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Liuksemburgas

Covid-19 impact on civil proceedings

Time limits in civil proceedings

The state of crisis, based on the [Grand-Ducal Regulation](#) of 18 March 2020 introducing a series of measures in the context of the fight against Covid-19, was extended for three months by the [Law](#) of 24 March 2020.

The parliament cannot be dissolved during the state of crisis, preserves all its legislative powers and can at any moment, during the period of three months, adopt a law to end the state of crisis. The decrees lawfully adopted during this period cease to produce effects on the day the state of crisis ends.

On 25 March 2020, the Government adopted in the Government Council, a [Grand-Ducal Regulation](#) drawn up by the [Ministry of Justice](#), suspending time limits in judicial matters and adapting certain other procedural rules.

A general provision suspends all the time limits prescribed in proceedings before the constitutional, ordinary, administrative, and military courts. The text provides for some exceptions concerning the deprivation of liberty on swift decisions must be taken.

Time limits in civil and commercial matters

Luxembourg has suspended time limits in legal proceedings and extended certain time limits in specific procedures.

Luxembourg also laid down some exceptions, particularly for urgent matters that do not admit of suspensions of deadlines.

The time limits for appeal or opposition have been suspended.

In tenancy matters, the enforcement of eviction orders has been suspended. The provision suspends evictions ordered in the area of leases for residential use. The time limits for the enforcement of evictions in the area of leases for commercial use have also been suspended, as have those for foreclosures and forced sale.

In matters of civil status, the period of five days within which all births must be declared has been suspended. For marriage certificates, the possibility of dispensing with the publication of banns eliminates any time constraint.

A specific provision suspends time limits **in matters of succession**, without any judicial procedure. It is important to preserve the rights of citizens, insofar as the liquidation of successions is a very formalistic procedure involving many time limits.

It is planned to extend by three months the **time limits for filing and publication of annual accounts, consolidated accounts and reports of companies**. This provision applies only to financial years ended on the date on which the state of crisis ends and for which the time limits for filing and publication had not expired by 18 March 2020.

Judicial organization and Judiciary

The Judicial Administration has put in place the measures necessary at this stage of the pandemic to, on the one hand, guarantee a reduced functional service and on the other hand to safeguard the health of employees to the fullest extent possible.

These **provisions are taken in strict compliance with the Constitution and Luxembourg's international commitments, especially those relating to fundamental rights**. They are applied according to the **criteria of necessity and proportionality**.

As part of the fight against coronavirus, many Member States have imposed restrictions on movement. Luxembourg has done so too, whilst providing for a number of exceptions to these restrictions (for instance for workers in the healthcare sector and other sectors which are essential in the current crisis).

One of these exceptions provides that **separated parents** are still allowed to leave their home to exercise their parental responsibility, especially to exercise of their right of access to their child.

The **courts** in Luxembourg are functioning at a slower pace but maintaining a sufficient level of activity to deal with essential and urgent matters. During the state of crisis, applications and requests addressed to the Judge's Chambers (*chambres du conseil*) of the district courts (*tribunaux d'arrondissement*) and of the Court of Appeal (*cour d'appel*) are dealt with by written procedure.

Notaries continue their activities. Measures have been taken to grant derogations in certain legal procedures in order to reduce the need for physical contact.

Lawyers also continue to work as usual and are encouraged, during the crisis, to use electronic means of communication in their dealings with the courts.

In order to avoid physical contact, **bailiffs** do not serve documents on the addressee in person but place them in the post box at the recipient's address.

EU Judicial Cooperation

All instruments in the field of judicial cooperation in civil and criminal matters are signed and issued by the central authority, the Prosecutor General (*procureur général*). The pace of work has been somewhat reduced to allow a maximum of people to work from home.

Insolvency related measures adopted or planned for adoption in member states after the outbreak of the pandemic

2.1 Substantive insolvency measures and related contracts affecting measure

2.1.1 Insolvency suspension

2.1.1.1 Suspension of duty to file for insolvency (debtors)

In the event of a suspension of payments, the duty for an undertaking to file a formal declaration at the court registry within a period of one month, which would lead to the commencement of insolvency proceedings, has been suspended by law.

2.1.1.2 Protection of debtors about insolvency filing from creditors

No general moratorium has been announced on filing for bankruptcy, which means that a creditor still has the right to present a bankruptcy petition and an undertaking still has the right to apply for bankruptcy.

2.1.2 Claim enforcement suspension and contract termination suspension

2.1.2.1 General / specific moratoria on claims enforcement / certain types of claims enforcement

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2.1.2.2 Suspension of contract termination (general / specific contracts)

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2.2 Civil, including insolvency courts suspension and procedural suspensions

Only urgent cases will be dealt with by the Luxembourg courts with jurisdiction for insolvency.

Luxembourg suspended time limits in legal proceedings and extended certain time limits in specific procedures.

2.3 Other insolvency measures (those relating to avoidance actions, reorganization plans, informal agreements, and others if appropriate)

Parliamentary scrutiny of the implementation of Directive (EU) 2019/1023 has been put on hold. However, the Ministry of Justice is currently considering whether some elements of the Directive could be useful in the current context and could be introduced at short notice (e.g. simplified suspension of the enforcement mechanism or provisions regarding the protection of new financing).

2.4 Related non-insolvency measures (payment deferrals, bank loans, social security, health insurance, business subsidies)

As regards tenants, the enforcement of eviction orders has been suspended for obvious reasons

Following the state of emergency, the Covid-19 measures have been subject to successive reviews to adapt them to the evolution of the health crisis.

After introducing a series of emergency measures in the context of the fight against Covid-19, the Ministry of Justice has extended, adapted or abolished some of these measures.

For updated or additional information on these Covid-19 measures, please consult the dedicated page of the Ministry of Justice:

<https://mj.gouvernement.lu/fr/dossiers/2020/Covid-19/faq-mj.html>

or

the Official Journal of the Grand Duchy of Luxembourg:

[Official Journal of the Grand Duchy of Luxembourg - Legilux \(public.lu\)](#)

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