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Small claims

Luxembourg

Article 25 1 (a) Competent courts

The courts with jurisdiction to give the judgments referred to by the Regulation are the courts of the justices of the peace (*justices de paix*).

Link to the national website: <http://www.justice.public.lu/fr/annuaire/index.html>

Justice de paix – Luxembourg

Bâtiment JP

Cité Judiciaire

L-2080 - Luxembourg

Tel.: (+352) 475981-1

Fax: (+352) 465434

Justice de paix – Diekirch

Bei der Aaler Kiirch

L-9211 - Diekirch

Tel.: (+352) 808853-1

Fax: (+352) 804190

Justice de paix – Esch-sur-Alzette

Place Norbert Metz

L-4006 - Esch-sur-Alzette

Tel.: (+352) 530529

Article 25 1 (b) Means of communication

The means of communication accepted in Luxembourg is postal delivery.

Article 25 1 (c) Authorities or organisations providing practical assistance

Service d'accueil et d'information juridique (Legal reception and information service) - Luxembourg

Cité Judiciaire

Bâtiment JP

L-2080 - Luxembourg

Tel.: (+352) 221846

Service d'accueil et d'information juridique (Legal reception and information service) - Diekirch

Justice de paix

Place Joseph Bech

L-9211 - Diekirch

Tel.: (+352) 802315

European Consumer Centre EIG (Centre Européen des Consommateurs GIE — 'CEC Luxembourg')

271, route d'Arlon

L-1150 Luxembourg

Tel.: (+352) 268464 1

Fax: (+352) 26845761

E-mail: info@cecluxembourg.lu

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

In Luxembourg, electronic means of service and communication are not yet admissible under the procedural rules and communication is carried out by post.

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

See (d).

Article 25 1 (f) Court fees and the methods of payment

In Luxembourg, no court fees are paid to the competent court under the European Small Claims Procedure.

However, following a judgment, court fees may be incurred in relation to the enforcement of the decision, at the request of the successful party.

The amended Grand-Ducal Regulation of 24 January 1991 **setting rates for bailiffs** applies. You will find more information on this subject on the website of the Bailiffs Association of the Grand Duchy of Luxembourg (Chambre des huissiers de justice du Grand-Duché du Luxembourg): <http://www.huissier.lu/>.

On the basis of Regulation (EU) 2020/1784 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (recast), the single fixed fee for the service of documents by a bailiff (*huissier de justice*) is €165.

Payment can be made to bailiffs by bank transfer.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

Where the amount of the claim does not exceed EUR 2 000.00, the decisions of the justice of the peace are final. The only possible challenge is an appeal on a point of law (*pourvoi en cassation*).

If the amount of the claim exceeds EUR 2 000.00, a judgment delivered at first instance by a justice of the peace may be challenged in a full appeal (*appel*) to the presiding judge of the district court (*tribunal d'arrondissement*). The appeal may be brought by means of **an application lodged either by the applicant or by his or her lawyer**. Representation by a senior lawyer (*avocat à la cour*) is optional. The time-limit for lodging an appeal is 40 days from notification of the judgment. The parties are summoned by the registry of the court at least eight days before the hearing. If the parties live in another EU Member State, this time limit is **extended on account of distance** by fifteen days, pursuant to Article 167 of the new Code of Civil Procedure. The procedure before the presiding judge of the district court is oral.

Appeals on points of law may be brought against the final decisions of a justice of the peace and against the decisions delivered by the presiding judge of a district court. The court that hears appeals on a point of law is the Court of Cassation (*Cour de Cassation*); representation by a senior lawyer is mandatory.

Link to the national website: <http://www.justice.public.lu/fr/annuaire/index.html>

Tribunal d'arrondissement – Luxembourg

Bâtiments TL, CO, JT

Cité Judiciaire

L-2080 - Luxembourg

Tel.: (+352) 475981 -1

Tribunal d'arrondissement – Diekirch

Palais de Justice

Place Guillaume

L-9237 Diekirch

Tel. : (+352) 803214-1

Fax : (+352) 807119

Cour de Cassation

Cité Judiciaire

Bâtiment CR

L-2080 - Luxembourg

Tel.: (+352) 475981-2369/2373

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

The chief judge of the court of the justices of the peace that delivered the decision, or his or her replacement, is competent to rule on the application for review.

The application for review must be submitted in writing to the registry of the court which delivered the decision, by either the defendant or the defendant's authorised representative. Representation by a senior lawyer is optional, and the parties may appear in person or be assisted or represented by any of the persons named in Article 106 of the New Code of Civil Procedure (link: http://www.legilux.public.lu/leg/textescoordonnes/codes/nouveau_code_procedure_civile/PageAccueil.pdf - page 21 *et seq.*).

At least eight days before the hearing, the parties are summoned to appear by the registry of the court. Under Articles 103 and 167 of the New Code of Civil Procedure, this time-limit is extended if the parties are not domiciled or habitually resident in Luxembourg. The procedure before the justice of the peace is oral.

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Justice de paix – Luxembourg

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Justice de paix – Diekirch

Bei der Aaler Kiirch

L-9211 - Diekirch

Tel.: (+352) 808853-1

Fax: (+352) 804190

Justice de paix – Esch-sur-Alzette

Place Norbert Metz

L-4006 - Esch-sur-Alzette

Tel.: (+352) 530.529

Article 25 1 (i) Accepted languages

Luxembourg accepts French and German.

Article 25 1 (j) Authorities competent for enforcement

(1) In Luxembourg court judgments are enforced by bailiffs.

You will find the bailiffs' contact details on the website of the Bailiffs Association of the Grand Duchy of Luxembourg: <http://www.huissier.lu/>

(2) For the purpose of Article 23 of Regulation (EC) No 861/2007 establishing a European Small Claims Procedure, the competent authority is the presiding judge of the district court.

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