

## **Luxembourg**

**Date:** 13. June 2006 (10.00 – 12.30)

**Organised between:** Prof. Patrick Kinsch (Luxembourg national correspondent) and ASSER Instituut

### **Report on the meeting**

Luxembourg is a small country. Although there are about a 1000 ‘avocats’ active in Luxembourg, the number of specialists in private international law is limited and would not be more than 10. For a long time academic education was not available in Luxembourg. Training took place abroad. Future Luxembourg lawyers would go to university mainly in France, because of the strong links between the Luxembourg civil law system and French civil law. Recently a law faculty has been set up in Luxembourg but this small faculty concentrates on other issues, not on private international law. The special situation in Luxembourg (as a consequence of geographical, economic, cultural and legal factors) makes that practitioners are used to dealing with the application of foreign law (especially from the three surrounding member states).

With respect to the proposals recently made by IPR-Verlag for a future network (April 2006), Mr. Kinsch felt that a separate contact point, with administrative back-up for Luxembourg only would be rather ambitious. To make a contact point in another Member State (e.g. France or Belgium) fully responsible for Luxembourg would not be an ideal solution either. Perhaps part of the role of contact point could be carried out by someone in Luxembourg, e.g. Mr Kinsch himself, who would directly communicate with the future network’s central organisation. Administrative aspects, e.g. drawing up or sending out general communications, might perhaps be left to another contact point or to the central organisation. Mr Kinsch (or anyone else who has been given this responsibility) would then be in a position to see at an ad hoc basis whether the Luxembourg legal community wishes to develop further activities relevant for the European network. For instance: a) to answer questions from the Commission on practical application of EU legislation, b) to participate in specialist groups or to be engaged in other activities of the network.

Mr Kinsch wondered whether the formation of an association under Luxembourg law would not lead to problems in view of Luxembourg’s adherence to the ‘siège réel’ principle. This principle would probably still be considered relevant for associations without a commercial objective.

Luxembourg, June 2006  
Prof. Patrick Kinsch