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# Litigation 2026

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**Luxembourg: Law & Practice**

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KLEYR_GRASSO

# LUXEMBOURG


## Law and Practice

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# 1. General

## 1.1 General Characteristics of the Legal System

The Grand Duchy of Luxembourg operates within the civil law tradition, under which its legal framework is primarily established through comprehensive codified statutes rather than through the development of judicial precedents. In addition, decisions issued by higher courts bear significant influence and are regularly followed by lower courts when deciding similar cases.

Luxembourg's legal framework has been significantly influenced by the legal traditions of its neighbouring countries, and particularly by the codification principles of the French Napoleonic Code. Rules governing civil and commercial proceedings are laid down in the New Code of Civil Procedure (the NCCP).

Proceedings may be conducted either in written or oral form, the applicable format being determined by the nature of the dispute, the value at stake and, in certain instances, the claimant's choice. Civil and commercial disputes involving a monetary value below EUR15,000 may be pleaded orally. Where the amount in dispute exceeds this threshold, civil proceedings are conducted through written submissions, while in commercial matters the claimant may elect between oral proceedings and written submissions.

Written proceedings follow an inquisitorial model, pursuant to which the judge responsible for case management (*le juge de la mise en état*) is vested with wide discretionary powers to steer the conduct of the proceedings, require the parties to clarify or address specific issues, and collect such evidence as is considered necessary.

## 1.2 Court System

Luxembourg's Constitution of 1 July 2023 (The Constitution) enshrines the existence of a two-tiered system distinguishing between judicial courts (Article 98 of the Constitution) and administrative courts (Article 99 of the Constitution). In addition, Article 112 of the Constitution establishes the Constitutional Court (*Cour Constitutionnelle*).

### Judicial Courts

Judicial courts exercise jurisdiction over civil and commercial matters that are organised into three distinct tiers.

#### *The courts of first instance*

Luxembourg is divided into two districts, namely Luxembourg City and Diekirch.

The courts of first instance comprise the lower court (*Justice de Paix*) and the district court.

Jurisdiction is allocated on the basis of both monetary value as well as the subject matter of the dispute:

- Disputes not exceeding EUR15,000, or which pertain to matters of a specialised nature as foreseen in Article 4 of the NCCP, fall within the exclusive jurisdiction of the lower court. Appeal proceedings with respect to decisions handed down by the lower court shall be introduced before the district court.

- Disputes that exceed the aforementioned amount shall be brought before the district court which is regarded as the jurisdiction of ordinary law (*droit commun*).

#### *Court of Appeal*

The Court of Appeal, located in Luxembourg City, has jurisdiction over first-instance decisions ruled by the district court sitting in civil and commercial matters.

#### *The Supreme Court (Cour de Cassation)*

The Supreme Court has jurisdiction over decisions rendered by the Court of Appeal, as well as judgments rendered by the lower courts acting as courts of last instance (not subject to appeal). The role of the Supreme Court is to examine the conformity of the judgments rendered with the applicable law. It does not re-examine the factual background of the matter.

#### The Constitutional Court

The Constitutional Court has the authority to verify the conformity of legislative provisions with the Constitution. Its jurisdiction, however, does not extend to the review of the constitutionality of laws approving international treaties.

### 1.3 Court Filings and Proceedings

As a fundamental principle of the rule of law, court proceedings are by default open to the public, ensuring transparency and the right of citizens to attend the hearings. Nonetheless, derogations from this principle exist where the nature of the case warrants confidentiality, particularly in order to safeguard public order and morals (Article 108 of the Constitution).

Court filings, however, are not open to the public.

### 1.4 Legal Representation in Court

In Luxembourg, the practice of law is regulated by the Law of 10 August 1991, pursuant to which the profession of lawyer is performed in a free and independent manner. In order to practise as a lawyer, admission to the Bar Association and registration in one of its official lists are considered prerequisites.

Practising lawyers are classified into three categories, each entered on a distinct list, namely:

- Lawyers (*Avocats à la Cour*) registered on list I of the Bar Association, having taken the oath and successfully completed the final bar examination, are qualified to represent litigants in written proceedings as well as to act on behalf of all parties before all courts, including the Constitutional Court, the administrative courts, and the Supreme Court of Justice as well as to file submissions on their behalf.
- Lawyers (*Avocats*) entered on list 2 of the Bar Association are entitled to appear and plead before the courts of first instance, subject to the limitations prescribed by law.
- Lawyers admitted in a European Union member state may practise in Luxembourg under their member state professional title and be registered in list 4 of the Bar Association, which also allows them to represent litigants before the courts of first instance.
- Foreign-qualified lawyers may also be authorised to represent parties in Luxembourg provided that they are assisted by a lawyer of the Luxembourg Bar in proceedings where representation by a lawyer (*Avocat à la Cour*) is not mandatory and provided that prior authorisation has been duly sought by the President of the Bar (*Bâtonnier*).

In first-instance proceedings regarding claims not exceeding EUR15,000 as well as first-instance commercial proceedings, representation by a lawyer is not mandatory; instead, parties may appear and plead their case personally before the court.

## 2. Litigation Funding

### 2.1 Third-Party Litigation Funding

The Luxembourg legal framework does not expressly regulate third-party funding. Nonetheless, this practice is encountered in litigation and arbitration proceedings and may be validly undertaken provided that the parties adhere to ethical standards and legal duties and insofar as it does not give rise to a conflict of interest for the party's lawyer regarding its client and the third party funding the dispute.

### 2.2 Third-Party Funding: Lawsuits
In the absence of specific legislative provisions governing third-party funding in Luxembourg, any form of legal proceedings may, in principle, be funded by third parties.

### 2.3 Third-Party Funding for Plaintiff and Defendant
Third-party funding can be available for plaintiffs as well as defendants.

### 2.4 Minimum and Maximum Amounts of Third-Party Funding
As Luxembourg law does not contain specific provisions governing third-party funding, there are no minimum or maximum thresholds that apply to such funding.

### 2.5 Types of Costs Considered Under Third-Party Funding
As third-party funding is unregulated in Luxembourg law, there are no requirements regarding the costs that a third party would consider funding.

### 2.6 Contingency Fees
Under Luxembourg law and specifically the rules of the Luxembourg Bar Association, fee arrangements that are exclusively based on the outcome of the dispute (contingency fees) are prohibited as they would compromise a lawyer's duties of independence and professional detachment.

Nevertheless, lawyers are permitted to structure their fees to include a success-based component, which represents a portion of the total arrangement fees.

### 2.7 Time Limit for Obtaining Third-Party Funding
As third-party funding remains unregulated, there are no time limits within which the party to the litigation should obtain third-party funding.

## 3. Initiating a Lawsuit

### 3.1 Rules on Pre-Action Conduct
The court does not impose or prescribe any procedural obligations upon the parties with respect to pre-action conduct, nor does it impose any duty upon a prospective defendant to provide a response to a pre-action letter. Prior formal notice is in fact not mandatory, as the summons is equivalent to formal notice.

In civil and commercial disputes, the court may, however, prior to the commencement of proceedings, invite the parties to engage in mediation, which the parties may accept or deny.

### 3.2 Statutes of Limitations
The statute of limitations is governed by Articles 2219 to 2281 of the Luxembourg Civil Code (the Civil Code).

The statute of limitations does not constitute a matter of public policy as Article 2223 of the Civil Code expressly prohibits the court from invoking it ex officio. However, according to Article 2224 of the NCCP, a plea related to the statute of limitations may be raised by the parties at any stage, including in the course of the appeal proceedings.

Article 2262 of the Civil Code establishes a general thirty-year limitation period applicable to all civil claims in contract and in tort. However, commercial claims are governed by a distinct ten-year limitation period, as stipulated under Article 189 of the Luxembourg Commercial Code.

In addition to the general limitation periods, the law provides for specialised and shorter statutes of limitation governing particular subject matters such as matters related to the payment of salaries as well as matters related to payment requests (Article 2277 of the Civil Code).

The statute of limitations period begins to run from the date on which the obligation is due, or in the case of delictual or tortious claims, from the moment the harm or injury was sustained.

### 3.3 Jurisdictional Requirements for a Defendant
Under Luxembourg law, any defendant, whether a natural or legal person, possessing legal personality may be subject to legal proceedings before the competent courts.

When initiating proceedings, the claimant must consider the subject matter and territorial jurisdiction rules.

With respect to the subject matter jurisdiction (*competence ratione materiae*), different courts enjoy exclusive jurisdiction over specific matters, namely:

- The district court, as the cornerstone of the judicial system, has general jurisdiction over disputes exceeding EUR15,000.
- The lower court is competent for all disputes below the EUR15,000 threshold, as well as over matters, regardless of the amount at issue, as foreseen by Article 4 of the NCCP;

The provisions governing territorial jurisdiction are set forth in Articles 27 to 48 of the NCCP with regard to the two judicial districts of the Luxembourg judiciary. The general rule is that the competent court is where the defendant is domiciled (Article 28 of the NCCP). These rules of jurisdiction are of a relative nature, meaning that if the defendant fails to raise an objection in limine litis, the claim is deemed to have been validly brought before the court.

Courts will therefore exercise jurisdiction over defendants who are domiciled in the country, or, in the case of legal persons, whose registered office or principal place of business is situated within Luxembourg.

### 3.4 Initial Complaint

The document instituting the proceedings (*acte introductif d'instance*) establishes the constitutive elements of the claim, including the parties to the dispute, the subject matter of the claim and the cause of the action.

The NCCP further distinguishes between three procedural methods for commencing proceedings, namely the service of writ of summons (*assignation*) before the district courts or the citation before the courts of first instance (*Justice de Paix*), as well as the filing of an application with the court in proceedings that remain unilateral.

The distinction between these three procedural modes resides primarily in the method of service. Both the summons and the citation must be served by a bailiff whereas the request is notified through the registry of the court seized of the proceedings *(le greffe*).

New claims (*demandes nouvelles*) may not be introduced during the course of the proceedings by the claimant as the document instituting the proceeding forms the judicial contract between the parties. It is, however, permitted to raise new factual elements as well as different legal arguments at any stage of the proceedings.

### 3.5 Rules of Service

As noted in **3.4 Initial Complaint**, the document instituting the proceedings is served on the defendant by a bailiff.

The document instituting the proceedings shall be served personally upon the addressee and such service shall be deemed valid where the said document is delivered directly into the hands of the person upon whom service is to be effected.

Where the addressee accepts the act, service shall be deemed to have been duly effected on the date of the delivery of the act. Where the addressee refuses to accept the act, such service shall be deemed to have been effected on the day upon which the document was presented to the addressee.

Finally, where service cannot be effected personally to an addressee, such service shall be effected at their domicile or, failing that, at their primary residence.

A party located outside of Luxembourg may be subject to suit, in which case service shall be effected in the manner agreed upon between the Grand Duchy of Luxembourg and the state in which the addressee resides.

In the absence of a procedure established by an international instrument such as the 1965 Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, service shall be carried out in accordance with the provisions of Article 156 NCCP, which provides that the bailiff serves a copy of the document instituting the pro-

ceedings by registered mail to the defendant's domicile.

In cases where the foreign country does not recognise service by registered mail, service shall be carried out through diplomatic or consular means.

### 3.6 Failure to Respond

In the event that the defendant does not appear before the court to object to a claim, and provided that the document instituting the proceedings has been validly served, the judgment shall be regarded as adversarial. In the case of a judgment deemed adversarial, the only recourse available to the defendant shall be by way of appeal.

Otherwise, where service of the document instituting the proceedings was not duly effected, the judgment shall be regarded as a judgment rendered by default (Article 79 of the NCCP). In such an event, the defendant may file an opposition before the same court, or lodge an appeal before the court of appeal within the deadline provided for by law.

### 3.7 Representative or Collective Actions

As of 30 October 2025, following the adoption of Bill of Law No 7650, a collective action mechanism – ie, class action is now available under Luxembourg law in the field of consumer protection.

Inspired by French and Belgian law, this mechanism enables groups of injured parties who have suffered similar harm to bring a collective legal action, thereby avoiding the multiplication of separate claims and the time-consuming proceedings associated therewith.

This newly introduced legislation introduces a four-step procedural framework that the court must follow, namely:

- The Luxembourg District Court must assess the admissibility of the case.
- The court shall promote the parties' recourse to mediation.
- The court shall rule on compensation and specify the applicable opt-in (voluntary membership) or opt-out (automatic inclusion unless declined) system.
- The court shall appoint a liquidator to oversee the execution of the compensation award.

### 3.8 Requirements for Cost Estimate

Currently, there are no requirements for legal practitioners to provide clients, at the outset of the proceedings, with a cost estimate of prospective litigation.

Nonetheless, counsels shall, as a matter of professional practice and transparency, provide an approximate evaluation of the fees and costs associated with the procedure and related services.

## 4. Pre-Trial Proceedings

### 4.1 Interim Applications/Motions

Interim applications are admissible under Luxembourg law and may be submitted before the judge sitting in summary matters (*le juge des référés*) who is competent to grant interim relief with respect to urgent matters brought before them.

The judges' authority extends solely to matters presented before them that warrant immediate intervention; however, they are not competent to rule on the substantive issues of the case.

Pursuant to Article 932 of the NCCP, the president of the district court, or, in their absence, the judge substituting them, may, in cases of urgency, issue interim measures that are not subject to a substantial objection or that are warranted by the existence of a legal dispute.

The judge sitting in summary proceedings may also, according to Article 933 of the NCCP, order conservatory measures where there is a risk of imminent harm or in order to bring to an end a disturbance that is manifestly unlawful.

Interim relief proceedings may, for instance, be used to appoint a receiver (*séquestre*) or obtain a provisional payment order (*référé-provision*) when the obligation to pay is not seriously disputable.

Article 934 of the NCCP further provides that in cases that require immediate action, the president of the dis-

trict court may authorise a party to bring a claim even on public holidays, whether before the court itself or, if necessary, at the judge's residence with open doors.

Furthermore, Article 66 of the NCCP establishes a mechanism whereby the judge may adopt ex parte measures (see **6.3 Availability of Injunctive Relief on an Ex Parte Basis**).

Accordingly, such intervention, although provisional in nature, may afford the parties temporary relief.

### 4.2 Early Judgment Applications

Prior to any defence on the merits of the case, the parties to the proceedings may request an interlocutory judgment in order to rule on specific aspects of the proceedings such as the court's jurisdiction, the admissibility of the case or certain questions that need to be ruled upon in advance in the interests of a proper administration of justice.

The judge may also rule by interlocutory judgment at its own discretion.

### 4.3 Dispositive Motions

Under Luxembourg law, no dispositive motions may be submitted prior to the commencement of trial proceedings.

### 4.4 Requirements for Interested Parties to Join a Lawsuit

Third parties may intervene in the proceedings on a voluntary basis (*intervention volontaire*) in cases where they would be entitled to bring third-party proceedings against the judgment to be rendered (in case they have a personal, legitimate and sufficient interest in the outcome of the case).

Voluntary intervention is carried out by means of a lawyer's act addressed to the opposing counsel in the context of written proceedings.

Third parties may also participate in the proceedings through a joinder (*intervention forcée*). To be admissible, a joinder request must:

- take the form of a formal summons;
- not be made by merely written submissions; and
- only be directed against a third party in respect of whom there is a legitimate interest to enforce the judgment, and who would have the capacity to oppose the decision to be issued.

### 4.5 Applications for Security for Defendant's Costs

Under Article 257 of the NCCP, claimants or interested third parties may, upon the defendant's request, be required to provide judicial security (*caution judiciaire)* with respect to the payment of costs and damages to which they may be held liable.

The purpose of this mechanism is to afford a defendant based in Luxembourg a guarantee for the recovery of pecuniary claims that may result from litigation instituted by a person residing abroad, in respect of whom enforcement issues may arise.

This right may be exercised exclusively by a defendant living in Luxembourg and applies solely against claimants who have their domicile or habitual residence outside the country.

The amount of the judicial security is determined by the court.

Article 257 (2) of the NCCP foresees three cases where judicial security can be waived for claimants residing or having their habitual residence in either:

- a European Union member state;
- a member state of the Council of Europe; or
- a state with which Luxembourg is bound by an international treaty on judicial security.

### 4.6 Costs of Interim Applications/Motions

There are no costs for interim applications or motions in Luxembourg.

### 4.7 Application/Motion Timeframe

In summary proceedings, the judge is required to issue a decision quickly in light of the matter's urgency. Accordingly, the summary proceedings would generally be concluded, under standard circumstances, within approximately one to six months. Where circumstances of exceptional urgency so require, this timeframe may be further reduced.

## 5. Discovery

### 5.1 Discovery and Civil Cases

Discovery procedures are not available in civil cases and are overall notrecognised under Luxembourg law. The same applies for fishing expeditions that are not permitted.

As the system is grounded and operates on the basis of the adversarial principle, the parties to litigation are responsible for producing evidence in support of their claims and substantiating them before the court.

As a general rule, Article 60 of the NCCP provides that the court may, at the request of a party, order the production of documents or evidentiary materials by the opposing party or even by a third party, except where a legitimate impediment is established.

A distinction is made in this respect between the procedural rules in the summary proceedings and those applicable during the proceedings on the merits of the case.

Prior to any debate on the merits, Article 350 of the NCCP provides that in cases where a legitimate reason exists to preserve evidence likely to influence the resolution of the dispute, investigation measures may be ordered following either an ex parte application or in summary proceedings.

Four conditions must be met for such measures to be ordered, namely:

- The evidence sought to be preserved must be pertinent for the resolution of the dispute.
- A legitimate reason must exist for preserving the evidence.
- The investigative measure must be legally admissible.
- The investigative measure must be requested prior to the proceedings on the merits.

Where proceedings on the merits have commenced, the court may order that documents be produced, under penalty of a fine (Article 280 of the NCCP).

To that end, four conditions must be met:

- The document must be clearly and sufficiently identified.
- The existence of the document must be certain.
- It must be established that the opposing party retains the document.
- The claimant must have a legitimate interest in seeking the disclosure of the document.

### 5.2 Discovery and Third Parties

Articles 284 to 288 of the NCCP set out the procedural framework enabling a party to a dispute to seek the disclosure and production of a document from its holder. For this purpose, a distinction is made between instances in which the document is in the possession of a third party to the proceedings and those in which it is held by the opposing party.

Case law has, nevertheless, consistently maintained the applicability of the same four cumulative conditions, namely:

- The requested document must be identified with sufficient precision in order to prevent any general search amounting to a fishing expedition, which is prohibited under Luxembourg law.
- The existence of the document must be sufficiently plausible, as the production request cannot relate to a document whose existence is purely hypothetical or uncertain.
- The possession of the document by the party against whom the production is requested must also appear plausible.
- The document sought must be significant for the resolution of the dispute and be of such nature as to allow for the advancement of the proceedings.

To safeguard third-party rights, affected third parties may apply to the issuing judge for the withdrawal or amendment of the order. Such request may be made where procedural or practical difficulties arise or where a legitimate impediment prevents the production of the document in question (Article 287 of the NCCP).

### 5.3 Discovery in This Jurisdiction

As set out in **5.1 Discovery and Civil Cases**, discovery as such does not exist in civil matters under Luxembourg law and the parties to a litigation must disclose

the documents on which they intend to rely for their defence.

### 5.4 Alternatives to Discovery Mechanisms

Refer to **5.1 Discovery and Civil Cases**.

### 5.5 Legal Privilege

Communications between an attorney and its clients are protected by attorney–client privilege and cannot be revealed, as such disclosure would constitute a serious ethical breach (ie, a violation of professional secrecy). Consequently, under this privilege, lawyers may not provide testimonies or be called as witnesses during a trial regarding the information entrusted to them by their clients.

With respect to communications between attorneys, all exchanges are confidential, except where they are expressly designated as official, in which case they may be disclosed to the clients and further submitted as exhibits.

### 5.6 Rules Disallowing Disclosure of a Document

A third party may object to the production of a document in limited cases and where there is a valid and legitimate reason for doing so, such as in cases that require confidentiality or where a right such as business secrecy must be preserved.

## 6. Injunctive Relief

### 6.1 Circumstances of Injunctive Relief

The president of the district court, also called the judge sitting in summary proceedings (*le juge des référés*), may be seized for the purpose of obtaining provisional measures in circumstances of urgency as well as where the claims are manifestly evident and not subject to a dispute. (See **4.1 Interim Applications/Motions**).

Moreover, Article 693 of the NCCP provides for attachment proceedings (*saisie-arrêt*), under which a creditor may freeze, in the hands of a third party, funds or property detained by the debtor to prevent their transfer.

Where a creditor does not have an enforceable title, they can obtain a judicial authorisation through an ex parte application in order to freeze the debtor's funds and prevent their transfer.

### 6.2 Arrangements for Obtaining Urgent Injunctive Relief

In circumstances of extreme urgency and where celerity is vital, the judge sitting in summary matters can deliver a decision within a 24-hour timeframe (Article 934 of the NCCP) (See **4.1 Interim Applications/Motions**).

### 6.3 Availability of Injunctive Relief on an Ex Parte Basis

Injunctive relief may be granted on an ex parte basis pursuant to Article 66 of the NCCP.

This measure, which may be initiated without the knowledge of the opposing party, departs from the principle of adversarial proceedings and may only be ordered in cases expressly provided for by law and provided that there is a necessity.

The applicant must file an application with the court's registry. The judge will then rule upon the matter without hearing the party against whom the measure is sought, basing the decision exclusively on the information and evidence submitted by the applicant.

### 6.4 Liability for Damages for the Applicant

In cases where proceedings brought against a defendant are abusive and/or vexatious, the defendant may claim compensatory relief through the awarding of damages, together with an indemnity with respect to the procedural costs and legal fees (Article 6-1 of the Civil Code).

It should be noted, however, that the amount of such compensation remains relatively limited.

### 6.5 Respondent's Worldwide Assets and Injunctive Relief

In Luxembourg, injunctive relief cannot be granted with respect to a respondent's worldwide assets.

### 6.6 Third Parties and Injunctive Relief

As noted in **5.2 Discovery and Third Parties**, third parties may be ordered to produce documents provided that the necessary conditions are fulfilled.

### 6.7 Consequences of a Respondent's Non-Compliance

In the event of non-compliance with an injunction, the order may be executed through the intervention of a bailiff in accordance with the applicable procedural rules.

## 7. Trials and Hearings

### 7.1 Trial Proceedings

Civil proceedings are normally in writing. The parties' lawyers exchange written submissions and exhibits according to the timetable set by the court. Once the parties' arguments have been sufficiently developed, the court shall order the closure of the examination period and set the date for the pleadings.

In disputes that are commercial in nature, the standard practice is for proceedings to be oral. Nevertheless, the parties may also elect to adopt the procedural framework governing civil cases.

### 7.2 Case Management Hearings

In oral proceedings, hearings are mandatory as they constitute a fundamental aspect of the procedure.

In written proceedings, pleadings have a limited role, as arguments are exchanged in writing. Case management hearings are held only at the request of the judge and may be requested by the parties to settle procedural issues or questions pertaining to the instruction of the case (provided that this does not involve an assessment of the merits). In principle, case management hearings are scheduled as soon as one of the parties is required to take a procedural action (eg, filing submissions) or a procedural issue needs to be decided by the case management judge. If a party fails to file its submissions on time, the case management judge may issue injunctions against the party in question.

### 7.3 Jury Trials in Civil Cases

In Luxembourg, jury trials are not available in civil cases.

### 7.4 Rules That Govern Admission of Evidence

As noted in **5.1 Discovery and Civil Cases**, the burden of proof lies with the party alleging a particular fact, and it is therefore incumbent upon such party to provide necessary evidence to justify its claim before the court.

The legal provisions dealing with evidence are set out in Articles 58 to 60 of the NCCP.

A fundamental rule governing the admissibility of evidence at trial is the adversarial principle (*principe du contradictoire*) according to which lawyers are required to disclose any exhibits they intend to submit within a reasonable timeframe (Article 279 of the NCCP). This fundamental requirement ensures procedural fairness by allowing the opposing party to prepare for their defence in due course.

### 7.5 Expert Testimony

Expert testimony is permitted for technical questions, on specific matters, or for proof of foreign law.

A distinction exists between the courts' discretion to instruct an expert and obtain an expert report and the parties' right to choose an expert and obtain a report in support of their claims.

In the first scenario, the judge may instruct an expert to provide an analysis on a specific matter to be substantiated in a written report. Although such expert opinions are highly influential, the judge retains full discretion to depart from the expert's findings and adopt a different reasoning.

In the second scenario, the parties to litigation may unilaterally appoint an expert to produce a written report substantiating an asserted fact in order to support their defence. The judge remains free to assess the probative value of the said report.

### 7.6 Extent to Which Hearings Are Open to the Public

Hearings are generally public, except in circumstances where the law provides that they be held in private in order to safeguard a particular right.

Accordingly, any member of the public, including the press, may attend hearings.

The transcripts of hearings are only available to the parties' legal counsels, while the parties to the litigation receive formal copies following the issuance of a judgment.

The courts' decisions are also published in the courts' database in an anonymised form in order to ensure the confidentiality of the personal information contained therein.

### 7.7 Level of Intervention by a Judge

In the course of the hearings, the judge holds the ultimate authority to manage the hearings, question the parties as well as the witnesses, and direct the parties to take any measures necessary for the proper administration of justice.

Upon the conclusion of the oral arguments, the final decision is not rendered immediately. Instead, the court enters deliberations and notifies the parties of a scheduled date for the formal delivery of the judgment.

### 7.8 General Timeframes for Proceedings

The duration of the proceedings cannot be precisely determined, given that it is highly dependent on the number of parties involved, the complexity of the dispute and the nature of the procedure.

However, in practice, the issuance of a final judgment may occur within a timeframe of 18 to 30 months.

While Luxembourg law does not provide for accelerated proceedings, the Law of 15 July 2021 introduced the "*procédure de mise en état simplifiée*" (simplified pre-trial procedure), which is brought before the district court and is now codified in Articles 221-1 et seq. of the NCCP. This procedure applies to cases in which the total value of the claim is below EUR100,000 and where the dispute involves only one claimant and one defendant. It provides for an expedited process, limited to two rounds of written submissions per party, to be exchanged within fixed timeframes in order to expedite proceedings.

## 8. Settlement

### 8.1 Court Approval

The settlement of a lawsuit does not require the approval of the court.

Once the parties to a dispute have reached a settlement, they shall inform the court and withdraw their claims so that the case may be formally concluded.

However, where the parties have chosen to pursue mediation, any settlement reached must be approved by the judge pursuant to Article 1251-21 of the NCCP.

### 8.2 Settlement of Lawsuits and Confidentiality

Parties may agree to maintain the confidentiality of a lawsuit's settlement in order to safeguard their right to privacy.

### 8.3 Enforcement of Settlement Agreements

Generally, settlement agreements have a contractual value and are enforceable under the same principles applicable to contractual agreements.

### 8.4 Setting Aside Settlement Agreements

Settlement agreements may be set aside under the same conditions as any contract, such as in cases where they violate public policy, were procured through violence or coercion or were founded upon fraud.

Thus, the settlement agreement shall be invalid if these principal conditions are not observed.

A settlement must also be set aside in the absence of reciprocal concessions (Article 2044 of the Civil Code), or in the event of an error regarding the identity of one of the parties or the subject matter of the dispute (Article 2053 of the Civil Code).

## 9. Damages and Judgment

### 9.1 Awards Available to the Successful Litigant

The successful litigant may be entitled to various forms of awards.

First and foremost, they may obtain a conviction judgment (*jugement de condamnation*), by which the court compels the losing party to perform an obligation.

Alternatively, they may receive a declaratory judgment (*action déclaratoire*), which does not seek to impose an obligation as such, but rather serves to establish the existence, non-existence or scope of a right or legal situation.

Despite those forms of relief, the award of damages is the most common award available to successful litigants; however, where compensation in kind is possible it shall take precedence over monetary damages.

The unsuccessful party shall be ordered by the court to pay the judicial costs and may also be ordered to pay a procedural indemnity (*indemnité de procédure*) (see **11.1 Responsibility for Paying Costs of Litigation**).

### 9.2 Rules Regarding Damages

In Luxembourg, the prevailing principle is that of full compensation for the damage suffered, thereby ensuring that the harmed party receives adequate redress and is placed in the position it would have been had the said damage not occurred.

For the damage to be repairable, it is settled case law that it must be lawful, certain, direct and personal. The requirement that the damage be certain is, in particular, linked to the requirement of proof, the burden of which lies with the claimant alleging it.

In the event that one of these conditions is not fulfilled, the request for damages will not be granted.

Accordingly, the financial status of the parties or the gravity of the contractual breach will not be taken into consideration by the court in its assessment on compensation, as such compensation must reflect the actual damage suffered.

Punitive damages are prohibited under Luxembourg law.

### 9.3 Pre-Judgment and Post-Judgment Interest

When introducing their claims, litigants may request the award of interest accruing from a period prior to the proceedings – ie, from the date a payment was due or the day of formal notice.

The judgment to be handed down by the court will ultimately determine the date from which the interest begins to run, and the successful litigant will be entitled to collect interest accruing after the judgment is rendered and until it is enforced.

### 9.4 Enforcement Mechanisms of a Domestic Judgment

Judgments rendered by domestic courts become enforceable upon their service on the unsuccessful party of the proceedings and may be executed only once they have acquired the authority of res judicata, that is, when no further remedies are available.

In commercial disputes, Article 567 provides that the district court sitting in commercial matters may order the provisional enforcement of a judgment without security as long as the judgment has not been challenged. Otherwise, provisional enforcement may only be granted subject to the provision of a security or proof of sufficient solvency.

### 9.5 Enforcement of a Judgment From a Foreign Country

Due to its position as an international forum, Luxembourg frequently serves as the forum for the recognition and enforcement of foreign judgments.

There is therefore a distinction between:

- judgments originating from member states of the European Union (EU);
- judgments rendered in countries bound by an international treaty; and

- judgments issued in states not subject to any such international treaty.

Judgments rendered within the EU benefit from a simplified system of recognition and enforcement in Luxembourg which is due to core EU principles such as that of mutual trust and the free movement of judicial decisions. In particular, following the entry into force of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, the procedure governing the recognition and enforcement of judgments rendered in other member states of the European Union has been considerably simplified. Such recognition and enforcement is, according to Article 53 of the above-mentioned Regulation, subject solely to the presentation of a certificate demonstrating that the judgment is enforceable.

Article 679 of the NCCP establishes a simplified procedural framework applicable to decisions rendered in a foreign state that is bound to Luxembourg by an international treaty governing the recognition and enforcement of judgments. Provided that the necessary conditions are met, the court shall, in the context of an ex parte procedure, grant an exequatur order.

Pursuant to Article 678 of the NCCP, a judgment rendered in a state not bound by an international instrument governing the recognition of judicial decisions may only produce legal effects in Luxembourg through the issuance of an exequatur order. In this regard, an exequatur action must be filed before the district court, which will result, if all conditions are fulfilled, in a judgment conferring the enforceability of the foreign decision within Luxembourg's jurisdiction.

## 10. Appeal

### 10.1 Levels of Appeal or Review to a Litigation

To challenge a decision rendered by the first-instance courts, there are established avenues of appeal before hierarchically superior courts, which can either re-examine the dispute in both fact and law or provide for a limited review on whether the law was correctly applied.

Where a decision has been rendered by the lower court (*Justice de Paix*) an appeal shall be lodged before the district court (*Tribunal d'arrondissement*), which has the authority to review the case and amend the decision where appropriate.

When a judgment has been issued by the district court, the Court of Appeal (*Cour d'appel*) shall have jurisdiction to re-examine the case and issue a binding ruling in this respect.

Finally, with respect to decisions rendered by the Court of Appeal, or in certain cases by the district court sitting in last resort, the Supreme Court (*Cour de Cassation*) is competent to review the application of the law by those courts without revisiting and reassessing the merits of the case.

### 10.2 Rules Concerning Appeals of Judgments

As a general rule, under Article 578 of the NCCP, any judgment may be appealed. However, certain disputes, specifically those of a minor value, namely disputes involving an amount less than EUR2,000 cannot be appealed (Article 3 of the NCCP).

Moreover, an appeal may, in principle, only be brought against a final judgment. Specific exceptions exist, however, in certain circumstance, such as in the case of interlocutory judgments, which can potentially be appealed (Article 579 of the NCCP). This right of appeal equally extends to summary judgments, which also fall within the jurisdiction of the Court of Appeal.

As for the respondents to a potential appeal action, the primary condition is their prior participation in the original proceedings. A further requirement in this respect is that the parties against whom the appeal is brought must have been adverse parties in the original proceedings.

For an appeal to be considered valid, a party must also demonstrate the existence of a legitimate interest and that the judgment being the subject of appeal prejudices the party's rights and/or lawful interests.

### 10.3 Procedure for Taking an Appeal

The procedure for instituting an appeal in civil or commercial matters before the Court of Appeal requires that the appellee be represented by a lawyer and serve an act of appeal (*acte d'appel*) through a bailiff.

For appeals before the district court (*Tribunal d'arrondissement*), proceedings are conducted orally and legal representation by a lawyer is not mandatory. It is also initiated by serving a deed of appeal.

As a general rule, an appeal must be filed within 40 days following service of the judgment. However, exceptions do exist in certain cases where the time limit is reduced to 15 days, such as in summary proceedings (Articles 16, 939 and 946 NCCP) and bankruptcy cases (Article 465 of the NCCP).

### 10.4 Issues Considered by the Appeal Court at an Appeal

Filling an appeal gives rise to a new instance which entails that the proceedings shall be governed by the procedural rules applicable in effect at the time of the appeal.

In line with the principle of devolutive effect (*effet devolutif*), the Court of Appeal shall review the arguments and issues raised before the court of first instance as well as any new arguments presented by the parties.

It should be emphasised, however, that appellants cannot introduce new claims during the appeal proceedings (Article 592 of the NCCP).

### 10.5 Court-Imposed Conditions on Granting an Appeal

In principle, the court cannot impose any conditions on granting an appeal.

### 10.6 Powers of the Appellate Court After an Appeal Hearing

Upon an appeal request, the Court of Appeal is entitled to either confirm the judgment of the court of first instance or to overturn it in whole or in part.

In the latter situation, the Court of Appeal will re-examine the dispute and issue a new binding judgment on the merits of the case, which will have the authority of res judicata.

## 11. Costs

### 11.1 Responsibility for Paying the Costs of Litigation

The final decision determines the party liable for, as well as the party entitled to, the payment of procedural costs. In the event of successive proceedings, it is the final decision of the last instance that governs the payment of procedural costs for all preceding instances.

Under Article 238 of the NCCP, the unsuccessful party to the proceedings shall be liable for the payment of procedural costs. However, this article provides for an exception, whereby the court may, on the basis of a duly reasoned decision, assign the entirety or a portion of the procedural costs to another party. This remains, however, a very rare occurrence.

Litigation costs include charges incurred in connection with the conduct of the case, such as:

- fees payable to court officers (ie, the bailiff);
- registry or court administrative fees;
- fiscal duties;
- expenses incurred in connection with evidentiary measures; and
- counsel fees for representation before the court (*émoluments des avocats à la cour)*

As lawyers exercise a liberal profession, their professional fees are not included in the costs of litigation and the court cannot require the unsuccessful party to reimburse the legal fees incurred by the prevailing party.

In addition, Article 240 of the NCCP provides for procedural indemnity under which, in cases where it would appear inequitable to leave a party solely responsible for the expenses incurred by them, the court may order the other party to reimburse such sums as it deems appropriate.

This procedural indemnity should not be confused with the award of damages as it is distinct in nature

and is determined by the court based on principles of equity.

### 11.2 Factors Considered When Awarding Costs

As indicated in **11.1 Responsibility for Paying the Costs of Litigation,** the litigation costs are borne by the unsuccessful party, except in exceptional cases where the parties may be ordered to share the costs.

### 11.3 Interest Awarded on Costs

Under Luxembourg law, there is no interest awarded on costs.

## 12. Alternative Dispute Resolution (ADR)

### 12.1 Views of ADR Within the Country

In Luxembourg, the use of alternative dispute resolution (ADR) mechanisms has increased remarkably in recent years and has assumed significant procedural relevance.

The ADR mechanisms available in Luxembourg include:

- arbitration (Articles 1224-1251 of the NCCP);
- conciliation (Articles 70 to 72 of the NCCP); and
- mediation (Articles 1251-1 to 1251-24 of the NCCP);

Amongst these mechanisms, mediation and arbitration are the main ADR methods most commonly incorporated in contractual arrangements and are actively promoted by national courts as effective means of facilitating and streamlining the resolution of disputes.

### 12.2 ADR Within the Legal System

Luxembourg is committed to the promotion of ADR and has ensured its full integration into the structure and functioning of its legal system.

This reflects the courts' willingness to further promote ADR mechanisms and to strengthen their binding legal effect.

While the enforcement of decisions rendered through ADR mechanisms is, in principle, contingent upon the voluntary compliance of the parties, in instances where such compliance is withheld, recourse to the competent state courts becomes necessary in order to secure and compel execution in accordance with the applicable legal framework.

Recourse to ADR remains, nevertheless, optional and may be undertaken solely upon the mutual consent of the parties, except where such recourse is expressly required under the terms of a binding legal agreement.

### 12.3 ADR Institutions

There are several institutions in Luxembourg that promote ADR and are organised in accordance with their respective fields of competence.

With respect to arbitration, the Luxembourg Arbitration Centre, established within the Luxembourg Chamber of Commerce, functions pursuant to its own set of rules and is duly competent to rule on arbitrations introduced before it.

Moreover, the Luxembourg Arbitration Association is a non-profit organisation that is dedicated to the promotion and the development of the arbitration practice.

With regard to mediation, several institutions have been established such as:

- the Centre for Civil and Commercial Mediation (*Centre de Mediation Civile et Commerciale*); and
- the Mediation Centre (*Le Centre de Médiation Asbl*).

## 13. Arbitration

### 13.1 Laws Regarding the Conduct of Arbitration

The Luxembourg rules governing arbitration are codified within a dedicated section of the NCCP, specifically in Articles 1224 to 1251, as amended by the Arbitration Law entered into force on 19 April 2023.

The Law establishes mandatory provisions governing the conduct of arbitration. These include the matters

that can be submitted to arbitration, the circumstances under which an arbitral award might be set aside as well as the enforcement of arbitration awards by an order of the president of the district court.

With respect to the enforcement of arbitral awards, Luxembourg ratified the New York Convention in 1983, which applies on a reciprocal basis to the recognition and enforcement in Luxembourg of arbitral awards made in the territory of another contracting state.

The legal framework governing enforcement procedures is set forth in Articles 1233 to 1249 of the NCCP, a matter that is examined in greater detail in **13.4 Procedure for Enforcing Domestic and Foreign Arbitration**.

## 13.2 Subject Matters Not Referred to Arbitration

Under the Luxembourg Arbitration Law, the majority of civil and commercial matters may be validly referred to arbitration provided that they concern rights that are at a person's free disposition.

In particular, pursuant to Article 1224 of the NCCP, disputes relating to the status and legal capacity of persons as well as matters concerning missing persons cannot be referred to arbitration.

Furthermore, under Article 1225 of the NCCP, disputes between employers and employees, disputes pertaining to lease agreements, as well as disputes arising between professionals and consumers are also excluded from arbitration.

Lastly, Article 1226 of the NCCP expressly foresees that the commencement of insolvency proceedings does not affect the validity of arbitration agreements; however, disputes concerning the conduct or administration of the insolvency proceedings themselves may not be referred to arbitration.

## 13.3 Circumstances to Challenge an Arbitral Award

Arbitral awards rendered in Luxembourg are not subject to an appeal, therefore the sole recourse available to the parties to an arbitration is (i) an application for annulment (*recours en annulation*) provided for under Article 1237 of the NCCP, as well as (ii) an application for review (*recours en revision*) foreseen in Article 1243 of the NCCP.

An arbitral award may therefore be annulled where the following conditions are fulfilled (Article 1238):

- The arbitral tribunal wrongly declared itself competent or incompetent to rule on the proceedings.
- The constitution of the arbitral tribunal was irregular.
- The arbitral tribunal rendered an award without complying with its terms of reference.
- The award violates public policy.
- The arbitrators, except where the parties have waived this requirement, failed to provide grounds for the award rendered.
- There has been an infringement of a party's right to defence.

Under Article 1243 of the NCCP, an application for review may be filed by the parties to an arbitration in the following cases:

- Subsequent to the rendering of the award, it has become apparent that the award was obtained through fraud committed by the prevailing party.
- Following the rendering of the award, it appears that decisive evidence was withheld by the other party.
- The award was rendered on the basis of evidence subsequently recognised by the court as false.
- Following its rendering of the award, the arbitral tribunal recognises that the award was based on testimony, affidavits or sworn declarations that were false.

## 13.4 Procedure for Enforcing Domestic and Foreign Arbitration

In accordance with Articles 1233 and 1245 of the NCCP, an arbitral award rendered domestically or internationally may be enforced in Luxembourg through the issuance of an exequatur order by the president of the district court with territorial jurisdiction over the domicile of the party against whom enforcement is sought.

Setting aside domestic arbitral awards is possible on the basis of six specific and limited grounds listed in Article 1238 of the NCCP. Similarly, enforcement of awards rendered outside of Luxembourg can be refused on the basis of the same six grounds as well as on four additional grounds foreseen in Article 1243 of the NCCP.

Any decision refusing the enforcement of an arbitral award must be duly reasoned and is subject to appeal before the Luxembourg Court of Appeal. The appeal proceedings are adversarial and do not suspend the enforceability of the award, save in particular circumstances where such enforceability would be detrimental to one of the parties.

Where the enforcement and recognition of an arbitral award do not fall within the scope of an international treaty, the Court of Appeal may only refuse the exequatur proceedings on one of the grounds laid down by Article 1246 of the NCCP, such as in cases where the arbitral award is contrary to public order or was obtained by the fraud of one of the parties.

## 14. Outlook

### 14.1 Proposals for Dispute Resolution Reform

Law 7650, which introduces a collective redress mechanism into consumer law, entered into force on 25 November 2025 and applies to collective actions initiated from 25 June 2025 onwards (see **3.7 Representative or Collective Actions**).

With respect to mediation, Bill of Law 7917 is currently under consideration and aims to promote the use of mediation through the establishment of preliminary information meetings in designated matters.

It should further be noted that Bill of Law 8550, currently in progress, aims to improve and facilitate the execution of foreign judgments in Luxembourg following the entry into force of the Hague Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

### 14.2 Growth Areas

The principal area of growth for commercial disputes lies in litigation related to investment funds. Investment funds constitute a core sector of the Luxembourg economy, continually expanding and contributing to both the country's economic growth as well as international financial influence.

In recent years, there has been a significant increase in disputes arising from investment fund activities. This has been driven by a plethora of factors, including the increasing sophistication of fund structures, the growth of cross-border investments as well as heightened regulatory scrutiny.

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