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French

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National legislation

Luxembourg

In this section, you will find an overview of the different sources of law in Luxembourg.

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Sources of law

Hierarchy of norms

The expression 'sources of law' creates an image: it evokes the outpouring and the origins of the law.

These days, **the Constitution** and **statutes** can be considered the main sources of the law.

The Luxembourg Constitution

The first Luxembourg Constitution was drafted in 1841, two years after Luxembourg's independence in 1839, followed by the Constitutions of 1848 and 1856. The current Constitution of Luxembourg dates from 17 October 1868. The text of the present Constitution has been revised several times since that time.

The Luxembourg Constitution is a rigid, **written constitution**. Due to its fundamental nature, the Constitution is still endowed with greater stability than ordinary law.

The current Constitution is composed of **121 articles, divided into thirteen chapters**. It sets out the constitutional foundations of the State, the guarantee of citizens' rights and freedoms and how public power is organised.

Chapter I: The State, its territory and the Grand Duke

Chapter II: Luxembourgers and their rights

Chapter III: Sovereign Power

Chapter IV: The Chamber of Deputies

Chapter V: Government of the Grand Duchy

Chapter V bis: Council of State

Chapter VI: The Judiciary

Chapter VII: Public Force

Chapter VIII: Finances

Chapter IX: Communes

Chapter X: Public Institutions

Chapter XI: General Provisions

Chapter XII: Transitory and Additional Provisions

Legislation as a source of law

Legislative system

In the legislative system of the Grand Duchy of Luxembourg, **the initiative for a law** may be issued by the [Chamber of Deputies](#) or the [Government](#).

The Government's right to initiate legislation is called 'government initiative' and is exercised by presenting '**government bills**'.

The right of initiative of the Chamber of Deputies is called 'parliamentary initiative' and is exercised by presenting '**private member's bills**'.

Afterwards, these government or private member's bills are submitted for the different opinions of the bodies concerned (professional chambers), and most importantly, for the opinion of the **Council of State**. On hearing the opinion of the Council of State, the government or private member's bill is sent back to the Chamber of Deputies.

In the Luxembourg unicameral system, the Chamber of Deputies must, after voting on the bill, vote a second time on the whole text after a period of at least 3 months unless the Chamber and the Council of State both decide that this second vote by the Chamber may be waived. The final passing of a law by the Chamber of Deputies can only be completed by its promulgation by the Grand Duke and its publication in the *Mémorial*, the official journal of Luxembourg.

The regulatory system

Pursuant to Article 2 of the Act of 12 July 1996 reforming the Council of State, all **draft regulations** implementing laws and treaties may only be submitted to the Grand Duke once the **Council of State** has been consulted for its **opinion**.

However, the Government may waive this general rule in cases of emergency (to be evaluated by the Grand Duke on the basis of a properly reasoned report prepared by the proposing minister) and consequently dispense from seeking the opinion of the *Haute Corporation* (Council of State). Nevertheless, the exercise of this **emergency procedure** is deemed to be reserved for exceptional circumstances.

Moreover, if an act of parliament expressly requires that the Council of State is asked for its opinion on regulations implementing that law, under no circumstances may the emergency procedure be exercised. This is also the case for amendments to draft laws for which the *Haute Corporation* has already issued a first opinion.

In the same way as for acts of parliament, the Council of State delivers its opinions on draft regulations in the form of a **reasoned report** containing general considerations, an examination of the text of the draft and, where necessary, a counter draft regulation.

Examination by the Council of State takes into consideration the content and the form of draft regulations as well as their compliance with a higher legal norm.

Legislative databases

The [Légilux](#) site is the law portal of the Government of the Grand Duchy of Luxembourg on the Internet.

It provides access to Luxembourg legislation either in the form of the rough (original) texts in *Mémorial A* or in the form of consolidated texts, contained for the most part in legislative codes and digests.

The site is divided into three main areas, which are:

The [Legislation Area](#) bringing together publications concerning Luxembourg legislation, various other publications and consolidated texts.

The [Administration Area](#) featuring publications considered to be 'administrative'. This consists primarily in *Mémorial B* digests and the *Annuaire Officiel d'Administration et de Législation* (the official directory of administration and legislation).

The [Companies and Associations Area](#) featuring *Mémorial C* digests, publications concerning commercial businesses and non-profit associations and foundations.

Is database access free of charge?

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

Related Links

[Légilux Site](#)

[Ministry of Justice](#)

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