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Serving documents (recast)

Luxembourg

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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 3(1) - Transmitting agencies

Documents can be served in person by a bailiff (*huissier*); this form of service is known by the French term *signification*.

You can find a bailiff on this website:

[Chambre des huissiers de justice de Luxembourg](#)

Documents can also be served by a court registrar (*greffier*), usually by registered post; this form of service is known by the more general term *notification*.

You can find information on this website:

<http://www.justice.public.lu/fr/annuaire/index.html>

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Article 3(2) - Receiving agencies

Bailiffs are the only receiving agencies.

You can find a bailiff and their geographical jurisdiction on this website:

[Chambre des huissiers de justice de Luxembourg](#)

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Article 3(4)(c) - Means of receipt of documents

Receipt can be by:

post, e-mail, fax or telephone.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in

Annex I

French and German.

Article 4 – Central body

The central body is the Public Prosecutor's Office (*Parquet Général*) at the Supreme Court of Justice (*Cour supérieure de Justice*).

Parquet Général

Cité judiciaire

CR Building

Postal address: L-2080 Luxembourg

Tel.: (+352) 47 59 81-2336

Fax: (+352) 47 05 50

E-mail: parquet.general@justice.etat.lu

Languages: French and German.

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Article 7 – Assistance in address enquiries

In accordance with Article 7, Luxembourg provides the assistance referred to in Article 7(1)(a) to find the address of the person to be served with the judicial or extrajudicial document.

The designated authorities to which transmitting agencies may address requests on the determination of the address of the person to be served are the bailiffs.

You can find a bailiff and their geographical jurisdiction on this website:

[Chambre des huissiers de justice de Luxembourg](#)

In accordance with Article 7(2)(c), Luxembourg indicates that, as regards the transmission of a request to serve a document to bailiffs in their capacity as receiving agents, bailiffs submit, on their own initiative, to databases available to them, requests for information about the addresses of natural or legal persons in cases where the address indicated in the request for service is not correct. If there is a new official address within the territory of the bailiff's geographical jurisdiction, the bailiff will serve the act to this new address.

Article 8 – Transmission of documents

Luxembourg allows the request form (form A) to be completed in German as well as French.

Article 12 – Refusal to accept a document

N/A

Article 13 – Date of service

Under Luxembourg law, a document must be served within a specified period, as provided in Articles 12(5) and 13(2) of Regulation (EU) 2020/1784 of 25 November 2020.

Where the document is served in person by a bailiff (*signification*), the notice of service (*exploit*) must indicate the date of service, i.e. the date when the notice of service is delivered to the addressee or to the addressee's

home address, or the date when the document is deposited at the addressee's home address.

If the addressee refuses to accept the copy of the document to be served, the bailiff records this in the notice of service. In this case, the document is regarded as having been served on the date when it is presented to the addressee.

Where the person on whom the document is to be served does not have a known home address or residence, the bailiff draws up a record of service (*procès-verbal*) detailing the steps taken to find the addressee. The document is deemed to be served when the record of service is drawn up.

Where the document is served by registered post (*notification*), Luxembourg applies a double date system.

The date in respect of the sender is different from the date in respect of the addressee.

In respect of the sender, the date of service is the date of sending.

In respect of the addressee, the date of service is the date when the document is delivered to the addressee.

If the addressee refuses to accept the registered letter, the postal worker records this in the acknowledgement of receipt and returns the registered letter accompanied by the acknowledgement of receipt. In this case, the document is regarded as having been served on the date when the registered letter is presented to the addressee.

Article 14 – Certificate of service and copy of the document served

Luxembourg allows the form for the certificate of service or non-service of documents to be completed in German as well as French.

Article 15 – Costs of service

The single flat rate is set at €165.

Article 17 – Service by diplomatic agents or consular officers

Luxembourg is opposed to its diplomatic and consular agents directly serving judicial and extrajudicial documents in another Member State.

Luxembourg is also opposed to diplomatic and consular agents of other Member States serving such documents in its territory, except in cases where the document is to be served on a national of the Member State in which it originates.

Article 19 – Electronic service

N/A

Article 20 – Direct service

Luxembourg authorises direct service pursuant to Article 20 of Regulation (EU) 2020/1784 of 25 November 2020.

The Ministry of Justice has no powers in this matter and therefore letters or other documents concerning service of documents should not be addressed to the Ministry.

Documents can be served in person by a bailiff (*huissier*); this form of service is known by the French term *signification*.

Bailiffs in the state addressed are not responsible for ensuring that the form and content of the document transmitted directly by the person concerned are in order. They are responsible only for the formalities and procedures that they apply in serving the documents in the state addressed.

You can find a bailiff on this website:

Article 22 – Defendant not entering an appearance

Notwithstanding Article 22(1), Luxembourg courts may give judgment if the conditions set out in Article 22(2) are fulfilled.

Under Article 22(4), in Luxembourg an application for relief may be declared inadmissible if it is not filed within a reasonable period – to be assessed by the judge – from the time when the defendant has knowledge of the judgment or the time when the impossibility of taking action ended; applications may not be filed more than one year after judgment has been served.

Article 29 – Relationship with agreements or arrangements between Member States

N/A

Article 33(2) – Notification on the early use of the decentralised IT-system

N/A

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