



# Luxembourg

e-manual appendix





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## **What is enforced**

In Luxembourg, judgments, administrative constraints and notarial deeds, but also foreign titles, can be enforced.

Execution takes place when the person, who is condemned by a judgment to do something (e.g. pay a sum of money), or there is a notarial deed or an administrative title against him/her, does not fulfil this obligation voluntarily.

The debtor can then be forced to comply with the judgment, by a judicial officer. Forced enforcement takes the form, for example, of a seizure of a bank account, seizure of movable goods, eviction from a dwelling, etc.

## **Who enforces**

The enforcement of a court decision or any other enforceable title is carried out by a judicial officer (“huissier de justice”).

Judicial officers are public officials (i.e. they establish official deeds which can be questioned only by way of forgery).

Moreover, judicial officers are ministerial officials (i.e. independent professionals who exercise one (or several) public service functions under authorization of the State). They are independent professionals, who do not receive any orders from a government body, but whose activity is controlled – a posteriori – by their supervisory ministry (Ministry of Justice) represented by the Public Prosecutor.

The judicial officer is obliged to exercise his/her ministry whenever required and for all requesters. However, (s)he may not act for his/her spouse or for his/her relatives and allies in direct line, nor for those of his/her spouse, nor for his/her relatives and collateral allies, up to the fourth degree.

## **Enforcement procedure**

To start enforcement, the creditor has to handover the enforceable title to the judicial officer.

Before the enforcement proceedings, the judicial officer checks certain information on the debtor’s assets:

- National register of citizens
- Business Register of Companies (LBR)
- Workplace and employer register
- Vehicle register
- Real estate register

This information will help the judicial officer to take the right measures for an efficient and fast enforcement, initiating and ending the enforcement procedure.

The judicial officer may attach movable goods, vehicles, immovable property. When there are claims that the debtor has on a third party (for example for earnings from his/her employer, or savings on a bank account) the judicial officer can initiate the garnishment on these assets.

These procedures are standard in Luxembourg.

### **Duration of enforcement procedure**

Enforcement procedures are strictly governed by law and are not very time consuming.

On average the duration of a procedure is as follows:

- seizure movable property procedure and auction: +/- 1 months
- seizure on immovable property: +/- 4 months
- Attachment on bank accounts: +/- 6 months
- Attachment on earnings: +-2 months
- Eviction procedure: +/- 2 months

### **Cost of enforcement procedure**

Fees are fixed by law. The cost per service of documents is +- 120 €. By experience, the whole enforcement proceedings cost between € 150 and € 550.

