

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Luxembourg

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 590700 ]

Comments

**002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)**

	Amount
State or federal level	16739000000 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments /

**003. Per capita GDP (in €) in current prices for the reference year**

[ 90700 ]

Comments

**004. Average gross annual salary (in €) for the reference year**

[ 66300 ]

☐ NA

Comments La variation entre les différents cycles (44% entre 2014 et 2016) provient d'une différence entre salaire brut (qui a été donné pour ce cycle) et salaire net (qui a été donné pour les cycles précédents). les données ne sont par conséquent pas comparables.

**005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1**

[            ]

Allow decimals : 5

☒ NAP

Comments

**A1. Please indicate the sources for answering questions 1 to 5**

Sources: <http://www.statistiques.public.lu/>

**1.1.2. Budgetary data concerning judicial system**



**006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.**

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>6. Annual public budget allocated to training</b>	<input type="checkbox"/> ] NA <input type="checkbox"/> X ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> X ] NAP
<b>7. Other (please specify)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences:

**007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:**

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	88895711 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> ] NA <input type="checkbox"/> X ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> X ] NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	92895711 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments: The bill containing the implemented budget of 2016 has not been approved yet.

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	<b>Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?</b>
<b>for criminal cases</b>	( ) Yes ( X ) No
<b>for other than criminal cases</b>	( ) Yes ( X ) No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

### 008-1. Please briefly present the methodology of calculation of court taxes or fees:

- /

### 008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[            ]  
☐ NA  
☒ NAP

Comments

### 009. Annual income of court taxes or fees received by the State (in €)

[            ]  
☐ NA  
☒ NAP

Comments In Luxembourg, it is not necessary to pay a court tax or fee to open a case in court.

### 012. Annual approved public budget allocated to legal aid, in €.

	<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	4000000 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>12.1 for cases brought to court</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments There is no isolated budget for non-litigious cases or criminal cases.

### 012-1. Annual implemented public budget allocated to legal aid, in €.

<b>TOTAL</b>	<b>Criminal cases</b>	<b>Other than criminal cases</b>
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<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>12-1.1 for cases brought to court</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The bill containing the implemented budget of 2016 has not been approved yet.

### 013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in €</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: There is no isolated budget for the public prosecution services.

### 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
<b>Ministry of Justice</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Other ministry</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Parliament</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Supreme Court</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>High Judicial Council</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Courts</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
<b>Inspection body</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Other	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( X ) Yes ( ) No [ ] NAP
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Comments - If any other Ministry and/or inspection body and/or other, please specify: /

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: <http://www.budget.public.lu/lb/budget2016/>

### 1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the whole justice system in €	149652235 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: The bill containing the implemented budget 2016 has not been approved yet.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	( X ) Yes ( ) No [ ] NAP
Legal aid (see question 12)	( X ) Yes ( ) No [ ] NAP
Public prosecution services (see question 13)	( X ) Yes ( ) No [ ] NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in

your system):

	Included
Prison system	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Probation services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Council of the judiciary	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Constitutional court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial management body	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
State advocacy	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: The notariat doesn't cause any costs because the notaries are acting as public officials but on a private base (comparable to a lawyer's office) which means that they cover their costs by themselves. Of course the rates are imposed by law.

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:

	Criminal cases	Other than criminal cases
Representation in court	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP
Legal advice	( X ) Yes ( ) No [ ] NA [ ] NAP	( X ) Yes ( ) No [ ] NA [ ] NAP

Comments

017. Does legal aid include the coverage of or the exemption from court fees?

( X ) Yes

( ) No

Comments - If yes, please specify: Il n'y a pas d'exonération des frais de justice.

018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

( X ) Yes

( ) No

Comments - If yes, please specify:

019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

Criminal cases	Other than criminal cases



Legal aid granted for other costs	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - If yes, please specify:

## 2.1.2. Quantitative information on legal aid

020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
<b>TOTAL</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In other than criminal cases</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate:

021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

	Assisted by a free of charge lawyer
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

☒ Yes

☐ No

Comments

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	16896 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>Full legal aid for other than criminal cases</b>	16896 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>Partial legal aid for criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Partial legal aid for other than criminal cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: Le montant du revenu minimum varie avec le nombre de personnes dans le ménage (partenaire, enfants)

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

( X ) Yes

( ) No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

( ) the court

( X ) an authority external to the court

( ) a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

( X ) Yes

( ) No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
<b>in criminal cases</b>	( X ) Yes ( ) No
<b>in other than criminal cases</b>	( X ) Yes ( ) No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: <http://www.fns.lu/baremes/>

## 2.2. Users of the courts and victims

### 2.2.1. Rights of the users and victims

028. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	( X ) <a href="http://legilux.public.lu/">http://legilux.public.lu/</a>	( )
case-law of the higher court/s	( X ) <a href="http://www.justice.public.lu/fr/index.html">http://www.justice.public.lu/fr/index.html</a>	( )
other documents (e.g. downloadable forms, online registration)	( X ) <a href="http://www.guichet.lu">www.guichet.lu</a>	( )

Comments - Please specify what documents and information the addresses for “other documents” include:

<http://www.luxembourg.public.lu/fr/actualites/2009/01/01-guichet-unique/index.html>

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

( ) Yes, always

( X ) No

( ) Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

( X ) Yes

( ) No

Comments - If yes, please specify:

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
Victims of terrorism	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Minors (witnesses or victims)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Victims of domestic violence</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Ethnic minorities</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Disabled persons</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( X ) Yes ( ) No
<b>Juvenile offenders</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

### 031-1. Is it possible for minors to be a party to a judicial proceeding:

( X ) Yes

( ) No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

### 032. Does your country allocate compensation for victims of crime?

( X ) Yes, please specify for which kind of offences: .....

( ) No

Comments

### 032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

( X ) Yes

( ) No

Comments

### 033. If yes, does this compensation come from:

[ X ] a public fund

[ X ] damages and interests to be paid by the person responsible

[ ] a private fund

Comments

### 034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

( ) Yes

( X ) No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

( X ) Yes

( ) No

Comments - If yes, please specify:

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

( X ) Yes

( ) No

[ ] NAP

Comments - If necessary, please specify:

### **2.2.2.Confidence of citizens in their justice system**

**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Excessive length of proceedings</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Non-execution of court decisions</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Wrongful arrest</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Wrongful conviction</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Other</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): Dans tous les cas une indemnisation notamment sur base de la responsabilité civile de l'Etat est possible mais il n'y a pas de chiffres.

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: There are no surveys in this field.

**040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)**

( X ) Yes

( ) No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Higher court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Council of the Judiciary	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other external bodies (e.g. Ombudsman)	( ) Yes ( X ) No	( ) Yes ( X ) No
--	---------------------	---------------------

### 041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Higher court	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Ministry of Justice	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Council of the Judiciary	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Other external bodies (e.g. Ombudsman)	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment: The prosecutor general's office deals with the complaints.

## 3.Organisation of the court system

### 3.1.Courts

#### 3.1.1.Number of courts



### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	5 [ ] NA [ ] NAP
42.2 First instance specialised courts (legal entities)	3 [ ] NA [ ] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	8 [ ] NA [ ] NAP

Comments 42.1: 3 justices of the peace and 2 district courts

42.2: Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
<b>Total (must be the same as the data given under question 42.2)</b>	13 [ ] NA [ ] NAP
<b>Commercial courts (excluded insolvency courts)</b>	2 [ ] NA [ ] NAP
<b>Insolvency courts</b>	[ ] NA [ ] NAP
<b>Labour courts</b>	3 [ ] NA [ ] NAP
<b>Family courts</b>	2 [ ] NA [ ] NAP
<b>Rent and tenancies courts</b>	3 [ ] NA [ ] NAP
<b>Enforcement of criminal sanctions courts</b>	[ ] NA [ ] NAP
<b>Fight against terrorism, organised crime and corruption</b>	[ ] NA [ ] NAP
<b>Internet related disputes</b>	[ ] NA [ ] NAP
<b>Administrative courts</b>	1 [ ] NA [ ] NAP
<b>Insurance and / or social welfare courts</b>	1 [ ] NA [ ] NAP
<b>Military courts</b>	1 [ ] NA [ ] NAP
<b>Other specialised 1st instance courts</b>	[ ] NA [ ] NAP

Comments - If “other specialised 1st instance courts”, please specify: Please note that the total of 043 is not identical to the total in 042, as most of the specialized courts are in fact specialized sections of a general court. E.g. the commercial courts (which also deal with insolvency cases) are specialized sections of the district court (tribunal d'arrondissement). Only the administrative, military and 1st instance social security courts are selfstanding.

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

( ) Yes

( X ) No

Comments - If yes, please specify:



**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
a debt collection for small claims	3 [ ] NA [ ] NAP
a dismissal	3 [ ] NA [ ] NAP
a robbery	2 [ ] NA [ ] NAP

Comments on the question of robbery: a "normal" robbery case will be tried as a "délit" by a "tribunal correctionnel", an aggravated robbery. e.g. committed during night time by more than one person and with the use of violence will be tried as a "crime" by the criminal court. Both courts are organized at the level of the district court, and are sections of these courts. So, as Luxembourg has two such district courts, the answer is "2".

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

( X ) Yes

( ) No, please give your definition for small claims: .....

Comments A small claim is a claim falling under the *ratione materiae* competence of the Justice of the peace.

**045-2. (New question) Please indicate the value in € of a small claim:**

[ 10000 ]

Comments

**C. Please indicate the sources for answering questions 42, 43 and 45:**

Sources: loi modifiée du 7 mars 1980 sur l'organisation judiciaire ; Nouveau code de procedure civile

**3.2. Court staff****3.2.1. Judges and non-judge staff**

**046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	187 [ ] NA [ ] NAP	66 [ ] NA [ ] NAP	121 [ ] NA [ ] NAP

<b>1. Number of first instance professional judges</b>	143 [ ] NA [ ] NAP	49 [ ] NA [ ] NAP	94 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	40 [ ] NA [ ] NAP	13 [ ] NA [ ] NAP	27 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	4 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above: The figures differ from those indicated in the last data collection campaigns on two points.

1) concerning the number of judges at the highest level: starting with 2016, we have distinguished between the judges sitting at the court of appeal and those of the Cour de cassation, which is the highest court in Luxembourg. Until 2016, and as the two courts taken together form the Cour supérieure de Justice (which as such has some very specific competences), we indicated only the total of the judges affected to the Cour supérieure. It might be useful for statistical purposes to distinguish between the two levels.

2) concerning the number of judges at the first level: the figures indicated until 2016 were superior to the real figures, as, erroneously, the prosecutors (which by law are also magistrates affected to these courts) had been included. This error has now been corrected.

**047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts**

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	7 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>1. Number of first instance court presidents</b>	5 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments Selon l'organisation judiciaire du Luxembourg, il y a une Cour supérieure de justice, qui est composée de la Cour de cassation ainsi que de la Cour d'appel. Le président de la Cour supérieure de justice préside tant la Cour de cassation que la Cour d'appel. Si, juridiquement, il s'agit de deux postes distincts, en pratique il ne s'agit que d'un seul poste.

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....

( X ) No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
Gross figure	28 [ ] NA [ ] NAP
In full time equivalent	[ X ] NA [ ] NAP

Comments

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

	Yes	No	Echevinage
in criminal law cases	( )	( X )	( )
- severe criminal cases	( )	( X )	( )
- misdemeanour and/or minor criminal cases	( )	( X )	( )
in family law cases	( )	( X )	( )
in civil cases	( )	( X )	( )
in labour law cases	( X )	( )	( )
in social law cases	( )	( X )	( )
in commercial law cases	( )	( X )	( )
in insolvency cases	( )	( X )	( )
other	( )	( X )	( )

Comments - If “other”, please specify:

**050. Does your judicial system include trial by jury with the participation of citizens?**

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	200 [ ] NA [ ] NAP	85 [ ] NA [ ] NAP	115 [ ] NA [ ] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	131 [ ] NA [ ] NAP	59 [ ] NA [ ] NAP	72 [ ] NA [ ] NAP
3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	66 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	43 [ ] NA [ ] NAP
4. Technical staff	3 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

5. Other non-judge staff	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
--------------------------	---------------------	---------------------	---------------------

Comments - If “other non-judge staff”, please specify: Last year the separation of the sections 1, 2 and 3 was not done correctly. This year this task was made by the parquet general RH office.

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- ☐ legal aid
- ☐ family cases
- ☐ payment orders
- ☐ registry cases (land and/or business registry cases)
- ☐ enforcement of civil cases
- ☐ enforcement of criminal cases
- ☐ other cases not mentioned (please describe in comment)
- ☐ non-litigious cases

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- ☐ Yes
- ☒ No

Comments

**054-1. (New question) If yes, please specify which services have been outsourced:**

- ☐ IT services
- ☐ Training of staff
- ☐ Security
- ☐ Archives
- ☐ Cleaning
- ☐ Other types of services (please specify): .....

Comments

**C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Sources: loi modifiée du 7 mars 1980 sur l'organisation judiciaire, information given by the le Parquet général - RH office (gender repartition)

### 3.3. Public prosecution

### 3.3.1. Public prosecutors and staff



**055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	47 [ ] NA [ ] NAP	25 [ ] NA [ ] NAP	22 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	35 [ ] NA [ ] NAP	20 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of prosecutors at supreme court level</b>	12 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP

Please indicate any useful comment for interpreting the data above: Le nombre de procureurs indiqué ici comme travaillant auprès de la Cour Suprême correspond au nombre de procureurs travaillant auprès de la Cour Supérieure de Justice (qui regroupe les procureurs intervenant au niveau cour d'appel et cour de cassation)

**056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.**

	Total	Males	Females
<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	3 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	2 [ ] NA [ ] NAP	2 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Please provide any useful comment for interpreting the data above: 56.1 à 56.3 : les chefs y visés sont également prises en compte pour les points 55.1 à 55.3

Le nombre de procureurs indiqué ici comme travaillant auprès de la Cour Suprême correspond au nombre de procureurs travaillant auprès de la Cour Supérieure de Justice (qui regroupe les procureurs intervenant au niveau cour d'appel et cour de cassation)

**057. Do other persons have similar duties to public prosecutors?**

( ) Yes, please specify their number (in full-time equivalent): .....

( X ) No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

( ) Yes

( X ) No

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

( X ) Yes

( ) No

Comments Une formation spécifique est offerte aux membres des parquets qui veulent se spécialiser dans cette criminalité, notamment au travers de la participation à des séminaires de formation dans les écoles de magistrature des pays limitrophes.

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	115 [ ] NA	64 [ ] NA	51 [ ] NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: Loi sur l'organisation judiciaire

### 3.4. Management of the court budget

#### 3.4.1. Court budget

**061. Who is entrusted with responsibilities related to the budget within the court?**

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
Court President	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

<b>Court administrative director</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Head of the court clerk office</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If "other", please specify: Le budget de la Justice est inscrit au poste budgétaire du ministère de la justice. Certaines dépenses sont gérées au niveau du ministère, d'autres sont au niveau de l'administration judiciaire, et plus particulièrement par les services du Procureur général d'État, qui est également en charge de la gestion quotidienne du budget. Les juridictions n'interviennent pas dans la gestion budgétaire. La préparation du budget et faites par les services du Procureur général ensemble les fonctionnaires de ministère de la justice. L'évaluation et le contrôle de l'utilisation du budget sont faites par les instances de contrôle financier de l'État. Il est fait référence aux remarques générales faites les années antérieures, qui restent maintenues.

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

**066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

( ) Yes

( X ) No

Comments - If yes, please specify:

**067. Do you have specialised court staff that is entrusted with these quality standards?**

( ) Yes

( X ) No

Comments

**068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?**

( ) Yes

( X ) No

Comments

**068-1. (New question) If yes, please specify the frequency of this evaluation:**

( ) Annual

( ) Less frequent

( ) More frequent

Comments - If "less frequent" or "more frequent", please specify:

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

( ) Yes

( X ) No



Comments - If yes, please give further details: S'il n'y a pas de procédure régulière de suivi et d'évaluation de l'activité du ministère public, tant ce dernier que d'ailleurs tous les autres acteurs de l'administration judiciaire, dressent annuellement un rapport à l'attention du ministre de la justice. Ce rapport est publié et constitue ainsi un puissant outil de contrôle au travers de la transparence du fonctionnement judiciaire qui est assuré par cette publication. Il est encore fait référence expresse aux commentaires des années antérieures par rapport à cette question.

### **3.6.2. Performance and evaluation of courts**

#### **070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

- ☒ [ X ] number of incoming cases
- ☒ [ X ] number of decisions delivered
- ☒ [ X ] number of postponed cases
- ☒ [ X ] length of proceedings (timeframes)
- ☒ [ X ] age of cases
- ☐ [ ] other (please specify): .....

Comments No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

#### **071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- ☐ [ ] civil law cases
- ☒ [ X ] criminal law cases
- ☐ [ ] administrative law cases

Comments No regular system has been implemented up to today. However, a monitoring can be done through the statistical service of the judiciary (SSJ) on an punctual basis and upon request by the competent authorities.

#### **072. Do you have an evaluation process to monitor waiting time during court procedures?**

- ☐ ( ) Yes
- ☒ ( X ) No

Comments - If yes, please specify:

#### **073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

- ☐ ( ) Yes
- ☒ ( X ) No

Comments

##### **073-0. (New question) If yes, please specify the frequency:**

- ☐ ( ) Annual
- ☐ ( ) Less frequent
- ☐ ( ) More frequent

Comments - If "less frequent" or "more frequent", please specify:

#### **073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

( ) Yes

( X ) No

Comments The figures presented by the SSJ are used on a regular basis to allocate (and ask for) means to the courts and prosecutorial services.

**074. Are there performance targets defined at the level of the court?**

( ) Yes

( X ) No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

[ ] to increase efficiency / to shorten the length of proceedings

[ ] to improve quality

[ ] to improve cost efficiency / productivity

[ ] Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

[ ] Executive power (for example the Ministry of Justice)

[ ] Legislative power

[ ] Judicial power (for example High Judicial Council, Higher Court)

[ ] President of the court

[ ] Other (please specify): .....

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

( ) Yes

( X ) No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined:**

[ ] incoming cases

[ ] length of proceedings (timeframes)

[ ] closed cases

[ ] pending cases and backlogs

[ ] productivity of judges and court staff

[ ] percentage of cases that are processed by a single sitting judge

[ ] enforcement of penal decisions

[ ] satisfaction of court staff

- ☐ satisfaction of users (regarding the services delivered by the courts)
- ☐ judicial quality and organisational quality of the courts
- ☐ costs of the judicial procedures
- ☐ number of appeals
- ☐ other (please specify): .....

### **079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- ☐ High Council of judiciary
- ☐ Ministry of Justice
- ☐ Inspection authority
- ☒ Supreme Court
- ☐ External audit body
- ☒ Other (please specify): General prosecutor

Comments Express reference is made to the previous replies. Please note that the role of the General prosecutor is limited to the ordinary jurisdictions. He has no competence as far as the administrative courts are concerned.

### **3.6.3. Court activity and administration**

### **080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

( X ) Yes (please indicate the name and the address of this institution): Service statistique de la Justice / Cité Judiciaire / Bt. BC / L-2080 Luxembourg

( ) No

Comments

### **080-1. Does this institution publish statistics on the functioning of each court:**

- ( X ) Yes, on internet
- ( ) No, only internally (in an intranet website)
- ( ) No

Comments The SSJ started publishing figures a first time in 2017 by publishing a report on the year 2016. This report is available on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/justice-en-chiffres/La-justice-en-chiffres-2016.pdf>)

### **081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- ( X ) Yes
- ( ) No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended): All the services of the judiciary report to the Prosecutor general who the assembles the data in a general report that is transmitted to the Ministry of Justice. The report contains figures as well as comments and remarks on these figures and also general considerations on the functioning of the judiciary. The report is published on the internet site of the judiciary (<http://www.justice.public.lu/fr/publications/index.html>).

**081-1. If yes, please specify in which form this report is released:**

☒ Internet

☐ Intranet (internal) website

☐ Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

☒ Annual

☐ Less frequent

☐ More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

☒ Yes

☐ No

Comments - If yes, please specify: Informal planning discussions take place on an as needed basis. In certain cases, the lawyers intervening in the case are also involved in order to ensure an efficient evacuation of the cases.

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

☒ Yes

☐ No

Comments - If yes, please specify: see 082, also applicable to non-criminal cases. In addition to the legal provisions mentioned in the previous answers, arrangement have been put in place at least at the district court of Luxembourg to ensure the presence of a lawyer in urgent cases.

### **3.6.4. Performance and evaluation of judges**



**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

☐ Yes

☒ No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

☐ Executive power (for example the Ministry of Justice)

☐ Legislative power

☐ Judicial power (for example the High Judicial Council, Supreme Court)

☐ President of the court

☐ Other (please specify): .....

Comments

## New node

### 4.Fair trial

#### 4.1.Principles

##### 4.1.1.Principles of fair trial

**084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

[ 16 ]

☐ NA

☐ NAP

Comments The answer is limited to the procedure in front of the criminal court (excluding the "tribunal correctionnel" and the "juge de police"). Otherwise the figures would be higher.

**085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

☒ Yes, number of successful challenges in a year 0

☐ No

Comments - Please could you briefly specify: procédure de récusation (possible dans toutes les matières)

**086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?**

	Monitoring system
For civil procedures (non-enforcement)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For civil procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**

## 4.2. Timeframe of proceedings

### 4.2.1. General information

#### 087. Are there specific procedures for urgent matters as regards:

- ☒ civil cases
- ☐ criminal cases
- ☒ administrative cases
- ☐ There is no specific procedure

Comments - If yes, please specify: civil cases: référé extraordinaire  
administrative cases: référé administratif

#### 088. Are there simplified procedures for:

- ☒ civil cases (small disputes)
- ☐ criminal cases (misdemeanour cases)
- ☐ administrative cases
- ☐ There is no simplified procedure

Comments - If yes, please specify: Please note that for small claims it is possible to ask for an "ordonnance de paiement" which, in a first stage, is non-contradictory, paper-based, procedure. A similar procedure is in place for garnishment procedures.

#### 088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- ☐ civil cases
- ☐ criminal cases
- ☐ administrative cases

Comments - If yes, please specify:

#### 089. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- ☒ Yes
- ☐ No

Comments - If yes, please specify:

### 4.2.2. Case flow management – first instance

#### 091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	10911 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11091 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	1137 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4533 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4534 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1136 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	1646 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5195 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5405 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1440 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1111 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1111 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	1646 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4084 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4290 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1440 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	1183 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1156 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments For question 91.1 the new data collection system revealed a higher number of pending cases, previously not considered by

those in charge of counting.

For question 91.2.2, the new data collection system provides now information on other non-litigious cases, previously unavailable.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. The figures given (with the exception of those for the administrative court) are those of the two district courts (Luxembourg and Diekirch), as uniform statistics for both courts are now available on this point.  
Please note that the figure given under 2.1 corresponds to the EPO emitted by the two district courts. These procedures are resolved immediately, so that the other figures on that question are NAP.

**093. Please indicate the case categories included in the category "other cases":**

. NAP

**094. (Modified question) First instance courts: number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	9455 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>1. Severe criminal cases</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	4001 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	5454 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences":

**4.2.3. Case flow management – second instance**



**097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.**



	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	2111 [ ] NA [ ] NAP	1265 [ ] NA [ ] NAP	1343 [ ] NA [ ] NAP	2033 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>3. Administrative law cases</b>	157 [ ] NA [ ] NAP	241 [ ] NA [ ] NAP	245 [ ] NA [ ] NAP	153 [ ] NA [ ] NAP	[ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP	[ ] NA [ ] NAP

Comments Il est un fait que le nombre des appels portés devant la Cour a diminué entre 2014 et 2016. Une raison essentielle est que le

nombre des jugements appelables prononcés par le tribunal a sensiblement diminué. La raison première en est que le tribunal a dû évacuer par priorité un nombre important d'affaires suivant la procédure dite accélérée prévue par la loi du 18 décembre 2015 en matière de protection internationale. Pour l'année judiciaire 2015/2016, 355 jugements sur un total de 938 jugements (hors radiation) étaient rendus en matière de procédure accélérée et partant non appelables.

#### 098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
<b>Total of criminal law cases (1+2)</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	549 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	632 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP
<b>1. Severe criminal cases</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	509 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	587 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	40 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	45 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> ] NAP

Comments

#### 4.2.4. Case flow management – Supreme Court

#### 099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	81 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	107 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	107 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	81 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	81 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	107 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	107 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	81 <input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP	<input type="checkbox"/> ] NA <input type="checkbox"/> ] NAP

<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative law cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?**

( ) Yes, please indicate the number of cases closed by this procedure: .....

( X ) No

Comments

**100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> NAP	49 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Severe criminal cases</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	47 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	36 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	2 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	0 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> X <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP

Comments

#### 4.2.5. Case flow management – specific cases

**101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	782 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	498 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	649 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	631 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Employment dismissal cases</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	1455 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	1735 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Insolvency</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	915 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	915 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Robbery case</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Intentional homicide</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	333 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	299 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP
<b>Cases relating to the right of entry and stay for aliens</b>	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	60 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	93 <input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP	<input type="checkbox"/> <input type="checkbox"/> NA <input type="checkbox"/> <input type="checkbox"/> NAP

Comments For insolvency cases the number of incoming and resolved cases is identical because these cases are treated immediately.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. De manière globale la compétence pour connaître des recours juridictionnels en matière de protection internationale – statut de réfugié suivant la Convention de Genève du 28 juillet 1951 et protection subsidiaire – de même que les questions d’entrée et de séjour des étrangers au Grand-Duché – revient aux juridictions de l’ordre administratif. Les juridictions en question se composent en première instance du tribunal administratif et en seconde instance de la Cour administrative. La Cour est la juridiction suprême de l’ordre administratif en vertu de l’article 95bis de la Constitution. En matière de protection internationale, le tribunal administratif connaît des recours des demandeurs déboutés en statuant en tant que juge de la réformation, c’est-à-dire en connaissant le fait et le droit et en statuant en prenant en considération la situation à la date où il rend son jugement. Le recours devant les juridictions

administratives est ici, par exception à la règle générale, suspensif, tant en première instance qu'en instance d'appel. En principe, les jugements du tribunal peuvent faire l'objet d'un appel devant la Cour administrative qui statue suivant un arrêt définitif, toujours dans le cadre d'un recours en réformation, en se plaçant, elle aussi, à la date où elle rend son arrêt. La loi du 18 décembre 2015 relative à la protection internationale et à la protection temporaire est venue instaurer une exception quant au double degré de juridiction : lorsque le ministre compétent statue suivant la procédure accélérée dans les hypothèses où, suivant son analyse, la demande de protection internationale est manifestement infondée, seul un recours devant le tribunal administratif est ouvert. Aucun appel ne sera possible dans ce cas de figure. En matière d'entrée et de séjour ce sont les dispositions de la loi modifiée du 28 août 2009 sur la libre circulation et l'immigration qui cadrent la matière. En principe le double degré de juridiction joue dans toutes les affaires afférentes, le juge administratif est appelé à statuer dans le cadre d'un recours en annulation en se plaçant à la situation de fait et de droit telle qu'elle a existé au jour de la prise de la décision administrative querellée et en concordance par rapport à la règle générale, les recours ne sont pas suspensifs. Une matière spéciale retient l'attention : C'est celle de la rétention administrative. Il y a deux procédures, celle générale prévue à l'article 120 de la loi du 29 août 2008 et celle spécifique dans le cadre d'une demande de protection internationale. Pour les deux procédures, le double degré de juridiction est prévu et le recours n'est pas suspensif. Seulement, des délais d'instruction très courts s'appliquent et, tant le tribunal que la Cour sont tenus de statuer, chacun en ce qui le concerne dans les dix jours de sa saisine. Dans toutes les affaires précitées, le tribunal siège en principe dans une composition de trois membres et la Cour également dans une composition de trois membres. Une exception : le premier volet de la saisine du tribunal en matière de procédure accélérée prévoit une procédure à juge unique. Enfin, dans les matières où le recours n'est pas suspensif, le fait d'avoir formé un recours au fond permet en première instance au demandeur de solliciter auprès du président du tribunal, siégeant en matière de référé, l'effet suspensif de son recours où la prise de mesures de sauvegarde jusqu'à ce que le tribunal ait statué au fond (articles 11 et 12 de la loi modifiée du 21 juin 1999 portant règlement de procédure devant les juridictions administratives).

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Employment dismissal case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Robbery case</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments

**103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):**

. Le droit luxembourgeois connaît trois procédures en divorce:

•divorce par consentement mutuel ; •divorce pour faute; •divorce pour rupture de la vie commune. Toutes ces procédures sont menées devant le tribunal d'arrondissement, mais seul le divorce pour faute est un divorce qualifié de contentieux. Dans les deux autres procédures le tribunal se borne à constater que les conditions légales sont remplies pour que le divorce plus être prononcé.

**104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.**

. NA

**4.2.6. Case flow management – public prosecution**



**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- ☒ [ X ] to conduct or supervise police investigation
- ☒ [ X ] to conduct investigations
- ☒ [ X ] when necessary, to request investigation measures from the judge
- ☒ [ X ] to charge
- ☒ [ X ] to present the case in court
- ☒ [ X ] to propose a sentence to the judge
- ☒ [ X ] to appeal
- ☒ [ X ] to supervise the enforcement procedure
- ☒ [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- ☒ [ X ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- ☐ [ ] other significant powers (please specify): .....

Comments

**106. (Modified question) Does the public prosecutor also have a role in:**

- ☒ [ X ] civil cases
- ☐ [ ] administrative cases
- ☒ [ X ] insolvency cases

Comments - If yes, please specify: civil cases: in all cases pertaining to the "état civil", i.e. family and personality cases, the prosecutor is heard in his conclusions. in insolvency cases: the prosecutor assists to al hearings in insolvency matters and can also open a case proprio

motu if according to his files a "commerçant" (civil or legal person) is insolvent

## 107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	57263 [ ] NA [ ] NAP	21337 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	11326 [ ] NA [ ] NAP

Comments

### 107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
<b>Total</b>	[ X ] NA [ ] NAP
<b>Before the court case</b>	[ X ] NA [ ] NAP
<b>During the court case</b>	[ X ] NA [ ] NAP

Comments The "transaction pénale" introduced by a law of February 24th, 2015 under the name of "jugement sur accord" and enables the prosecutor and the defendant to "negotiate" a penal judgment that will be rendered executory by the courts.

## 108. Total cases which were discontinued by the public prosecutor:

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	21337 [ ] NA [ ] NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	2751 [ ] NA [ ] NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	9346 [ ] NA [ ] NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	9240 [ ] NA [ ] NAP

Comments

## 109. Do the figures include traffic offence cases?

( X ) Yes

( ) No

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Q91: Annual report 2016 - Tribunaux d'arrondissement  
Q97: Annual report 2016 - Cour d'appel  
Q99: Annual report 2016 - Cour de cassation  
Q101: Annual report 2016 - Tribunaux d'arrondissement

## **5. Career of judges and public prosecutors**

### **5.1. Recruitment and promotion**

#### **5.1.1. Recruitment and promotion of judges**

##### **110. (Modified question) How are judges recruited?**

- ☐ [ ] mainly through a competitive exam (open competition)
- ☐ [ ] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- ☒ [ X ] a combination of both (competitive exam and working experience)
- ☐ [ ] other (please specify): .....

Comments

##### **110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

- ☐ ( ) Yes
- ☒ ( X ) No

Comments - If yes, please specify:

##### **111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

- ☐ [ ] an authority made up of judges only
- ☐ [ ] an authority made up of non-judges only
- ☒ [ X ] an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: Before 2012, the competent authority was the Minister of Justice. Since 2012, the recruitment is carried out through the "Commission de recrutement et de formation des attachés de justice", exclusively composed of judges and prosecutors.

##### **112. Is the same authority (Q111) competent for the promotion of judges?**

- ☐ ( ) Yes



☒ No

Comments

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

☐ Yes

☒ No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

☐ Competitive test / Exam

☐ Other procedure (interview or other)

☒ No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

☐ Years of experience

☐ Professional skills (and/or qualitative performance)

☐ Performance (quantitative)

☐ Assessment results

☐ Subjective criteria (e.g. integrity, reputation)

☐ Other

☐ No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):  
Judges are inamovable, i.e. any promotion is done upon their specific request. There are no automatic promotion procedures. If a position is vacant, an appeal for candidates is made. For certain posts, a vote of the general assembly of the superior court is required in order to set up a list of three candidates. The final decision is taken by the Government in Council, the nomination proper is done by the Grand-Duke of Luxembourg. In principle the choice of the superior court is always respected.

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

☐ Yes

☒ No

Comments

**114. If yes, please specify the frequency of this assessment:**

☐ Annual

☐ Less frequent

☐ More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**



## 115. What is the status of prosecution services?

☒ [ X ] statutory independent

☒ [ X ] under the authority of the Minister of justice or another central authority

☐ [ ] other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). Members of the prosecution service have exactly the same professional statute as judges, and thus benefit from the same guarantees. There can be no non-prosecution orders nor from the internal hierarchy neither from the Minister of Justice. A draft constitutional law is under preparation. It is intended to further strengthen the independence of the prosecution from the minister of Justice by devising a formal paragraph stating specifically the principle of independence of the prosecution.

The minister of Justice can give positive instructions to the general prosecutor, and the general prosecutor can, on his own initiative, give such instructions to the district prosecution services. Negative instructions, i.e. not to prosecute a case or a person, can not be given. Even in the presence of a positive instruction, the prosecutor is free to address to the court any oral representations he deems useful "for the benefit of Justice", even if these are contradictory with the written instructions he had initially received.

### 115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

☒ ( X ) Yes

☐ ( ) No

Comments - If yes, please specify: The minister of Justice can give positive instructions to the general prosecutor, and the general prosecutor can, on his own initiative, give such instructions to the district prosecution services. Negative instructions, i.e. not to prosecute a case or a person, can not be given. Even in the presence of a positive instruction, the prosecutor is free to address to the court any oral representations he deems useful "for the benefit of Justice", even if these are contradictory with the written instructions he had initially received.

## 116. How are public prosecutors recruited?

☐ [ ] mainly through a competitive exam (open competition)

☐ [ ] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

☒ [ X ] a combination of both (competitive exam and working experience)

☐ [ ] other (please specify): .....

Comments Public prosecutors and judges are recruited through the same procedure.

Recruitment of judges and prosecutors has been reformed by the law of June 12th 2012

(<http://www.legilux.public.lu/leg/a/archives/2012/0125/index.html>). This law sets up a pool of "attachés de justice" common to the ordinary and the administrative jurisdictions as well as to the prosecution. The "attachés" are screened by a specific admission examination organized by the newly created "Commission du recrutement et de la formation des attachés de justice", to which they are administratively attached. Candidates who success the examination are admitted for the training. The professional skills are taken into consideration for the definitive nomination.

### 117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:

☐ [ ] an authority composed of public prosecutors only

☐ [ ] an authority composed of non-public prosecutors only

☒ [ X ] an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

☐ Yes

☒ No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

☐ Yes

☒ No, please specify which authority is competent for promoting public prosecutors .....

Comments Prosecutors as judges are inamovable, i.e. any promotion is done upon their specific request. There are no automatic promotion procedures. If a position is vacant, an appeal for candidates is made. In contrast with judges, the Superior Court does not cast a vote.

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

☐ Competitive test / exam

☒ Other procedure (interview or other)

☐ No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

☐ Yes

☒ No

Comments - If yes, please specify:

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

☒ Years of experience

☐ Professional skills (and/or qualitative performance)

☐ Performance (quantitative)

☐ Assessment results

☐ Subjective criteria (e.g. integrity, reputation)

☐ Other

☐ No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box “performance” or “other”):

**120. Is there a system of qualitative individual assessment of the public prosecutors’ work?**

☐ Yes

☒ No

Comments

**5.1.3.Mandate and retirement of judges and prosecutors**



**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

☒ Yes, please indicate the compulsory retirement age:68

☐ No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal from office as the ultimate disciplinary sanction is possible. The sanction will be pronounced by the Superior Court of Justice, i.e. by the highest judiciary body. Forced retirement is possible if a magistrate is stricken by a grave and permanent infirmity or refuses to retire after having reached the age of 68. These rules apply to judges and to prosecutors.

**121-1. Can a judge be transferred (to another court) without his/her consent:**

☐ For disciplinary reasons

☐ For organisational reasons

☐ For other reasons (please specify modalities and safeguards): .....

☒ No

Comments

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

☐ Yes, duration of the probation period (in years): .....

☒ No

☐ NAP

Comments

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

☒ Yes, please indicate the compulsory retirement age:68

☐ No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Dismissal from office as the ultimate disciplinary sanction is possible. The sanction will be pronounced by the Superior Court of Justice, i.e. by the highest judiciary body. Forced retirement is possible if a magistrate is stricken by a grave and permanent infirmity or refuses to retire after having reached the age of 68. These rules apply to judges and to prosecutors.

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

☐ Yes, duration of the probation period (in years): .....

☒ No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

☐ Yes, what is the length of the mandate (in years)? .....

☒ No

Comments NAP (see answer to question 121)

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

( ) Yes, what is the length of the mandate (in years)? .....

( X ) No, what is the length of the mandate (in years)? .....

Comments NAP (see answer to question 123)

## 5.2. Training

### 5.2.1. Training of judges

#### 127. Types of different trainings offered to judges

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for management functions of the court (e.g. court president)</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( ) Yes ( X ) No	( X ) Yes ( ) No	( ) Yes ( X ) No

Comments Due to the small number of personnel concerned, only some in-house training is proposed on specific issues (e.g. new laws, new electronic procedures, etc.). However, a large portion of the judges participate in training sessions at foreign institutions, e.g. the ENM in Paris or the ERA in Trier.

#### 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ ] Regularly (for example every year) [ X ] Occasional (as needed) [ ] No training proposed

<b>In-service training for the use of computer facilities in courts</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
---	--

Comments - Please indicate any information on the periodicity of the continuous training of judges:

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	<b>Compulsory</b>	<b>Optional</b>	<b>No training proposed</b>
<b>Initial training</b>	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No
<b>General in-service training</b>	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No
<b>In-service training for the use of computer facilities in office</b>	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No	( <input checked="" type="checkbox"/> ) Yes ( <input type="checkbox"/> ) No	( <input type="checkbox"/> ) Yes ( <input checked="" type="checkbox"/> ) No

Comments

### 130. Frequency of the in-service training of public prosecutors :

	<b>Frequency of the in-service training</b>
<b>General in-service training</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for management functions in office (e.g. Head of prosecution office, manager)</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
<b>In-service training for the use of computer facilities in office</b>	<input type="checkbox"/> Regularly (for example every year) <input checked="" type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors:

### 131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

Comments No, however Luxembourg has entered into agreements with training institutions in France and Belgium and is a partner in the ERA in Trier.

### 131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

### 131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. NAP

## 5.3.Practice of the profession

### 5.3.1.Salaries and benefits of judges and prosecutors



### 132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	83626 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	172172 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Public prosecutor at the beginning of his/her career	83626 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	172172 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments The salary are those of the Court President and the Prosecutor General as no average salary can be calculated.

### 133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	( ) Yes ( X ) No	( ) Yes ( X ) No
Special pension	( ) Yes ( X ) No	( ) Yes ( X ) No
Housing	( ) Yes ( X ) No	( ) Yes ( X ) No
Other financial benefit	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 134. If “other financial benefit”, please specify:

[ X ] NAP

### 135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	( X ) Yes ( ) No	( X ) Yes ( ) No
Research and publication	( X ) Yes ( ) No	( X ) Yes ( ) No



<b>Arbitrator</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. "Other functions": are considered as such essentially labor union functions

Art. 99 of the law March 7th, 1980 prohibits the cumulated exercise of jurisdictional functions

Art. 100 the exercise of political elective functions on a national level, public service functions, activities in the private economic sector, as well as the exercise of the functions of notary public, bailiff, lawyer as well as military or ecclesiastical functions.,

Art. 101 the exercise of local elective functions.

Additionally, art. 14 of the general statute of the public service is applicable.

### 137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
<b>Teaching</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Research and publication</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Arbitrator</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Consultant</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Cultural function</b>	( X ) Yes ( ) No	( X ) Yes ( ) No
<b>Political function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Other function</b>	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Art. 99 of the law March 7th, 1980 prohibits the cumulated exercise of jurisdictional functions

Art. 100 the exercise of political elective functions on a national level, public service functions, activities in the private economic sector, as well as the exercise of the functions of notary public, bailiff, lawyer as well as military or ecclesiastical functions.,

Art. 101 the exercise of local elective functions.

Additionally, art. 14 of the general statute of the public service is applicable.

### 139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

( ) Yes

( X ) No

Comments - If yes, please specify the conditions and possibly the amounts:

## 5.4.Disciplinary procedures

### 5.4.1.Authorities responsible for disciplinary procedures and sanctions

#### **140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

[ ] Court users

[ X ] Relevant Court or hierarchical superior

[ X ] High Court / Supreme Court

[ ] High Judicial Council

[ ] Disciplinary court or body

[ ] Ombudsman

[ ] Parliament

[ ] Executive power (please specify): .....

[ ] Other (please specify): .....

[ ] This is not possible

Comments

#### **141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

[ ] Citizens

[ ] Head of the organisational unit or hierarchical superior public prosecutor

[ X ] Prosecutor General /State public prosecutor

[ ] Public prosecutorial Council (and Judicial Council)

[ ] Disciplinary court or body

[ ] Ombudsman

[ ] Professional body

[ ] Executive power (please specify): .....

[ ] Other (please specify): .....

[ ] This is not possible

Comments

#### **142. Which authority has disciplinary power over judges? (multiple options possible)**

[ ] Court

[ X ] Higher Court / Supreme Court

[ ] Judicial Council

- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power (please specify): .....
- ☐ Other (please specify): .....

Comments

#### 143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- ☐ Supreme Court
- ☐ Head of the organisational unit or hierarchical superior public prosecutor
- ☒ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power (please specify): .....
- ☐ Other (please specify): .....

Comments

### 5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

#### 145. Number of sanctions pronounced during the reference year against judges and public

prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
1. Reprimand	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
2. Suspension	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
3. Withdrawal from cases	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
4. Fine	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
5. Temporary reduction of salary	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
6. Position downgrade	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
7. Transfer to another geographical (court) location	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
8. Resignation	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP
9. Other	0 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments - If “other”, please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. In 2016 there have been two disciplinary actions. One of the cases was dismissed as not sufficiently founded, in the second case the perpetrator was revoked from office.

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: register of disciplinary sanctions / files of the RH department at the General Prosecutor's office

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers



**146. Total number of lawyers practising in your country:**

[ 2381 ]

[ ] NA

[ ] NAP

Comments

**147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes ( )

No ( X )

Comments

**148. Number of legal advisors who cannot represent their clients in court:**

[ ]

[ ] NA

[ X ] NAP

Comments

**149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Dismissal cases	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
Criminal cases - Defendant	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Criminal cases - Victim	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Administrative cases	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
There is no monopoly	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Family member</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Self-representation</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Trade union</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP
<b>Other</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s):

#### 149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [ ] Notarial activity
- [ X ] Arbitration / mediation
- [ X ] Proxy / representation
- [ X ] Property manager
- [ X ] Real estate agent
- [ X ] Other law activities (please specify): .....

Comments

#### 149-2. What are the statuses for exercising the legal profession in court?

- [ X ] Self-employed lawyer
- [ X ] Staff lawyer
- [ ] In-house lawyer

Comments

#### 150. Is the lawyer profession organised through:

- [ ] a national bar association
- [ X ] a regional bar association
- [ ] a local bar association

Comments

#### 151. Is there a specific initial training and/or exam to enter the profession of lawyer?

☒ Yes

☐ No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general system for lawyers requiring in-service professional training?**

☒ Yes

☐ No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

☐ Yes

☒ No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: barreau.lu

**6.1.2. Practicing the profession**



**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

☒ Yes

☐ No

Comments

**155. Are lawyers' fees freely negotiated?**

☒ Yes

☐ No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

☒ Yes laws provide rules

☒ Yes standards of the bar association provide rules

☐ No neither laws nor bar association standards provide rules

Comments

**6.1.3. Quality standards and disciplinary procedures**



**157. Have quality standards been determined for lawyers?**

☒ Yes

☐ No

Comments - If yes, what are the quality criteria used?

**158. If yes, who is responsible for formulating these quality standards:**

☒ the bar association

☒ the Parliament

☐ other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

☒ the performance of lawyers

☒ the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

☒ the judge

☐ the Ministry of Justice

☒ a professional authority

☒ other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Criminal offence</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:



## 162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
1. Reprimand	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
2. Suspension	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
3. Withdrawal from cases	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
4. Fine	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
5. Other	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

☐ X ) Yes

☐ ) No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

☐ Before going to court

☐ Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	<input type="checkbox"/> X ) Yes <input type="checkbox"/> ) No	<input type="checkbox"/> X ) Yes <input type="checkbox"/> ) No	<input type="checkbox"/> ) Yes <input type="checkbox"/> X ) No	<input type="checkbox"/> ) Yes <input type="checkbox"/> X ) No	<input type="checkbox"/> ) Yes <input type="checkbox"/> X ) No

<b>Family law cases (ex. divorce)</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Administrative cases</b>	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Employment dismissals</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>Criminal cases</b>	( X ) Yes ( ) No	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

### 165. Is there a possibility to receive legal aid for judicial mediation procedures?

( X ) Yes

( ) No

Comments - If yes, please specify:

### 166. Number of accredited or registered mediators who practice judicial mediation:

[ 173 ]

[ ] NA

[ ] NAP

Comments There are 92 mediators for criminal matter and 81 in civil and commercial matter.

### 167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	[ X ] NA [ ] NAP
<b>1. Civil and commercial cases</b>	[ X ] NA [ ] NAP
<b>2. Family cases</b>	[ X ] NA [ ] NAP
<b>3. Administrative cases</b>	[ X ] NA [ ] NAP
<b>4. Employment dismissal cases</b>	[ X ] NA [ ] NAP
<b>5. Criminal cases</b>	[ X ] NA [ ] NAP

Comments - Please indicate the source:

### 168. Does the legal system provide for the following alternative dispute resolutions (ADR):

[ X ] mediation other than judicial mediation

[ X ] arbitration

☒ [ X ] conciliation

☐ [ ] other ADR (please specify): .....

Comments

## G1. Please indicate the source for answering question 166:

Source: [http://www.mj.public.lu/professions/mediation\\_en\\_matiere\\_civile\\_commerciale/Liste\\_des\\_mediateurs\\_agrees.pdf](http://www.mj.public.lu/professions/mediation_en_matiere_civile_commerciale/Liste_des_mediateurs_agrees.pdf)

## 8.Enforcement of court decisions

### 8.1.Execution of decisions in civil matters

#### 8.1.1.Functioning

#### 169. Do you have enforcement agents in your judicial system?

☒ ( X ) Yes

☐ ( ) No

Comments

#### 170. Number of enforcement agents

☐ [ 19 ]

☐ [ ] NA

☐ [ ] NAP

Comments

#### 171. Are enforcement agents (multiple options are possible):

☐ [ ] judges

☒ [ X ] bailiffs practising as private professionals under the authority (control) of public authorities

☐ [ ] bailiffs working in a public institution

☐ [ ] other

Comments - Please specify their status and powers:

#### 171-1. Do enforcement agents have the monopoly in exercising their profession?

☒ ( X ) Yes

☐ ( ) No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with:

#### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input checked="" type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopoly <input checked="" type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopoly <input type="checkbox"/> Yes without monopoly <input type="checkbox"/> No <input checked="" type="checkbox"/> NAP

Comments

### 171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- ☒ Service of judicial and extrajudicial documents
- ☒ Debt recovery
- ☒ Voluntary sale of moveable or immoveable property at public auction
- ☒ Seizure of goods
- ☒ Recording and reporting of evidence
- ☐ Court hearings service
- ☒ Provision of legal advice
- ☒ Bankruptcy procedures

- ☒ Performing tasks assigned by judges
- ☐ Representing parties in courts
- ☒ Drawing up private deeds and documents
- ☒ Building manager
- ☐ Other

Comments

**172. Is there a specific initial training or exam to become an enforcement agent?**

- ☒ Yes
- ☐ No

Comments

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- ☐ Yes
- ☒ No

Comments

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

- ☒ a national body
- ☐ a regional body
- ☐ a local body
- ☐ NAP

Comments

**174. Are enforcement fees easily established and transparent for the court users?**

- ☒ Yes
- ☐ No

Comments

**175. Are enforcement fees freely negotiated?**

- ☐ Yes
- ☒ No

Comments

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- ☒ Yes
- ☐ No

Comments

**H0. Please indicate the sources for answering question 170**

### **8.1.2.Efficiency of enforcement services**



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

☒ Yes

☐ No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

☒ a professional body

☒ the judge

☐ the Ministry of Justice

☒ the public prosecutor

☐ other (please specify): .....

Comments

**179. Have quality standards been determined for enforcement agents?**

☒ Yes

☐ No

Comments - If yes, what are the quality criteria used?

**180. If yes, who is responsible for establishing these quality standards?**

☒ a professional body

☐ the judge

☒ the Ministry of Justice

☐ other (please specify): .....

Comments

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

☐ Yes

☒ No

Comments - If yes, please specify:

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

☒ Yes

( ) No

Comments - If yes, please specify:

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

[ ] no execution at all

[ ] non execution of court decisions against public authorities

[ ] lack of information

[ ] excessive length

[ ] unlawful practices

[ ] insufficient supervision

[ X ] excessive cost

[ ] other (please specify): .....

Comments

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

( ) Yes

( X ) No

Comments - If yes, please specify:

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	( ) Yes ( X ) No
for administrative cases	( ) Yes ( X ) No

Comments

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

( X ) between 1 and 5 days

( ) between 6 and 10 days

( ) between 11 and 30 days

( ) more (please specify): .....

Comments

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and**

for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
1. For breach of professional ethics	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
2. For professional inadequacy	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
3. For criminal offence	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
4. Other	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - If “other”, please specify:

## 188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
1. Reprimand	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
2. Suspension	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
3. Withdrawal from cases	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
4. Fine	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP
5. Other	<input type="checkbox"/> X ] NA <input type="checkbox"/> ] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

## H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: <http://www.huissier.lu/members.php>



## 8.2.Execution of decisions in criminal matters

### 8.2.1.Functioning of execution in criminal matters

**189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- ☐ Judge
- ☒ Public prosecutor
- ☐ Prison and Probation Services
- ☐ Other authority (please specify): .....

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions).

**190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- ☐ Yes
- ☒ No

Comments

**191. If yes, what is the recovery rate?**

- ☐ 80-100%
- ☐ 50-79%
- ☐ less than 50%

Comments - Please indicate the source for answering this question:

## 9.Notaries

### 9.1.Profession of notary

#### 9.1.1.Number and status of notaries

**192. Number and type of notaries in your country. If you do not have notaries skip to question 197.**

	Number of notaries
<b>TOTAL</b>	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Private professionals (without control from public authorities)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Private professionals under the authority (control) of public authorities</b>	36 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Public agents</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Other	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
-------	--

Comments - If "other", please specify the status:

### 192-1. What are the access conditions to the profession of notary:

- ☒ diploma
- ☐ payment of a fee (e.g. purchasing office)
- ☐ co-opting of peers
- ☐ other

Comments

### 192-2. (Modified question) What is the duration of appointment of a notary?

- ☐ Limited duration, please indicate it in years: .....
- ☒ Unlimited duration

Comments

### 194. Do notaries have duties (multiple options possible):

- ☒ within the framework of civil procedure
- ☒ in the field of legal advice
- ☒ to certify the authenticity of legal deeds and certificates
- ☐ in the field of mediation
- ☐ other (please specify): .....

Comments

### 194-1. Do notaries have the monopoly when exercising their profession:

- ☒ in civil procedure
- ☐ in the field of legal advice
- ☒ to authenticate deeds/certificates
- ☐ in the field of mediation
- ☐ other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with:

### 194-2. As well as these activities, what are the other ones that can be carried out by notaries?

- ☒ Real estate transaction
- ☒ Settlement of estates
- ☐ Legality control of gambling activities
- ☒ Authentication of documents
- ☐ Translations
- ☒ Signatures

☒ Other

Comments

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

☒ Yes

☐ No

Comments

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

☒ a professional body

☐ the judge

☒ the Ministry of Justice

☐ the public prosecutor

☐ the Ministry of Interior

☐ other (please specify): .....

Comments

**196-1. Is there a system of general continuous training mandatory for all notaries?**

☐ Yes

☒ No

Comments

**I1. Please indicate the sources for answering question 192:**

Sources: <http://www.notariat.lu/>

## 10. Court interpreters

### 10.1. Details on profession of court interpreter

#### 10.1.1. Status of court interpreters

**197. Is the title of court interpreters protected?**

☒ Yes

☐ No

Comments

**198. Is the function of court interpreters regulated by legal norms?**

☒ Yes

☐ No

**199. Number of accredited or registered court interpreters:**

☐ 1164 ]

☐ NA

☐ NAP

Comments

**200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

☒ Yes

☐ No

Comments - If yes, please specify: Diploma

**201. Are the courts responsible for selecting court interpreters?**

☒ Yes, for recruitment and/or appointment for a specific term of office

☒ Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

☐ No, please specify which authority selects court interpreters .....

Comments

**J1. Please indicate the sources for answering question 199**

Sources: Ministry of Justice

---

**11.Judicial experts**

**11.1.Profession of judicial expert**

**11.1.1.Status of judicial experts**

**202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

☒ "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

☒ "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

☒ "legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

☐ Other (please specify): .....

Comments

**202-1. Are there lists or databases of technical experts registered?**

☒ Yes

☐ No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?)

### 203. Is the title of judicial experts protected?

☒ Yes

☐ No

Comments - If appropriate, please explain the meaning of this protection:

#### 203-1. Does the expert have an obligation of training?

	Obligation of training
Initial training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Continuous training	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments

#### 203-2. If yes, does this training concern:

☐ the proceeding

☐ the profession of expert

☐ other

Comments

### 204. Is the function of judicial experts regulated by legal norms?

☒ Yes

☐ No

Comments

#### 204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

☒ Yes

☐ No

Comments

### 205. Number of accredited or registered judicial / technical experts:

[ 812 ]

☐ NA

☐ NAP

Comments

## 205-1. Who sets the expert remuneration?

- Free

## 206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

☒ Yes

☐ No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: The judge fixes the deadline.

## 207. Are the courts responsible for selecting judicial experts?

☐ Yes, for recruitment and/or appointment for a specific term of office

☒ Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

☐ No, please specify which authority selects judicial experts .....

Comments

## 207-1. Does the judge control the progress of investigations?

☒ Yes

☐ No

Comments

## K1. Please indicate the sources for answering question 205

Sources: [http://www.mj.public.lu/professions/expert\\_judicaire/index.html](http://www.mj.public.lu/professions/expert_judicaire/index.html)

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans /

2. Budget /

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) /

3.1. Access to justice and legal aid /

4. High Judicial Council A High Judicial Council is going to be created.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. /

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities /

7. Enforcement of court decisions /

8. Mediation and other ADR /

9. Fight against crime /

9.1. Prison system A global reform of the prison system is ongoing.

•Projet de loi n°7042 portant réforme de l'administration pénitentiaire et

1) modification

- du Code pénal ;
- du Code d'instruction criminelle ;
- du Code de la sécurité sociale ;
- de la loi du 3 avril 1893 concernant l'approbation de la fondation Theisen à Givenich ;
- de la loi modifiée du 19 février 1973 concernant la vente de substances médicamenteuses et la lutte contre la toxicomanie ;
- de la loi modifiée du 10 août 1991 sur la profession d'avocat ;
- de la loi modifiée du 17 avril 1998 portant création d'un établissement public dénommé "centre hospitalier neuropsychiatrique" ;
- de la loi modifiée du 3 août 1998 instituant des régimes de pension spéciaux pour les fonctionnaires de l'Etat et des communes ainsi que pour les agents de la société nationale des chemins de fer luxembourgeois ;
- de la loi modifiée du 31 mai 1999 sur la police et l'inspection générale de la police ;
- de la loi du 10 décembre 2009 relative à l'hospitalisation sans leur consentement de personnes atteintes de troubles mentaux,
- de la loi modifiée du 25 mars 2015 instituant un régime de pension spécial transitoire pour les fonctionnaires de l'Etat et des communes ainsi que pour les agents de la Société nationale des Chemins de fer luxembourgeois, ainsi que

2) abrogation

- de la loi modifiée du 21 mai 1964 portant 1. réorganisation des établissements pénitentiaires et des maisons d'éducation ; 2. création d'un service de défense sociale ;
- de la loi du 4 avril 1978 ayant pour but d'habiliter le personnel du service de garde des établissements pénitentiaires à exercer certaines attributions de police générale (L-19/16)

Dépôt : 31 août 2016

Avis CE : 17 mars 2017

•Projet de loi n°7041 portant réforme de l'exécution des peines en modifiant :

- le Code d'instruction criminelle ;
- le Code pénal ;
- la loi modifiée du 7 mars 1980 sur l'organisation judiciaire, et
- la loi modifiée du 29 avril 1999 portant création d'un droit à un revenu minimum garanti (L-18/16)

Dépôt : 31 août 2016

Avis CE : 17 mars 2017

Link: [chd.lu](http://chd.lu)

9.2 Child friendly justice /

9.3.Violence against partners /

10. New information and communication technologies /



11. Other /