Legal systems in Luxembourg: overview

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A Q&A guide to the legal system in Luxembourg.

The Q&A gives a high level overview of the key legal concepts including the constitution, system of governance and the general legislative process; the main sources of law; the court structure and hierarchy; the judiciary and its appointment; the general rules of civil and criminal litigation, including reporting restrictions, evidentiary requirements, the roles of the judge and counsel, burdens of proof and penalties.

To compare answers across multiple jurisdictions, visit the *Legal Systems: Country Q&A tool*.

The Q&A is part of the global guide to legal systems. For a full list of jurisdictional Q&As visit *www.practicallaw.com/legalsystems-guide*.

Constitution

Form

1. What form does your constitution take?

The Luxembourg Constitution is a written constitution. It was inspired by the Belgian Constitution of 1831 and the French Constitution of the III Republic.

The current Constitution dates from 17 October 1868 and, since then, it has been revised multiple times to adapt it to the demands of modern democracy. It comprises 121 articles, divided into 13 chapters. It describes the foundations of the state, it guarantees the rights and liberties of citizens and it establishes the separation of powers.

General constitutional features

2. What system of governance is provided for?

System
The Grand Duchy of Luxembourg is a secular state organised as a parliamentary representative democracy in the form of a constitutional monarchy.

Head of state
The Constitution confers executive power on the Grand Duke, currently Henri Albert Gabriel Félix Marie Guillaume, who is the Head of State. He represents the state in its external relations and he is responsible for the implementation of laws by adopting regulations as required. However, in practice, this task is performed by the government.

Structure
The Parliament. The Grand Duchy has a unicameral parliamentary system, represented by the Chamber of Deputies (*Chambre des Députés*), which is made up of 60 members elected for a five-year term. The parliamentary electoral system is based on a mixed, one-person-one vote suffrage and a system of proportional representation.

The Government. The government (*https://gouvernement.lu/en.html*) is formally appointed by the Grand Duke based on a proposal made by the leader of the winning party of the parliamentary elections. This means that the government is supported both by the Grand Duke and by the parliamentary majority.

The Council of State
The Council of State is as an independent institution which acts as a consultative organ in the legislative procedure, advising the Chamber of Deputies on all bills submitted to parliament. It is composed of 21 councillors who are chosen and can be dismissed by the Grand Duke.

3. Does the constitution provide for a separation of powers?

The organisation of the Luxembourg State under the Constitution is based on the principle of the separation of powers, as follows:

- Legislative power is vested in the Parliament (*Chambre des Députés)*, supported by the Government and the Council of State.
- Executive power is formally exercised by the Grand Duke, but in practice by the Government.
- Under the Constitution, the courts and tribunals are responsible for exercising judicial power, which is carried out independently.

4. What is the general legislative process?

Proposal and drafting
Either parliament or the government can propose a bill. The government's right of initiating legislation is exercised by the presentation of "bills of law" (*projets de loi*), while the right of the Chamber of Deputies to introduce laws (parliamentary initiative) is exercised by the presentation of "propositions of law" (*propositions de loi*).

Scrutiny
Once they have been submitted to parliament, the bills or propositions of law are subject to consultation with relevant agencies or professional bodies, as well as to the opinion of the Council of State. After receiving notice from the Council of State that it has examined the draft legislation, the proposition or bill is returned to parliament for discussion and first vote.

The Chamber of Deputies must hold a second vote on the complete text of the bill or proposition within three months of the first vote, unless the parliament and the Council of State both decide to waive the second vote.

Enactment
The law ultimately adopted by the parliament enters into force only after it has been granted royal assent, enacted by the Grand Duke, and published in the compendium of legislation (*Mémorial*).

5. Is there a doctrine by which the judiciary can review legislative and executive actions?

The constitutionality of regulations and laws can be challenged in the following ways:

- **Laws**. The general principle is that, if there is any doubt about the interpretation of a law, it must first be interpreted in accordance with the Constitution. The Constitutional Court has the function of deciding on the constitutionality or otherwise of legislation. When a question relating to the constitutionality of a law arises before a judicial or administrative court, the matter must be referred to the Constitutional Court for a preliminary ruling, if the issue is deemed vital to the solution of the dispute.
- **Regulations.** There are two routes of review for the legality of regulations, which are:
    - by way of action for annulment of the regulation, where the administrative court has jurisdiction and if this succeeds, the annulment applies equally to everyone by way of court action (*erga omnes*) (*voie d'action*).

- by way of exception allowing for non-application by the courts in the context of a pre-existing ordinary dispute. The effect is limited to the dispute, hence applies *inter partes* (between the parties)(*voie d'exception*).

6. Are certain emergency powers reserved for the executive?

In an international crisis and if it is a matter of urgency, the Grand Duke can act on his own accord in any matter concerning the derogation of existing legal provisions or regulations (*Article 32, paragraph 4, Constitution*). Those regulationswill be valid for a period not exceeding three months. Since 2004, the Grand duke has been empowered to intervene in urgent cases in all matters, including those reserved for the law: in criminal matters, as well as in trade and industry or taxation matters.

Also, in the process of drafting regulations, the Council of State is required to give its advice, unless the Grand Duke (in other words, the government) considers it so urgent that it must process the legislation without the advice. The Administrative Court will be responsible for verifying whether or not the situation is one of urgency.

7. Are human rights constitutionally protected?

The Constitution protects the fundamental human rights of citizens in Chapter II, Public Freedoms and Fundamental Rights. These include the:

- General guarantee of equality before the law (*Article 10 bis*).
- Natural rights of humans and of families (*Article 11*).
- Equality regardless of gender (*Article 11*).
- Right to privacy ((*Articles 11* and *28*).
- Right to work, to join trade unions and to strike (*Article 11*).
- Right to social security, health care and the right to safe work environment (*Article 11*).
- Right to a reasonable standard of leaving (*Article 11*).
- Right to free education (*Article 23*).
- Right to establish a business and to find an occupation (*Article 11*).
- Individual freedom (*Article 12*).

- Inviolability of one's home (*Article 15*).
- Protection of property and from expropriation (*Article 16*).
- Freedom of religion, expression and opinion, and, freedom of association and of assembly (*Article 19 and Article 20*).
- Right of petition (*Article 27*).
- Access to justice (*Article 13*).

Amendment

8. By what means can the constitution be amended?

Any revision of the Constitution must be adopted by the Chamber of Deputies in two successive votes, separated by an interval of at least three months (*Article 114, Constitution*). No revision will be adopted if it has not obtained at least two-thirds of the votes of the members of the Chamber, and proxy voting is not permitted.

The procedure requires that the text adopted by the Chamber of Deputies in the first reading is submitted for referendum, which substitutes for the second vote of the Chamber and, if there is a demand in the two months following the first vote, either by more than a quarter of the members of the Chamber, or by 25,000 electors from the electoral lists for legislative elections. The revision can only be adopted if it receives the majority of the valid suffrage expressed. The Law of 4 February 2005 on the referendum at national level (related to referendum procedure) governs the modalities of organisation of the referendum.

Legal system

Form

9. What form does your legal system take?

The Luxembourg legal system is based on civil law, which is largely inspired by its neighbouring countries such as France (for the Civil code and the Code of Civil Procedure) and Belgium (for the Commercial code and the Criminal Code).

Main sources of law

10. What are the main domestic sources of law?

The hierarchy of legal sources in Luxembourg (from the highest to the lowest) is as follows:

- The Luxembourg Constitution of 17 October 1868.
- The laws approved by parliament.
- The Grand Duke's regulations *(les règlements grand-ducaux)*.
- Ministerial regulations and the regulations issued by administrative bodies.
- Communal local regulation.

In addition, within the framework of the Belgium-Luxembourg Economic Union (*Union économique belgo-luxembourgeoise* (UEBL)), Luxembourg is obliged to incorporate into national legislation various Belgian tax law provisions.

11. To what extent do international sources of law apply?

Luxembourg recognises the supremacy of international treaties and European regulations over domestic laws and even over the Constitution.

The Grand Duke has the power to make treaties under Article 37 of the Constitution. However, the procedure in practice is as follows:

- The Government negotiates the terms of the treaty.
- Parliament approves the treaty for it to enter into force in domestic legislation.
- The Grand Duke ratifies the treaty and the competent minister signs it.
- The treaty is published according to the formalities required (publication in the *Mémorial*) to be applicable in domestic legislation.

The Grand Duke is empowered (Article 37 §4, Constitution) to make the regulations and take the decisions necessary to implement the treaties, without prejudice to the matters which are constitutionally reserved to law.

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A different procedure is applicable for EU regulations, which are directly applicable are incorporated into domestic legislation, while regulations, which require the intervention of a legal provision, are transposed by the legislator. EU directives, in principle, are not directly applicable and therefore require a legislative procedure to be incorporated into domestic legislation.

There is a law, Law of 9 August 1971, which enables the Grand Duke permanently to intervene in the secondary EU legislation. This concerns the execution and sanction of directives and decisions as well as the sanctions of EU directives in economic, technical, agricultural, forestry, social and transport matters. The enabling law allows the Grand Duke to set penalties applicable in the event of non-compliance with European regulations, directly applicable in each member state.

This enabling law empowers the Grand Duke to amend domestic law, not for the execution of a treaty but for the execution of secondary legislation.

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The Constitution provides a few areas of the law that can be regulated by a law and not by a Grand Duke's regulation, for example, generally, the GD cannot establish penalties which are defined exclusively by law.

Court structure and hierarchy

12. What is the general court structure and hierarchy?

There are three main jurisdictional orders:

- **Constitutional.** The Constitutional Court is the highest authority. Its function is to examine the constitutionality of laws.
- **Administrative**. The administrative order consists of the Administrative Tribunal (*tribunal administrative*) and the Administrative Court (*Cour administrative*) (which hears appeals against the decisions of the tribunal).
- **Judicial**. The judiciary is composed of a civil and criminal branch, which is divided into three instances:
    - first instance courts: Magistrates' Courts (*Juge de Paix)* and District Courts (*Tribunal d'arrondissement)*;
    - the Court of Appeals: District court (*Tribunal d'arrondissement)* and Court of Appeal (*Cour d'Appel)*; and
    - the Supreme Court of Cassation (*Cour de Cassation).*

The *Cour d'appel,* the *Cour de Cassation* and the Public Prosecutor's Office form together to act as the Superior Court of Justice.

13. To what extent are lower courts bound by the decisions of higher courts?

The decisions rendered by the courts are not binding on other courts. Despite this, courts often take guidance from previous decisions of other courts and the lower courts tend to follow decisions of higher courts. There are no general rules in this regard. A court of appeal can approve the decision handed down by the lower court and refer to it. It can also approve the solution but amend the factual or legal basis of the decision.

14. Are there specialist courts for certain legal areas?

In Luxembourg, the ordinary court for civil and commercial matters is the District Court (*tribunal d'arrondissement*).

There are no specialised courts for commercial matters such as there are in some other countries. Commercial matters are dealt with by specialised divisions of the District Court, but they follow a simplified procedure.

The specialised courts are the:

- Administrative Court and tribunals which are also competent for fiscal disputes.
- Magistrates' Courts (*Juge de Paix)* which have jurisdiction over small claims in civil and commercial matters, and over certain matters assigned by law.
- Police Tribunal (*Tribunal de police*) which has jurisdiction over small criminal matters.
- Employment tribunal (*Tribunal du travail*) which has jurisdiction over labour law matters. This court is composed of a professional judge and two assessors, including an employee and an employer's representatives.

In civil and criminal matters concerning minors, but not exclusively in these matters, there is the:

- Juvenile and Guardianship Court (*Tribunal des tutelles et de la jeunesse*) and its second instance court, the *Chambre d'appel de la jeunesse et de la protection de la jeunesse*.
- Military tribunals.

15. Are other quasi-legal authorities commonly used?

Luxembourg has set up a number of quasi-legal authorities, including the:

- Council of Arbitration for social security (*Conseil arbitral de la sécurité sociale*) which has jurisdiction in social security matters. Its jurisdiction extends throughout the country. Appeals can be lodged with the Higher Council for social security (*Conseil supérieur de la sécurité sociale*).
- Rent Commission (C*ommission des loyers*), which governs disputes concerning issues with rent. It is considered as a conciliation body, so it must be consulted before bringing a case to court.
- Ombudsman or public mediator, whose mission is to receive complaints by physical or legal persons, about a case concerning them, which relates to the functioning of government or municipal services. It is an independent body which cannot receive instructions from any authority and does not answer to any administration, nor the government. Designated for a non-renewable term of eight years, his/her nomination is accepted by a simple majority in the Chamber of Deputies.

16. Does the constitution provide for an independent judiciary?

The courts are totally independent from other branches of power and this independence is guaranteed by the Constitution and the laws governing and organising the structure of the judiciary.

The Constitution guarantees the political independence of adjudicating judges, and their appointment is permanent. An adjudicating judge can be deprived of his/her position or suspended only by a court judgment.

Under Article 91, judges are irremovable. An adjudicating judge can be transferred only by appointing him or her to a new position and only with his or her consent. Despite this, in the event of disability or misconduct, adjudicating judges can be suspended, dismissed or transferred, in accordance with the conditions laid down by the law.

The office of judge is incompatible with being a member of the government, member of parliament, mayor, alderman or municipal councillor, holding any public or private salaried position, being a notary or bailiff, holding a military or ecclesiastical office or being a lawyer. Judges are impartial and are bound to professional secrecy.

17. How are members of the judiciary typically appointed?

Appointment
Article 90 of the Constitution provides that the Magistrates' Courts judges (*justice de paix*) and the judges of the District Courts *(tribunaux d'arrondissement)* are directly appointed by the Grand Duke. The officers**,** presidents and vice presidents of the District Courts are appointed by the Grand Duke on the advice of the Superior Court of Justice (*Cour Supérieure de Justice)*.

After the first appointment, career advancement and any new assignment must be made by the judicial order itself.

Qualifications
There are two ways to become a judge in Luxembourg:

- **Recruitment by public contest examination.** Future judges, namely "junior judges" (*attachés de justice*), are recruited by public contest. To be admitted to the examination, a candidate must meet the following criteria:
  - be a Luxembourg citizen;
  - enjoy full civil rights and political rights and present the necessary guarantee of good repute;
  - hold a Luxembourg master's degree from a law school or a foreign master's law degree recognised by the competent ministry;
  - have an appropriate knowledge of the Luxembourgish, French and German languages;
  - have completed judicial or notarial traineeship for at least 12 months;
  - meet the requisite conditions of physical and mental aptitude, which are verified by a medical and a psychological examination.

The public contest is organised and assessed by a commission made up of professional judges. The tests involve drafting a judgment or ruling in a number of areas. Successful candidates are ranked by the commission according to their final scores. Candidates are then recruited in order of their ranking.

- **Subsidiary recruitment.** This recruitment procedure is organised only if the competitive examination fails to deliver the number of junior judges set each year by the Minister for Justice.
- To be eligible to apply, a candidate must meet certain criteria required for admission to the competitive examination set out above and in addition the following:
  - have completed the judicial traineeship;
  - have practised as a lawyer for a total of at least five years.

- The commission evaluates candidates by an individual interview, and considers certain criteria such as results of final examinations of complementary course in Luxembourg law *Cours complémentaires en droit luxembourgeois,* the traineeship final examination, professional experience, any additional qualifications and any publications.

- A magistrate is assigned once there is a vacancy. Career advancement is dependent on years of experience and individual professionalism and there are some age limits for sitting as a magistrate in different jurisdictions (for example, to be a magistrate, candidates must be at least 27 years of age).

Litigation (civil and criminal)

18. Do the courts use an adversarial, non-adversarial or other system?

Civil proceedings

The Luxembourg judicial civil procedure is an adversarial system, where parties are free to initiate and terminate proceedings before judgment is reached. The parties are free to determine the order of the proceedings with their respective claims and defences and bear the burden of alleging and demonstrating evidence to support their claims. They are free to present a defence against any claim against them. Despite this, the judge can give directions in proceedings about the conduct of the parties and the collection of evidence, if needed. However, the judge often plays a passive role during the proceedings, finally ruling on the dispute by applying the relevant rules of law.

Criminal proceedings

In criminal proceedings, the process is highly inquisitorial. The judge has important powers intended to enable him to carry out his or her own investigations for the prosecution and for the defence. The parties are therefore not directly obliged to allege or refute facts in support of their claims.

19. Who is responsible for gathering evidence?

For civil cases, parties who have the burden of proof in the trial are responsible for gathering evidence to substantiate their claims. However, the judge can order the submission of certain documents or request a technical expert.

By contrast, in the criminal judicial system, this role is vested in the public prosecutor (with the help of the judicial police). Once the investigation phase has begun, it is the investigating judge who is responsible for gathering evidence.

20. Is evidence independently examined before a trial?

Civil
Civil proceedings are initiated by the parties, so it is not possible to examine evidence before the start of the trial. The parties exchange evidence substantiating their claims before the interlocutory hearing, but only once the legal action has been initiated, allowing the parties to prepare their defence.

At the interlocutory hearing, the judge assesses the case and, depending on whether it is to be an oral or written procedure, sets a hearing for pleadings or a timetable for the lodging of briefs.

If the defendant is an individual, the procedure will be governed by the written procedure. If the defendant is a legal entity, the claimant has the choice between an oral commercial procedure, which is quicker, or a commercial procedure under the regular rules of the written civil procedure, which takes longer.

Criminal
Conversely, in criminal proceedings evidence is collected before the trial, either to prosecute or in defence of the suspect. This means that, during the preliminary investigation phase, the public prosecutor must, with the support of the judicial police, take all the necessary measures to safeguard evidence, such as:

- Listening to witnesses.
- Requesting expert opinions and reports.
- Carrying out searches and/or seizures of any objects that may be useful for establishing the facts or which have been used to commit the offence or are the result of it.

Once the Public Prosecutor is seized of a complaint, it is obliged to consider whether to promote public action, by means of an indictment addressed to the investigating judge (*principe de l'opportunité des poursuites*).

21. Are trials/hearings open to the public?

Civil law
Civil hearings are heard in public, unless the court has decided otherwise (*Article 88, Constitution*). Additionally, no Television cameras or photographers are allowed during the hearing. However, there some types of hearings are held *in camera*, such as divorce proceedings or those relating to minors.

Criminal law
Criminal proceedings are public (*Article 190, Code of criminal procedure*).

However, if the court decides that the publicity is damaging to public order or morals, an order will be rendered in open court that the proceedings must be held in private. Moreover, the judge must deliver his or her judgment at

the final hearing, which is generally public, unless otherwise stated, but the judgment itself is then served only on the parties to the dispute.

22. Are reporting restrictions typically imposed in relation to a trial?

Civil law

During trial. The trial is public, with some exceptions (for example, divorce cases). However, the judge can order a restriction, if he or she considers that publicity is damaging to public order or morals. Even if restrictions have been imposed during the trial, under the principles laid down in the European Convention of Human Rights, the judgment must be pronounced publicly. The press and public can be excluded from all or part of the trial in the interests of morals, public order or national security, where the interests of juveniles or the protection of the private life of the parties requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

Post-trial. The judgment must be communicated to the parties. However, in principle, access to the judgments is public and is provided anonymously.

Criminal law

Pre-trial. The investigation phase of criminal proceedings must be secret and those involved in it are under an obligation of professional confidentiality. The public prosecutor can make certain information public if this is necessary for the investigation, while at the same time maintaining respect for the principle of innocence, the rights of defence, privacy and dignity. However, journalists or persons outside of the administration of justice are not covered by this obligation and are therefore free to circulate information about the case.

During trial. The press is authorised to attend the trial but not to record the proceedings. If necessary, the court can restrict access, for example, when the trial is held in camera, only the parties, their representatives, the judge and the public prosecutor can attend.

Post-trial. The judgment is given to the parties, and as mentioned above, must be disclosed in anonymous form.

23. What is the main function of the trial and who are the main parties to it?

The trial is a method of resolving private civil disputes between individuals or organisations, while in criminal matters its aim is to identify the perpetrator of an action considered to be harmful to society and to establish the penalty.

In civil proceedings, the parties (the claimant and the defendant), are responsible for the procedure under the supervision of the court. The procedure depends on whether written and oral proceedings are being followed:

- In proceedings where no written submissions are required (that is, before the lower courts and the District Court sitting in commercial matters), the preliminary phase is mainly the responsibility of the parties, who must refer the case to the court when they consider that the case is ready to be pleaded.
- In written proceedings (that is, in civil matters before the District Court) the trial is conducted under the supervision of a judge (*juge de la mise en état*) who is in charge of the management of the case. The judge at the preliminary hearing assesses the case and sets a time schedule for the exchange of briefs. Once the judge considers that each party has expressed and substantiated its position on all the issues, the preliminary phase is closed and a hearing for pleadings is set. During the hearing, the judge summarises the case and the parties can orally plead the case, although no additional arguments will be taken into consideration by the court if they have not been set out in the written submissions. The court then takes a decision and delivers a judgment.

During the trial there is no cross examination of witnesses. If a party requests the court to hear a witness, the question is indicated in the request filed to the judge, and the latter will decide whether or not to accept the witness. If so, it is the court that asks the questions.

In criminal cases, the defendant is generally charged in a formal accusation (indictment) by the investigating judge on the initiative of the public prosecutor. During the trial, the parties (the defendant, the victim, the witnesses and the public prosecutor) can be heard and the facts of the accusation must be proven for a decision to be reached.

24. What is the main role of the judge and counsel in a trial?

Role of judiciary

The Constitution and other legal provisions guarantee the impartiality of judges, both from the other public powers and from the citizens.

In a civil trial, the judicial role is to:

- Guide the trial according to court procedure.
- Guarantee the rights of the parties.
- Examine the evidence brought from the parties.
- Order further evidence to be provided if necessary to take a decision issuing a judgment.

The intervention of the judges is subordinated to the action of the parties.

In criminal proceedings, the investigating judge is responsible for gathering evidence, assessing it and proving the innocence or guilt of the accused. To ensure impartiality, the Code of Criminal Procedure expressly provides that

the investigating judge must not take part in the trial or in the final judgment. The judge must hear the witnesses separately and question the accused, assess the evidence and establish guilt by judgment.

Role of legal counsel
The lawyer is under a duty to:

- Assist the party at the trial.
- Represent and defend her/him before the court.
- Draw up, sign, file and receive documents for proper conduct of the proceedings.

Counsel cannot, in principle, refuse a case, unless he or she does not have the professional competence to deal with it. The lawyer must respect the principles of the profession, including independence, professionalism, honour, loyalty and confidentiality.

25. To what extent are juries used?

Civil law
The jury trial was abolished in 1814 and since then, all trials are conducted by qualified judges.

Criminal law
The Assize Court was abolished in 1989 and since then there have been no trials by jury. All trials are conducted by qualified judges.

26. What restrictions exist as to the evidence that can be heard by the court?

Civil proceedings
In civil trials written evidence has preference over the hearing of witnesses. Indeed, a written statement countersigned by the witness is often used. In some civil proceedings, the law limits the hearing of witnesses (for example, children cannot be heard as witnesses in divorce cases). Under the general principle set out in Article 1341 of the Civil Code, witness evidence cannot be admitted if the contractual obligation exceeds EUR2,500.

Criminal proceedings

In criminal proceedings, any person other than the suspect who may be relevant to the investigation can be heard as a witness. However, the victim can be heard as a witness provided he/she does not join a civil action into the criminal proceedings.

The judge must hear each witness separately from the others, and not before the suspect/accused person, by the judge. The witness can be examined only on facts to which he/she has personally and directly witnessed, as hearsay evidence is prohibited. In addition, if a witness giving evidence in court begins to give self-incriminating evidence, the hearing must be suspended and referred to the Public Prosecutor's Office.

The judge questions the defendant and his or her answers can be compared with evidence given by other witnesses, if necessary.

27. Which party has the burden of proof in a trial and at what standard is this burden met?

Civil law
In principle, the burden of proof in civil matters is on the party who alleges a fact or a right unless otherwise provided for by the law or legal presumptions laid down by law or provided for by case law. In commercial matters, the burden of proof can be discharged by any means.

The judge must decide whether facts are proven on a balance of probabilities on the basis of the evidence submitted by the respective parties.

Criminal law
The public prosecutor must carry out all acts necessary for the investigation and prosecution of offences, either against or in defence of the suspect.

Criminal proceedings are governed by the presumption that a person is innocent until proven guilty; therefore, the standard that must be met by the prosecution is guilty "beyond any reasonable doubt".

28. What verdicts can the court give?

Civil law
At the end of the civil trial, the court can render one of the following decisions:

- Provisional court order, which is a decision relating to the future procedure of the trial and is neither a definitive nor a substantive decision.
- Interlocutory decision, which is a substantive decision, but is not definitive.
- Final decision, that is, the judgment that terminates the proceedings.

Criminal law
The interlocutory judge can issue orders, which may relate either to procedure itself (such as the appointment of an expert), or a rule on a specific application (such as a judicial interim release order Otherwise, the interlocutory judge must render an order to dismiss the proceedings or a referral order.

At the end of the trial, the court must give a final judgment of conviction or acquittal.

The Code of Criminal Procedure provides also for other specific outcomes, such as the procedure on agreement (*jugement sur accord*), where the prosecutor agrees with the defendant on the sentence in exchange of an admission of guilt for the alleged facts.

29. What range of penalties/relief can the court order upon a verdict?

Civil law
The judge is entitled to order a wide range of reliefs, including:

- Damages, which can only be awarded to cover the effective damage suffered by a party (punitive damages are not available).
- Contractual relief, which includes:
    - annulment;
    - nullity declaration;
    - dissolution, resolution or termination of the contract;
    - forced execution;
    - formal demand;
    - debt remission; and
    - refund.
- Seizure.
- Expropriations.

If the court considers it necessary, it can establish a penalty to be paid for when the order/judgment is not executed within the deadline (*contrainte*).

Criminal law
Under the Criminal Code, the penalties for felonies for natural persons can include:

- Imprisonment (for life or for a fixed term).
- Fines and/or special confiscation (confiscation of any proceeds of crime, including property used to commit the offence, while the fine could be a sum corresponding to the price, product or profit of the crime).
- Disqualification (permanent or temporary) of titles, grades, functions and from public office.
- Prohibition from certain professional or social activities.
- Prohibition from certain civil and political rights.
- Business and premises closures.
- Publication, at the convicted person's expense, of the decision or an extract from the decision of conviction on a local, national or international, newspaper.

The same penalties apply to misdemeanours and violations/infractions committed under other Luxembourg laws (except for the penalty of life imprisonment). There may be other criminal laws providing for penalties, such as the Highway Code and its related laws, or the law on occupational safety and health.

The penalties set for natural persons incurred in a contravention can include:

Fines.

Special confiscation.

Driving bans, in case of infringements of the highway code.

The penalties for crimes committed by legal entities can include:

Fines.

Special confiscation.

Exclusion from public procurement/tender**s.**

Dissolution of the company.

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