which they emanate. As a rule, it also has power of decision in disputes relating to direct taxation and local authority taxes and charges.

Appeals against judgments of the Administrative Court of First Instance can be lodged with the Administrative Court.

The Administrative Court of First Instance is the trial court for challenges to the decisions of the head of the department of direct taxation in cases where the relevant legislation provides for such actions.

Other specialised courts

The Constitutional Court

The Constitutional Court (*Cour Constitutionnelle*) rules on the **conformity of laws with the Constitution**, except where a law ratifies a treaty.

When a party raises a question as to the conformity of a law with the Constitution before an ordinary court or an administrative court, the court is obliged to refer the question to the Constitutional Court, unless, in its opinion: a) it does not require a decision on the question raised to deliver its judgment; b) the question is devoid of any foundation; c) the Constitutional Court has already ruled on a question to the same effect.

The Constitutional Court is composed of the President of the Supreme Court of Justice, the President of the Administrative Court, two judges of the Court of Cassation, and five judges appointed by the Grand Duke on the joint advice of the Supreme Court of Justice and the Administrative Court. The Constitutional Court comprises a single division of five judges.

Legal databases in these fields

Please refer to [the section concerning the courts](#) on the website of the Ministry of Justice.

Is database access free of charge?

Yes, access to the database is **free of charge**.

Brief description of contents

Please refer to the [Arbitral and the Supreme Social Insurance Councils](#) website.

Please refer to the [Administrative courts](#) website.

Please refer to the [Constitutional Court](#) website.

Related links

[Ministry of Justice](#)

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