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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

Luxembourg



Luxembourg

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Authorities empowered to draw up an authentic instrument referred to in Article 2(2)(2)(b)

All notaries who are members of the Chamber of Notaries (*Chambre des Notaires*) of the Grand Duchy of Luxembourg.

Authorities empowered to register an agreement referred to in Article 2(2)(3)

Not applicable.

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

Not applicable.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Courts competent to issue certificates for a decision pursuant to Article 36(1)

President of the District Court (*Tribunal d'arrondissement*)

Courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Not applicable.

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

Courts competent to rectify certificates referred to in Article 37(1)

The court that established the certificate.

Courts competent to rectify certificates referred to in Article 48(1)

The court that established the certificate.

Courts competent to issue a certificate indicating the suspension or limitation of a certified decision referred to in Article 49

The court that established the certificate.

Courts or authorities competent to rectify certificates referred to in Article 66(3) in conjunction with Article 37(1)

Not applicable.

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Courts competent for recognition of a decision (Article 30(3))

District Court sitting in civil matters (*Tribunal d'arrondissement siégeant en matière civile*)

Courts competent for enforcement referred to in Article 52

Not applicable.

Courts competent for the refusal of recognition (Article 40(2))

District Court sitting in civil matters.

Courts competent for the refusal of enforcement of a decision (Article 58(1))

District Court sitting in civil matters.

Courts competent for appeal procedures against a decision on the application for refusal of enforcement (Article 61(2))

Court of Appeal sitting in civil matters (*Cour d'appel siégeant en matière civile*).

Courts competent for further appeals against a judgment given on an appeal referred to in Article 61 (Article 62)

Supreme Court (*Cour de Cassation*).

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

All bailiffs who are members of the Chamber of Bailiffs (*Chambre des Huissiers*) of the Grand Duchy of Luxembourg.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

Redress procedures against a decision on the application for refusal of enforcement (Article 61)

The appeal provided for by Article 61 is to be lodged with the following court:

- in Luxembourg, the Court of Appeal sitting in civil matters (*Cour d'appel siégeant en matière civile*).

Redress procedures against a decision given on an appeal referred to in Article 61 (Article 62)

As provided for by Article 61, the judgment given on appeal may be contested:

- in Luxembourg, by bringing an appeal on a point of law (*pourvoi en cassation*).

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

The Chief Public Prosecutor (*Procureur Général d'Etat*) is the appointed Central Authority.

Chief Public Prosecutor

Cité Judiciaire, CR Building

Plateau du Saint-Esprit

L-2080 Luxembourg

Telephone: (+352) 47 59 81 - 2393 / -2329

Fax: (+352) 47 05 50

Email: parquet.general@justice.etat.lu

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

Not applicable.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

French, German and English

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

French and German

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