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Serving documents

Luxembourg

Article 2(1) – Transmitting agencies

Documents can be served in person by a bailiff (*huissier*); this form of service is known by the French term *signification*.

You can find a bailiff on this website:

<http://www.huissier.lu/members.php>

Documents can also be served by a court registrar (*greffier*), usually by registered post; this form of service is known by the more general term *notification*.

You can find information on this website:

<http://www.justice.public.lu/fr/annuaire/index.html>

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Article 2(2) – Receiving agencies

You can find a bailiff on this website:

<http://www.huissier.lu/members.php>

Article 2(4)(c) – Means of receipt of documents

Receipt can be by:

post, e-mail, fax, or telephone.

Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I

French and German.

Article 3 – Central body

The central body is the Public Prosecutor's Office (*Parquet Général*) at the High Court of Justice (*Cour supérieur de Justice*).

Parquet Général

Cité judiciaire

Bâtiment CR

Postal address: L-2080 Luxembourg

Tel. (352) 47 59 81-336

Fax (352) 47 05 50

E-mail: parquet.general@justice.etat.lu

Languages: French and German.

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Article 4 – Transmission of documents

Luxembourg allows the application form (standard form) to be completed in German as well as French.

Articles 8(3) and 9(2) – Particular periods set by national law for serving documents

Under Luxembourg law, a document must be served within a specified period, as provided in Articles 8(3) and 9(2) of Regulation (EC) No 1393/2007 of 13 November 2007.

Where the document is **served in person by a bailiff** (*signification*), the notice of service (*exploit*) must indicate the date of service, i.e. the date when the notice of service is delivered to the addressee or to the addressee's home address, or the date when the document is deposited at the addressee's home address..

If the addressee refuses to accept the copy of the document to be served, the bailiff records this in the notice of service. In this case, the document is regarded as having been served on the date when it is presented to the addressee.

Where the person on whom the document is to be served does not have a known home address or residence, the bailiff draws up a record of service (*procès-verbal*) detailing the steps taken to find the addressee. The document is deemed to be served when the record of service is drawn up.

Where the document is **served by registered post** (*notification*), Luxembourg applies a double date system.

The date in respect of the sender is different from the date in respect of the addressee.

In respect of the sender, the date of service is the date of sending.

In respect of the addressee, the date of service is the date when the document is delivered to the addressee.

If the addressee refuses to accept the registered letter, the postal worker records this in the acknowledgement of receipt and returns the registered letter accompanied by the acknowledgement of receipt. In this case, the document is regarded as having been served on the date when the registered letter is presented to the addressee.

Article 10 – Certificate of service and copy of the document served

Luxembourg allows the application form (standard form) to be completed in German as well as French.

Article 11 – Costs of service

The single flat rate is set at €138.

Article 13 – Service by diplomatic or consular agents

Luxembourg is opposed to its diplomatic and consular agents directly serving judicial and extrajudicial documents in another Member State.

Luxembourg is also opposed to diplomatic and consular agents of other Member States serving such documents in its territory, except in cases where the document is to be served on a national of the Member State in which it originates.

Article 15 – Direct service

Luxembourg authorises direct service pursuant to Article 15 of Regulation (EC) No 1393/2007.

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry..

Documents can be served by bailiffs.

Bailiffs in the state addressed are not responsible for ensuring that the form and content of the document transmitted directly by the person concerned are in order. They are responsible only for the formalities and procedures that they apply in serving the documents in the state addressed.

You can find a bailiff on this website:

<http://www.huissier.lu/members.php>

Article 19 – Defendant not entering an appearance

Notwithstanding Article 19(1), Luxembourg courts may give judgment if the conditions set out in Article 19(2) are fulfilled.

Under Article 19(4), an application for relief may in Luxembourg be declared inadmissible if it is not filed within a reasonable period - to be assessed by the judge - from the time when the defendant has knowledge of the judgment or the time when the impossibility of taking action ended; applications may not be filed more than one year after judgment has been entered.

Article 20 – Agreements or arrangements to which Member States are parties and which comply with the conditions in Article 20(2)

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