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## If my claim (from another country) is to be considered in this country

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Luxembourg



Luxembourg

### Which authority decides on a claim for compensation in cross-border cases?

Ministry of Justice

13, rue Erasme  
L-2934  
LUXEMBOURG

Tel.: (352) 2478 45 27, (352) 2478 45 17  
Fax: (352) 26 68 48 61, (352) 22 52 96

Email: [info@mj.public.lu](mailto:info@mj.public.lu)

Website: <http://www.mj.public.lu/>

### Can I send my claim directly to the deciding authority in this country even in cross-border cases (without having to go via the assisting authority in my home country)?

Yes, the claim for compensation should be sent directly to the Luxembourg Minister for Justice by letter, provided that the claimant is not entitled to compensation from another Member State and can prove that he or she legally and habitually resides in Luxembourg.

The claimant can be exempted from having to reside in Luxembourg legally and habitually if he or she is the victim of a crime referred to in Article 382-1 of the Criminal Code (*human trafficking*).

### In which language(s) do the compensation authorities(s) accept the claim and the supporting documents?

The claim for compensation and the supporting documents are accepted in the following languages:

- Luxemburgish,
- French,
- German.

### If the compensation authority translates the claim/supporting documents

from another EU country, who pays for this?

The Ministry of Justice covers the costs of translation.

Are there administrative or other charges to be paid in this country for processing my claim (received from another EU country)? If so, how can I pay these?

No.

If I need to be present during the procedure and/or when my claim is being decided upon, can I be reimbursed for my travelling costs? How can I claim them? Who do I have to contact?

The victim's presence is optional. He or she can be represented by a lawyer. As a result, no travel is necessary.

Is an interpreter provided, in case I have to be personally present?

Yes.

Will medical certificates, given by doctors in my country of residence, be accepted or recognised – or will my health/injury have to be examined by your own medical experts?

Medical certificates, given by doctors in your country of residence, will be accepted or recognised as supporting documents for the acts and the injury that you have suffered.

Will I be reimbursed for my travelling costs, if I have to undergo a medical examination in this country?

Not applicable. Foreign medical certificates are accepted as supporting documents.

How long does it take approximately to get a decision on compensation from the authority/body?

The Minister for Justice will decide within six months of the compensation claim being submitted.

In which language will I receive the decision on my claim?

As the claim must be written in French, German or Luxemburgish, the respective decision will also be written in one of the three languages accepted.

If I am not satisfied with the decision, how can I challenge it?

If the decision of the Minister for Justice is disputed in terms of the principle or amount awarded, legal action can be taken against the State, represented by the Minister for Justice. The action must be brought before the District Court (*tribunal d'arrondissement*) of Luxembourg or Diekirch, as the claimant chooses.

Can I get legal aid (help from a lawyer) under the other country's rules?

Anyone who can prove that they do not have sufficient income can receive legal aid free of charge, under the

conditions laid down by law. A lawyer can be appointed to offer you legal advice or represent you in court, with the costs being covered by the State. Anyone can consult the bodies offering legal information and advice. You can access the Legal Reception and Information Service (*Service d'Accueil et d'Information juridique*) to obtain any legal information free of charge.

## Are there any victim support organisations in this country that can help me claim compensation in a cross-border case?

Service central d'assistance sociale (SCAS) (Central Social Assistance Service) - Service d'aide aux victimes (SAV) (Victim Support Service)

Bâtiment Plaza Liberty,  
Entrée A,  
12-18, rue Joseph Junck  
L-1839 Luxembourg

Tel.: (+352) 47 58 21-627 / 628

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