



LUXEMBOURG



Name of the institution : Administrative Court of the Grand Duchy of Luxembourg

President :

Mrs Marion LANNERS

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Composition and structure

Number of members :

The Court is composed of five members, including a President, a Vice-President, a First Councillor and two Councillors.

Recruitment procedures and incompatibilities :

The judges of the Court are appointed by the Grand-Duke as per advice of the Court. The candidates must have an law degree. Without prejudice of the age limit of 68 years, the judges can not be removed. The law provides strict incompatibilities with a number of public or private activities. No member of the Court may exercise any political or administrative function, or engage in any other occupation of a professional nature.

Internal organization :

The cases are heard by a chamber of three judges. The President of the Court determines the composition of the chamber for dealing with each particular case.

Publications :

A summary of administrative case-law with a CD-Rom featuring anonymized full-text copies of all the decisions of the Court and the "tribunal administratif", the jurisdiction of first instance (the "administrative tribunal") is published yearly. The most recent decisions are published on Internet (www.jurad.etat.lu).

Court functions :

Jurisdiction :

The main function of the administrative jurisdictions (Court and tribunal) is the trial of actions for annulment, upon the request of anyone who can justify a standing to sue, of regulations and unilateral acts from any administrative authority, which may not be impugned by any other action. - They may reverse individual administrative decisions in the matters provided for by law.

Organization of the courts system :

The administrative jurisdiction of the Grand Duchy of Luxembourg is composed of the Administrative Court (5 members) and the Administrative Tribunal (9 members). The administrative tribunal is competent for all administrative matters in first instance. Its rulings may be challenged in appeal before the Administrative Court. In certain matters defined by the law, the Court is competent in first and last instance.

Powers of the judge :

The administrative jurisdictional system is made up of the aforesaid tribunal, the first instance court, which's decisions may be challenged before the Court. Both jurisdictions are competent to deal with all actions for annulment or, exceptionally, reversal, of regulations and unilateral acts of any administrative authority. The illegality may be deduced from the incompetence of the acting authority, the violation of the law or of the substantial forms prescribed to safeguard private interests; it may also result from actions being ultra vires (détournement de pouvoir). They may reverse administrative decisions only in the cases provided for expressly by the law. All disputes concerning compensation are settled by the civil courts.

Advisory functions

The administrative jurisdictions do not have any consultative competence.