



CASSATION IN LUXEMBOURG : A HIGH-STAKES PROCESS

Cassation appeal represents one of the most specialized legal remedies available in Luxembourg, providing parties with an opportunity to challenge judicial decisions on legal grounds.

Unlike a standard appeal, which re-examines both facts and law, a cassation appeal is indeed confined solely to legal issues.

The Court of Cassation's review is limited to the legal reasoning and procedures applied in the lower court decision. The purpose is to ensure that the law has been correctly interpreted and applied by lower courts.

Grounds for cassation may notably include procedural errors, misapplication of legal principles, or breaches of substantive law.

The primary objectives of cassation are:

1. **To Correct Judicial Errors:** the Court of Cassation evaluates whether the contested decision contains legal errors that warrant its annulment.

2. **To Ensure Legal Consistency:** by addressing inconsistencies in judicial decisions, the Court of Cassation promotes uniformity in the interpretation and application of the law.

In Luxembourg, the time limit to file an appeal to the Court of Cassation in civil and commercial matters is two months from the notification of the judgment or decision to the concerned party.

The appeal to the Court of Cassation does not have a suspensive effect, except in specific cases provided by law. This means that any final decision requiring payment, for example, will still be executed even if a cassation appeal is filed.

The role of cassation in Luxembourg's judicial system is underscored by its application in civil and commercial cases. In 2023, the Court of Cassation rendered 78 judgments in these areas, highlighting its significance in resolving disputes and shaping legal precedent.

Cassation appeal often represents the final stage of a lawsuit for the claimant, and the stakes are high.

Representation before the Court of Cassation requires comprehensive knowledge of procedural rules and legal principles, a high level of drafting skill, and the mandatory assistance of an Avocat à la Cour.

LLF can assist you if you are involved in a cassation appeal, whether as a claimant or as a defendant. Do not hesitate to contact us for more information on this matter and visit our website and social media.

