

**REPORT**  
**on the Free Movement of Workers**  
**in Luxembourg in 2009-2010**

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November 2010

## **Contents**

|              |  |
|--------------|--|
| Chapter I    | The Worker: Entry, Residence, Departure and Remedies   |
| Chapter II   | Members of the Worker's Family                         |
| Chapter III  | Access to Employment: Private sector and Public sector |
| Chapter IV   | Equality of Treatment on the Basis of Nationality      |
| Chapter V    | Other Obstacles to Free Movement                       |
| Chapter VI   | Specific Issues  |
| Chapter VII  | Application of Transitional Measures                   |
| Chapter VIII | Miscellaneous  |

## Chapter I

### The Worker: Entry, Residence, Departure and Remedies

#### 1. TRANSPOSITION OF PROVISIONS SPECIFIC TO WORKERS

Art. 7(1a) – No change since last report.

Art. 7(3 a-d) - No change since last report.

Art. 8(3a) – No change since last report.

Art. 14(4 a-b) – No change since last report.

Art. 17 – No change since last report.

Art. 24(2) – No change since last report.

#### 2. SITUATION OF JOBSEEKERS

Recital 9 and Article 6(1) of the Directive are transposed by Articles 5 and 8 of the immigration law and the corresponding Grand-Ducal regulation, as set forth above. All EU citizens holding a valid identification card or passport can freely enter and stay in Luxembourg for up to three months, whatever the purpose of their visit. They can also freely exit the country and enter another EU Member State.<sup>1</sup>

EU citizens wishing to stay in Luxembourg for over three months must obtain a registration certificate from the local government administration of their place of residence within three months of arrival in Luxembourg. To obtain the registration certificate, EU citizens must present documents required by Grand-Ducal Regulation.<sup>2</sup>

The regulation provides that they must take their valid national identification card or passport to the local government of their place of residence. Depending on their situation, they must also present documentation to prove they are either employed, have sufficient financial resources to support themselves or are students. Proof of employment is shown by presenting a work contract, a letter of intent to hire or proof of self-employment.<sup>3</sup>

Article 6(2) of the Directive is transposed by Article 13(1) of the immigration law, and provides that third-country national family members who accompany or come to join an EU citizen, have the right to enter and stay in Luxembourg for up to three months if they have a valid passport and, as necessary, the proper visa for entry into the country.<sup>4</sup>

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1 *Loi du 29 août 2008 portant sur la libre circulation des personnes et l'immigration*, Art. 5, and *Projet de loi No. 5802 sur la libre circulation des personnes et l'immigration, Tableaux de correspondance* [bill on the free movement of people and immigration, transposed directive correspondence tables], p. 53.

2 *Loi du 29 août 2008 portant sur la libre circulation des personnes et l'immigration*, Mémorial A-N° 138, 10.09.2010, p. 2024, Art. 8.

3 *Règlement grand-ducal du 5 septembre 2008 portant exécution de certaines dispositions relatives aux formalités prévues par la loi du la loi du 29 août 2008 sur la libre circulation des personnes et de l'immigration*, Mémorial A-No 138, 10 September 2008, at p. 2058.

4 *Loi du 29 août 2008 portant sur la libre circulation des personnes et l'immigration*, Art. 13(1), and *Projet de loi No. 5802 sur la libre circulation des personnes et l'immigration, Tableaux de correspondance* [bill on the free movement of people and immigration, transposed directive correspondence tables], p. 53.

Article 14(4) of the Directive is transposed by Article 26 of the immigration law which provides that EU citizens and their family members cannot be removed from the country when the EU citizens work in Luxembourg or if the EU citizens entered the country to seek employment for a period not to exceed six months or for a longer period if the EU citizens can provide proof that they continue to seek employment and that they have a real chance of being hired. Article 26's legislative history commentary expressly cites the *Antonissen* decision for the proposition that a more favourable treatment of jobseekers was established by the Directive in application of the jurisprudence of the Court of Justice of the European Union.<sup>5</sup>

### 3. OTHER ISSUES OF CONCERN

As stated in the last report, we are aware of two cases in which jobseekers were denied unemployment benefits by *l'Administration de l'Emploi* (ADEM), Luxembourg's Employment Administration. The first case deals with a French citizen who worked for a Luxembourg company while still living on the French border, and was refused unemployment benefits from Luxembourg's Administration de l'Emploi [Employment Administration], or ADEM, on the grounds that the petitioner, did not fulfill all required conditions for full unemployment benefits. In particular, the petitioner was not domiciled in Luxembourg on the date of receiving notice of termination of his employment as required by Article L.521-3(2) of the Luxembourg Labour Code. The petitioner was notified of the termination of his open-ended employment contract on 14 July 2008, and registered his domicile with the City of Luxembourg on 12 August 2008. The petitioner filed a timely request for re-examination of his request with the ADEM, and on 16 September 2008, registered as a jobseeker with the ADEM. The ADEM's Special Re-examination Commission confirmed the denial of his original request for unemployment benefits on the grounds that he did not reside in Luxembourg on the date he received notice of his employment termination. The petitioner's case has just been appealed to the Court of Cassation, following denial of his request by the *Conseil Supérieur des Assurances Sociales de et à Luxembourg* [Luxembourg High Social Insurance Council] (CSAS).

The second case was that of the above petitioner's wife, and has an identical factual basis and procedural history apart from the date of termination of her employment contract and the period for which she requests unemployment benefits from the Luxembourg government. Both petitioners requested that the competent Luxembourg authorities adopt their interpretation of national law to comport with the requirements of EU law as expressed in Article 39 of the EC Treaty, regarding the free movement of workers and the retention of the benefits obtained as regards employment, remuneration and other conditions of work and employment.

The second petitioner's appeal was heard on 17 March 2010, before the *Conseil Supérieur des Assurances Sociales de et à Luxembourg* [Luxembourg High Social Insurance

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<sup>5</sup> *Loi du 29 août 2008 portant sur la libre circulation des personnes et l'immigration*, Art. 26, and *Projet de loi No. 5802 sur la libre circulation des personnes et l'immigration, Tableaux de correspondance* [bill on the free movement of people and immigration, transposed directive correspondence tables], p. 53, and p. 65 of the bill commenting on Art. 26.

Council] (CSAS), which reversed the ADEM's denial of her right to unemployment benefits, holding that when totally unemployed frontier workers, after having registered with the social security administration of their Member State of residence establish their domicile in the Member State in which they were last employed, the exemption in Article 71(1)(a)(ii) of Regulation 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their family moving within the Community, ceases to apply. Rather, the Member State in which the frontier workers were last employed must commence or recommence assumption of the relevant unemployment benefit obligations. The CSAS thus required that Luxembourg's social security administration pay her unemployment benefits from between the time she became a Luxembourg resident, on 12 August 2008, and when she became employed once again on 18 October 2009.<sup>6</sup> On 9 September 2008, the petitioner requested payment of full unemployment benefits from the ADEM, and the ADEM denied her request on 27 October 2008 on the grounds that she did not reside in Luxembourg on the date she received notice of her employment termination, as required by Article L.521-3(2) of Luxembourg's Labour Code, which applies without prejudice to the applicable Community regulations. She appealed the denial to Social Insurance Arbitration Council, which confirmed the 24 July 2009 denial of her original request, citing the Court of Cassation's decision in *Vogel v. the State*, which supposedly adjudicated in the same manner.<sup>7</sup>

The petitioner's 12 August 2009 appeal to the CSAS for reversal of the denial decision, and the right to receive full unemployment benefits, stated that the second decision was not a reasoned decision and that the applicable Community regulation was misapplied. With respect to the misapplication of the Community regulation, the petitioner argued that: (1) salaried workers who are EU Member State citizens are subject to the legislation of the Member State in which they work, even if they reside in another Member State, and that in principle the workers have the right to receive unemployment benefits in their country of employment; but that (2) Article 71 (1)(a)(ii) of Regulation 1408/71(EC) provides an exemption for frontier workers whereby they receive unemployment benefits from their country of residence as though they were subject to that legislation when last employed, and that the benefits are to be provided by the institution of the workers' place of residence at the its own expense; and finally (3) that when workers leave their original country of residence to establish domicile in the Member State in which they were last employed, the "fiction" according to which frontier workers are treated as if they were subject to the legislation of their Member State of residence during their last period of employment, ends and the workers then have the right to unemployment benefits in the Member State in which they were last employed, and have begun to reside, in according with the latter Member State's legislation.

The CSAS upheld both of the petitioner's principal arguments, stating that the attacked denial was indeed unreasoned, and that the mere citation to a case, was insufficient to constitute a reasoned decision. Moreover, the CSAS pointed out that the Court of Cassation case had a different factual basis than the one at hand because in that case, the petitioner's supposed Luxembourg address was not a *bona fide* address as that in the case at hand.

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6 Conseil Supérieur des Assurances Sociales, 17.03.2010, *Valérie TOUSSAINT c/ADEM*, No. du reg.: ADEM 2009/0109 No. : 2010/0056.

7 Cour de Cassation, 12.02.2009, *Vogel c/Etat*.

## LUXEMBOURG

Additionally, the CSAS agreed with the petitioner's assertion that the Community regulation was misapplied, citing Article 13(2)(a) of Regulation 1408/71(EC) as the general rule for which Article 71 of Regulation 1408/71(EC) provides specifics and in particular an exemption for fully unemployed frontier workers as set forth in the petitioner's appeal. Given that during the period in which she was a fully unemployed frontier worker, Mrs. Toussaint established her domicile in Luxembourg, the Member State in which she was formerly employed, she was no longer subject to French social security legislation, but rather to that of Luxembourg for the period between the time she became a Luxembourg resident, on 12 August 2008, and when she became employed once again on 18 October 2009. The CSAS thus ordered that the denial be overturned and that she receive full unemployment benefits from Luxembourg for that period.<sup>8</sup>

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<sup>8</sup> Conseil Supérieur des Assurances Sociales, 17.03.2010, *Valérie TOUSSAINT c/ADEM*, No. du reg. : ADEM 2009/0109 No. : 2010/0056.

## Chapter II

### Members of the Worker's Family

#### 1. THE DEFINITION OF FAMILY MEMBERS AND THE ISSUE OF REVERSE DISCRIMINATION

In his 2008-2009 Report, Luxembourg's *Médiateur* [Ombudsman] reports a ministry denial of admission for general medicine studies to a third country national who was the spouse of a Luxembourg citizen, based on Article 5 of the Grand-Ducal Regulation of 24 May 2004 determining the conditions for succeeding in specific training in general medicine. The ministry stated that the petitioner could not base her request on Directive 2004/38/CE because it alleged that she was not a family member of an EU citizen residing in an EU Member State other than that of which he is a citizen. Thus, if her husband had been an EU citizen living in Luxembourg, she would have been admitted to that particular training because she would have fallen within the scope of Directive 2004/38/CE.<sup>9</sup>

The *Médiateur* cited Article 12 of the 29 August 2008 Law on free movement people and immigration which states that family members, be they EU citizens or third country nationals, of a Luxembourg citizen are to be treated like EU citizen family members. In drafting this provision, Luxembourg legislators intended to eliminate all reverse discrimination affecting Luxembourg nationals. Given that the petitioner's candidacy had been denied prior to the entry into force of the immigration law, the Higher Education and Research Ministry requested that the petitioner resubmit an application for consideration with the next round of specific training in general medicine.<sup>10</sup>

#### 2. ENTRY AND RESIDENCE RIGHTS

A 9 June 2009 Administrative Court decision confirms that (1) the right to family reunification for direct ascendants requires that a direct relationship of dependence on the sponsor, other than the normal emotional ties, be established; (2) persons coming to join the sponsor show proof of sufficient financial resources; and (3) Article 8 of the European Convention on Human Rights (ECHR) requires a balancing of a Member State's right to control immigration with the factual situation of non-citizens which could give rise to that Member State's obligation to allow the non-citizen reside to benefit from family reunification by residing within its borders. The factual situation must comprise (1) the existence of strong ties with the Member State in which the nuclear family intends to settle that are (2) of such a nature as to make it difficult for the family to leave the Member State, or if there are obstacles to the family's living in its state of origin, and (3) when there are additional dependence issues. Article 8 does not require a Member State to simply accept a family's decision to set up a common domicile and to accept an adult non-national's wish to join their family mem-

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9 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 41.

10 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 41.

bers in the host state without addition proof of dependence on the family members in the host state.<sup>11</sup>

In this case, a Croatian citizen whose son had married a Luxembourg citizen applied for a residence permit to live with her son and his wife and children. She held a tourist visit for the purpose of visiting her son and his family. Her 24.09.2007 request was denied on 03.03.2008 by the Ministry of Foreign Affairs and Immigration, denied on 26.06.2008 upon appeal of right to the Ministry. The denial was once again confirmed on 19.02.2009 by the Administrative Court. The applicable law was Luxembourg's Law of 28 March 1972 concerning 1) the entry and stay of foreigners; 2) foreigner medical examinations; 3) the use of foreign labour, as amended, which was in effect prior to entry into force of the immigration law of 29 August 2008, as amended. The Administrative Court agreed with the lower court's reasoning stating that she had not shown a particular financial or other dependence given that she had deliberately closed her restaurant in Croatia, and had two other children there. Moreover, the son's departure from Croatia 10 years prior, and subsequent marriage to a Luxembourg national was sufficient to indicate that he had broken the direct ties with his mother, despite their alleged daily telephone conversations. The Administrative Court thus concluded that there was no violation of Article 8 of the ECHR, and that Luxembourg had no obligation to grant her a family reunification residence permit.<sup>12</sup>

An 18 December 2008 administrative tribunal decision held that a third country national married to a French national living in Luxembourg, even though they were in the process of getting divorced and the Luxembourg police could neither verify nor exclude the possibility that the marriage was a marriage of convenience for one or the other of the spouses, had wrongfully be denied a Luxembourg residence permit.<sup>13</sup>

The applicable law to that case was also Luxembourg's Law of 28 March 1972 concerning 1) the entry and stay of foreigners; 2) foreigner medical examinations; 3) the use of foreign labour, as amended, which was in effect prior to entry into force of the immigration law of 29 August 2008, as amended. The third country national, a Moroccan citizen who met her future husband in Morocco, then came to Luxembourg where they married—allegedly breaking ties with her Moroccan family in the process—asserted that her right to a residence permit was not based on her maintaining a common life (*vie commune*) with her spouse to be entitled to a Luxembourg residence permit, but rather that the right was based on their marriage not being dissolved. The tribunal thus held that she was entitled to a residence permit, given the inconclusiveness of the marriage of convenience investigation. Also, the tribunal cited the *Metock* decision for the proposition that Directive 2004/38/CD provides a right of residence to third country national who is the spouse of an EU citizen who is a salaried or self-employed worker a the host Member State, regardless of the place and date of their marriage, and regardless of the manner in which the third country national entered the host Member State.<sup>14</sup>

Finally, in a case regarding the right to respect to privacy and family life as it relates to same-sex couples, the Administrative Court upheld an Administrative Tribunal ruling that insofar as Luxembourg, in adopting the Law of 9 July 2004 on the legal effects of certain

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11 Cour administratif de Luxembourg, no. 25503C du rôle (09.06.2009).

12 Cour administratif de Luxembourg, no. 25503C du rôle (09.06.2009).

13 Tribunal administratif de Luxembourg, no. 24233 du rôle (18.12.2008).

14 Tribunal administratif de Luxembourg, No. 24233 (18.12.2008).



## LUXEMBOURG

partnerships, committed itself to recognizing and legally protecting the common lives (*communautés de vie*) of people other than in marriage by allowing couples of a different or the same sex to enter into a registered partnership, it could not refuse residence to a Turkish national living a common life with a Dutch citizen who had close personal, professional and social ties with the country after having lived and worked in Luxembourg for over 20 years, even if the couple was of the same sex, unless it were to contradict itself and disproportionately and unjustifiably violate the petitioner's right to respect for privacy and family life under Article 8 of the ECHR.<sup>15</sup>

The petitioner initially filed a request for refugee status on 22.07.2003, which was denied by the Ministry of Justice on 17.11.2003, and his appeal was dismissed by the Administrative tribunal on 02.12.2004. The petitioner then applied for a residence permit on 03.08.2005, which the ministry denied on 23.08.2005. The petitioner submitted a second residence permit request on 09.08.2006, which was denied on 23.08.2006. On 04.05.2007, the petitioner again submitted a request to the ministry, this time stating that the residence permit was necessary so that the petitioner could enter into an officially recognized partnership with a Dutch national under the Law of 9 July 2004, providing documentary evidence to prove the authenticity of the relationship as well as the Dutch national's sponsorship declaration. On 18.05.2007, the ministry again refused the permit request. On 10.08.2007, the petitioner appealed the denial to the Administrative Tribunal, and on 28.01.2008, the Administrative Tribunal annulled the ministry's denial and the ministry appealed the annulment to the Administrative Court.<sup>16</sup>

In its appeal, the ministry argued that Article 8 of the ECHR was not intended to protect relationships created after an individual's immigration to the host country, but rather to protect pre-existing relationships, and thus the right to respect of family life did not include the right to establish one's family life in the country of one's choice. The ministry cited a Caritas letter stating that since 2005, the petitioner was without financial resources and was forced to engage in prostitution before being supported by an elderly Italian gentleman. Finally, the ministry argued that the partnership law required that the two partners must be legally in Luxembourg, and that the partnership declaration was not meant to regularize one's immigration status, by allowing one to obtain a residence permit on the basis of the partnership declaration.<sup>17</sup>

The court pointed out that the Court of Justice of the European Union attached little importance to the events in the lives of immigrants transpiring in the period during which their immigration status was illegal or irregular, and thus had no bearing on its balancing of the requirements for granting of the petitioner's residence under Article 8 of the ECHR. The Dutch national's living and working in Luxembourg for over 20 years was sufficient for the court to deem that their choice of Luxembourg as a place to live was not simply based on their decision that Luxembourg was a good place to establish their family life, but rather that it would be difficult for them to establish life in another EU Member State, and that the min-

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15 Cour administratif de Luxembourg No. 224083C (10.07.2008), and Tribunal administratif de Luxembourg No. 23331 (28.01.2008).

16 Cour administratif de Luxembourg No. 224083C (10.07.2008), and Tribunal administratif de Luxembourg No. 23331 (28.01.2008).

17 Cour administratif de Luxembourg No. 224083C (10.07.2008), and Tribunal administratif de Luxembourg No. 23331 (28.01.2008).

## LUXEMBOURG

istry's denial of the petitioner's residence permit request constituted disproportionate State intervention in their family life. The ministry's denial was thus upheld, and the court deemed that there was no reason to examine the ministry's argument regarding the partnership law.<sup>18</sup>

### **3. ACCESS TO WORK**

Nothing particular to report.

### **4. THE SITUATION OF FAMILY MEMBERS OF JOB-SEEKERS**

Nothing particular to report.

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<sup>18</sup> Cour administratif de Luxembourg No. 224083C (10.07.2008), and Tribunal administratif de Luxembourg No. 23331 (28.01.2008).

## Chapter III

### Access to Employment: a) Private sector and b) Public sector

#### A) ACCESS TO EMPLOYMENT IN THE PRIVATE SECTOR

##### *a.1. Equal treatment in access to employment (e.g. assistance of employment agencies)*

Anyone domiciled in Luxembourg, who holds a valid Social Security card/registration number or Form E303, is qualified to engage in a professional activity in Luxembourg; and is available to work can register with the ADEM's jobseeker service. The ADEM's website contains information allowing EU citizens to take full advantage of their qualifications under the Europass format, as well as on EURES (EUROpean Employment Services), the EU-wide public employment service network designed to facilitate free movement of workers in the EEA.<sup>19</sup>

The ADEM's principle function is to promote the optimal use of the labour force in coordination with national economic and social policy. Under Article L.622-1 of the Luxembourg Labour Code, the ADEM must help employers find employees and jobseekers find employers. Under Article L.622-5, employers must inform the ADEM of all non-public sector vacant positions. If the position is advertised in the print, spoken or any other media, the ADEM must be informed of the vacancy at least three days in advance. ADEM's Luxembourg labour market assessment is used by the immigration ministry, for purposes of granting work permits to third country nationals.<sup>20</sup>

##### *a.2. Language requirements*

There is nothing specific to report in this area, apart from the fact that most jobs require candidates to speak several languages fluently, including Luxembourgish, French, English and/or German. Those languages are taught in Luxembourg schools and certainly do favour the Luxembourgers. However these language requirements are in general a necessity on the Luxembourg multicultural and international employment market.

#### B) ACCESS TO EMPLOYMENT IN THE PUBLIC SECTOR

##### *b.1. Nationality condition for access to positions in the public sector*

On 1 January 2010, the Law of 18 December 2009 amending, among others, the law on the status of civil servants and State employee regime, came into effect. It provides that EU citizens can now be employed as Luxembourg civil servants, except where the positions involve direct or indirect exercise of public authority, or safeguard State interests or that of other

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<sup>19</sup> <http://www.adem.public.lu/>, and <http://www.europass.lu/html/fr> (23.07.2010).

<sup>20</sup> Luxembourg Code du Travail.

public legal entities. This law fully opens the Luxembourg public sector to EU citizens, whereas, the law of 19 May 1999 on EU citizen access to the Luxembourg public sector was criticized and condemned by the Court of Justice of the European Union for being too restrictive in that it only opened public sector positions relating to research, education, health, ground transportation, post and telecommunications, and the distribution of water, gas and electricity to EU citizens.<sup>21</sup>

Grand-Ducal Regulation of 12 May 2010 lists the positions that are considered sectors and activities relating to the State's exercise of authority. The list includes members of the diplomatic core; the armed forces (including specific civilian positions); the Council of State; State treasury and financial controlling administrations; police and criminal investigation division; State service directorships; taxation, customs, topography and title registry administrations; State information services; and judges and clerks of civil and administrative tribunals. The law is to open 70% of public sector positions to EU citizens, and its implementing regulation was late in being published, but generally did not interfere with the spirit and intent of the law which was to comply with Community law requirements and satisfy Luxembourg's need for highly-qualified personnel.<sup>22</sup>

However, we commonly see in newspapers State and local government employment advertisements that either expressly require that applicants be Luxembourg citizens, or that candidates furnish their full 11-digit State registration/identification number. These ads are for such banal positions as copy writers, administrative positions in veterinary services, infrastructure and transport, hosting and integration of foreigners, national library cultural services, media and communication, and administrative dispatcher/forwarding clerk. However, we have just begun to see ads stating that qualified Luxembourg or EU citizen candidates were welcome to apply.

## ***b.2. Language requirements***

Grand-Ducal Regulation of 12 May 2010 setting the modalities and control of knowledge of the three administrative languages for recruitment of civil servants, and State administration and public establishment employees sets for the language requirements in public sector employment, applicable to all public sector candidates except for those in certain teaching/educational social worker positions. Adequate knowledge of Luxembourg's three administrative languages (Luxembourgish, French and German) is tested in exams preliminary to the civil service exams and is a prerequisite to a candidate's taking a civil service exam. The

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21 Loi du 18 décembre 2009 modifiant et complétant a) la loi modifiée du 16 avril fixant le statut général des fonctionnaires de l'Etat ; b) la loi modifiée du 27 janvier 1972 fixant le régime des employés de l'Etat ; c) la loi modifiée du 24 décembre 1985 fixant le statut général des fonctionnaires communaux ; d) la loi modifiée du 15 juin 1999 portant organisation de l'Institut national d'administration public, Mémorial A-N° 248, 22.12.2009, p. 4394, and Loi du 17 mai 1999 concernant l'accès des ressortissants communautaires à la fonction publique luxembourgeoise, Mémorial A-N° 62, 04.06.1999, p. 1409.

22 Règlement grand-ducal du 12 mai 2010 déterminant les emplois dans les administrations de l'Etat et les établissements publics comportant une participation directe ou indirecte à l'exercice de la puissance et aux fonctions qui ont pour objet la sauvegarde des intérêts généraux de l'Etat ou des autres personnes morales de droit public, Mémorial A-N° 78, 12.05.2010, p. 1444 ; « Il était temps » *La Voix*, 19.06.2010 ; and *Question parlementaire* 0524 (19.03.2010) and *Réponse* (29.04.2010) regarding the lateness of the implementing regulation.

language tests measure a candidate's comprehension and oral expression under the "Common European language reference framework". High-level functionaries are required to have the following levels: C1 for the first language, B2 for the second language and B1 for the third language. Mid-level functionaries are required to have the following levels: B2 for the first language, B1 for the second language and A2 for the third language. Lower-level functionaries are required to have the following levels: B1 for the first language, A2 for the second language and A1 for the third language<sup>23</sup>

***b.3. Recognition of professional experience for access to the public sector***

Nothing significant to report at this time.

***b.4. Other aspects of access to employment***

Nothing significant to report at this time.

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23 Règlement grand-ducal du 12 mai 2010 fixant les modalités du contrôle de la connaissance des trois langues administratives pour le recrutement des fonctionnaires et employés des administrations de l'Etat et des établissements publics, Mémorial A-N° 78, 12.05.2010, p. 1459.

## Chapter IV

### Equality of Treatment on the Basis of Nationality

#### 1. WORKING CONDITIONS — DIRECT AND INDIRECT DISCRIMINATION

##### *Specific issue: Working conditions in the public sector*

In June of 2009, Luxembourg passed its law on recognition of professional qualifications which transposes Directive 2005/36/CE into national law.

However, recognition of professional qualifications of Romanians and Bulgarians has still not been insured. The European Commission has threatened Luxembourg with a daily fine of EUR 14,280 per day, and an additional fine of EUR 4,760 per day, if does not amend its legislation to ensure recognition of their professional qualifications. The Commission deemed that Luxembourg imposes unreasonably heavy burdens on Romanians and Bulgarians to have their professional qualifications recognized. In July of 2009, Luxembourg was ruled against by the Court of Justice of the European Union for not having timely transposed Directive 2005/36/EC. The Commission had issued a default letter to Luxembourg for its late transposition of the Directive as well. And, in December of 2009, Luxembourg scored quite low, in the European Commission's Scoreboard on the Professional Qualifications Directive.<sup>24</sup>

In 2009 there were several administrative actions brought to uphold the right to exercise medical, dental and construction professions. In many of these cases, the petitioners did not prevail.<sup>25</sup>

On 30 July 2009, bill to transpose the provisions of Directive 2005/36/EC for the medical, dental, veterinary, pharmaceutical and other health professions, as well as to transpose provisions of Directive 2006/100/EC on the movement of people, due to the addition of Bulgaria and Romania to the EU, and amending other related laws, was sent to the Chamber of Deputies. On 14 July 2010, the bill was voted into law. Its effect remains to be assessed.<sup>26</sup>

In Luxembourg the recognition of diplomas and professional qualifications is required for employment in the public sector, and is done by transcribing the diploma or qualification with the higher education degree register, or accreditation (*homologation*). Transcription in the register for EU Member State citizens is governed by the Law of 17 June 1963, as amended most notably by the Law of 19 June 2009 on the recognition of professional degrees. The procedure for EU citizens requires that they provide a copy of the final diploma (a

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24 'Luxembourg pris en défaut neuf fois', *La Voix*, ( date ??) and 'Mehrere Vertragsverletzungsverfahren laufen', *Lëtzebuurger Wort* (25.06.2010).

25 Tribunal administratif de Luxembourg, no. 24619 (14.05.2009) ; Tribunal administratif de Luxembourg, no. 24831 (14.05.2009) ; Tribunal administratif de Luxembourg, no. 24869 (04.06.2009) ; and Cour administrative de Luxembourg, no. 25832C (10.11.2009).

26 Loi du 14 juillet 2010 transposant, pour les professions de médecin, de médecin-dentiste, de médecin-vétérinaire, de pharmacien et ce certaines autres professions de santé, les dispositions de la directive 2005/136/CE du Parlement européen et du Conseil du 7 septembre 2005 relative à la reconnaissance des qualifications professionnelles et de la directive 2006/100/CE portant adaptation de certaines directives dans le domaine de la circulation des personnes, en raison de l'adhésion de la Bulgarie et de la Roumanie, Mémorial A-N° 112, 19.07.2010, p. 1926.

copy is sufficient if all studies were done in the EU, if not a copy certified by the mayor of their town or issuing university officials is required), a copy of their ID and, if applicable, the downloadable form. The request and its attachments must be in German, French or English, or a translation into one of those languages from an approved translator must be included.<sup>27</sup>

The 'guichet citoyen', or citizen's counter provides information on the process for diploma transcription or accreditation. Also, National Education Ministry has a webpage in French, German and English with diploma recognition information. However, the French-language page provides more information than the English-language page.<sup>28</sup>

## 2. SOCIAL AND TAX ADVANTAGES

### 2.1. *General situation as laid down in Art. 7(2) Regulation 1612/68*

While potentially applicable to all who receive Luxembourg retirement benefits, Luxembourg legislators' conscious decision not to transpose Article 6.2. of Directive 2000/78/EC, the age discrimination exception allowing Member States to set and use age criteria for admission into/entitlement to retirement/invalidity benefits, including in the setting and use of actuarial calculations for those benefit schemes provided those criteria do not result in discrimination based on sex, has resulted in a curious form of discrimination. Under the applicable legislation, the imposition of an age at which one is allowed to enter into a pension plan scheme constitutes discriminatory treatment, while imposing a seniority requirement remains allowed as long as that requirement does not constitute indirect age discrimination.<sup>29</sup>

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27 [http://www.men.public.lu/reco\\_diplomes/090812\\_reconnaissance\\_professionnelle\\_eu/index.html](http://www.men.public.lu/reco_diplomes/090812_reconnaissance_professionnelle_eu/index.html) (23.07.2010).

28 <http://www.guichet.public.lu/fr/citoyens/enseignement-formation/etudes-superieures/reconnaissance-diplomes-universitaires/inscription-registre-titres/index.html> (23.07.2010)

and [http://www.men.public.lu/reco\\_diplomes/version\\_anglaise/index.html](http://www.men.public.lu/reco_diplomes/version_anglaise/index.html) (23.07.2010).

29 *Les Régimes Complémentaires de pension au Luxembourg*, Anthemis,

## **Chapter V**

### **Other Obstacles to Free Movement**

On 3 February 2009, a new bill reforming the notarial profession was sent to the Chamber of Deputies. It provides, *inter alia*, that more than one notary may now work in a notary's office, and divides the profession into licensed, and unlicensed notaries and notary candidates. All three positions mentioned require that the applicants be Luxembourg citizens.<sup>30</sup>

The above-mentioned bill reforming the notarial profession also requires that the applicants have adequate knowledge of Luxembourg's three administrative languages (Luxembourgish, French and German).<sup>31</sup> The law is still before the Chamber of Deputies.<sup>32</sup>

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30 *Projet de loi N° 5997 portant modification de la loi modifiée du 9 décembre 1976 relative à l'organisation du notariat* (23.02.2009), Arts. 13(2)(a), 18(1)(a) and 19(1)(a).

31 *Idem*, Arts. 13(2)(c), 18(1)(a) and 19(1)(c).

32 <http://www.chd.lu/> (22.07.2010).



## **Chapter VI Specific Issues**

### **FRONTIER WORKERS (OTHER THAN SOCIAL SECURITY ISSUES)**

Nothing new to report.

#### **2. SPORTSMEN / SPORTSWOMEN**

Nothing new to report.

#### **3. THE MARITIME SECTOR**

There is nothing new to report on this topic that had an impact on the free movement of workers.

#### **4. RESEARCHERS / ARTISTS**

Nothing new to report.

#### **5. ACCESS TO STUDY GRANTS**

The Immigration Law has no provision expressly prohibiting third-country nationals from having access to vocational training under the same conditions as EU nationals. Neither does it limit that access. All students registered in higher education program of studies, no matter what the country in which the studies are being carried out, can request financial aid from the State provided they meet the criteria for being granted financial aid. The student must be either a Luxembourg citizen domiciled in Luxembourg; a citizen of an EU Member State, domiciled in Luxembourg and either a worker's family member or the worker; a third-country national or stateless person, and have resided in Luxembourg for at least five years and hold a secondary education diploma or equivalent recognized by the Ministry of Education; or have political refugee status in the Grand Duchy of Luxembourg and live in Luxembourg. However, the Auguste Van Werveke-Hanno Fondation (which depends upon the Ministry of Culture, Higher Education and Research) requires that the scholarship recipient be a Luxembourg citizen.<sup>33</sup>

In an effort reduce student debt, the Higher Education Ministry is considering a proposal to substitute educational stipends for child allowances. The stipends consist of a EUR 6,000 scholarship and EUR 6,000 loan, or EUR 12,000 per year, plus enrolment fees of up to EUR

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33 <http://www.cedies.public.lu/fr/aides-financieres/bourses-etrangeres/luxembourg/index.html> (23.07.2010).

3,700. Parents would not be taxed on those forms of aid, and according to the ministry, the aid would assist students in their right to independently finance their higher education.<sup>34</sup> Students currently do not receive scholarships when their parents' income is over EUR 2,900 per month, and the average scholarship is EUR 1655, much less than the proposed student aid package, according to the ministry. Students would thus allegedly have to borrow less to pay for their higher education. And, the possible abolition of benefits for children over 21 would serve as another reason to adopt the proposal. Student organizations have, however criticised the proposal, asserting that it would result in higher student debt.<sup>35</sup>

The *Médiateur* also dealt with a case in which an "encouragement bonus" (*prime d'encouragement*) for the 2<sup>nd</sup> cycle was denied to a Luxembourg citizen student who had begun his university studies in France, earning a *license*, the equivalent of a bachelor's degree under the Bologna Process, after three years of study. The petitioner then continued his studies in Germany where he undertook a course of study not yet adapted to the Bologna Process, whereby he was awarded a "sports scientist diploma" (*Diplom-Sportwissenschaftler*) after completing 4 semesters of advanced level studies (*Hauptstudium*).<sup>36</sup>

The Ministry of Culture and Higher Education had awarded the petitioner a *prime d'encouragement* of EUR 2000 when he obtained his *license* from the French university. Under the Law of 22 June 2000 on State financial aid for higher education, the ministry had qualified the bachelor's degree as pre-*licence* studies to be treated as 2<sup>nd</sup> cycle studies. Thus, when the petitioner applied for a *prime d'encouragement* after obtaining the German diploma was denied on grounds that he had already received one. The *Médiateur* informed the ministry that distinction between university studies organized in 3 cycles of study and one with two degrees (the pre-*licence* and the post-*licence*) was out of date, and that the law should be updated. Under the outdated system, when the petitioner changed universities, he lost the right to a *prime d'encouragement*, which he would have received had he completed all of his studies in France, or had he begun his studies in Germany and transferred to the French university. The main question was whether the loss of the right to the *prime d'encouragement* was a result of a legislative gap that would have entitled the petitioner to indemnification under principles of equity. Given that the law clearly states that the 2<sup>nd</sup> cycle *prime d'encouragement* would only be granted once, no legislative gap was found and there was no reason to award the petitioner an indemnification.<sup>37</sup>

The Law of 22 June 2000 on State financial aid for higher education has not been amended since 2005 when it was amended solely to require that Luxembourg citizens benefiting from the financial aid must also be domiciled in Luxembourg. Qualifying EU Member State citizens domiciled in Luxembourg, individuals with political refugee status domiciled in Luxembourg, and third country nationals or stateless individuals domiciled in

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34 'Stipendium statt Kindergeld', *Tageblatt*, 23.04.2010, available at <http://www.tageblatt.lu/dossiers/tripartite/40334.html>? (22.07.2010).

35 'Stipendium statt Kindergeld', *Tageblatt*, 23.04.2010, available at <http://www.tageblatt.lu/dossiers/tripartite/40334.html>? (22.07.2010).

36 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 42.

37 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 42.

## LUXEMBOURG

Luxembourg and having lived here for at least 5 years, can also benefit from such State financial aid.<sup>38</sup>

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<sup>38</sup> *Loi du 22 juin 2000 concernant l'aide financière de l'Etat pour études supérieures*, *Mémorial A-N° 49*, 28.06.2000, p. 1106, and *Loi du 4 avril 2005 modifiant la loi du 22 juin 2000*, *Mémorial A-N° 50*, 20.04.2005.

## **Chapter VII**

### **Application of Transitional Measures**

#### **1. TRANSITIONAL MEASURES IMPOSED ON EU-8 MEMBER STATES BY EU-15 MEMBER STATES AND SITUATION IN MALTA AND CYPRUS**

Nothing significant to report.

#### **2. TRANSITIONAL MEASURES IMPOSED ON WORKERS FROM BULGARIA AND ROMANIA**

See section on recognition of professional qualifications.

## Chapter VIII

### Miscellaneous

1. **RELATIONSHIP BETWEEN REGULATION 1408/71-883/04 AND ARTICLE 45 TFEU AND REGULATION 1612/68**
  
2. **RELATIONSHIP BETWEEN THE RULES OF DIRECTIVE 2004/38 AND REGULATION 1612/68 FOR FRONTIER WORKERS**

In his 2008-2009 report, the *Médiateur* pointed out that the number of files it receives on the subject underline the problems Luxembourg is having in applying the *Decker* decision from the Court of Justice of the European Union. One petitioner received a prescription for an orthotic device to treat her tendonitis. Given that the doctor advised her to obtain one and put it on as soon as possible, the petitioner crossed the border into France to obtain one in a French pharmacy, instead of waiting until the next day to purchase one in Luxembourg, where she would have only been able to obtain one in an orthopedics shop. Luxembourg's National Health Fund denied her reimbursement on the ground that the device, provided for in its orthopedist-surgical truss related terminology, was only reimbursable in Luxembourg when purchased in an orthopedics-surgical truss shop.<sup>39</sup>

While the *Médiateur* stated that in principle the Fund was within its rights in refusing to reimburse an expense that was not provided for by law, the reimbursement of an item the reimbursement of which is provided for under law should not be denied simply because of the random difference the organization of their health and paramedical professions between Luxembourg and its bordering countries.<sup>40</sup>

The *Médiateur* also dealt with complaints from EU citizens, particularly border country citizens, who just moved to Luxembourg, and were experiencing problems with their requests for refund of overpayment to the *Fonds national de Solidarité* [National Solidarity Fund] (FNS); having their supplementary allowances taken away; or, having their requests for the statutory minimum wage denied because did not have a registration certificate from their local government.<sup>41</sup>

Also, French frontier workers are opposing the French government regarding its calculation of their differential allowance, which under decree 2008-1384, reduces the differential allowance from which frontier workers benefit by removing a variety of bonuses and allowances which other French workers receive. The method of calculation thus allegedly discriminates against French workers employed in Luxembourg vis-à-vis persons living and working in France. The Christian worker's union, *Lëtzebuenger Chrëschtliche Gewerkschaftsbond – Fédération des syndicats chrétiens luxembourgeois* (LCGB), has brought the case before the Luxembourg Chamber of Salaried Workers, which states that it is reviewing

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39 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 50.

40 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 50.

41 *Médiateur* (2009) : *Rapport d'activité du 1er octobre 2008 au 30 septembre 2009*, p. 55.

the file. A complaint has also been brought before the European Commission on this matter.<sup>42</sup>

### **3. EXISTING POLICIES, LEGISLATION AND PRACTICES OF A GENERAL NATURE THAT HAVE A CLEAR IMPACT ON FREE MOVEMENT OF EU WORKERS**

#### **3.1 *Integration measures***

Nothing significant to report.

#### **3.2 *Immigration policies for third-country nationals and the Union preference principle***

Luxembourg's Law of 16 December 2008 on the hosting and integration of foreigners provides for the establishment of the *Office luxembourgeois de l'accueil et de l'intégration* [Luxembourg Office of Hosting and Integration] (OLAI), whose mission includes fighting all forms of discrimination. The OLAI will work in conjunction with local governments and civil society in organising social assistance for foreigners and international protection seekers who do not have the right to such assistance. Every five years, the OLAI must transmit a national report to the Chamber of Deputies on the hosting and integration of seekers, the fight against discrimination, social welfare for foreigners, and the migration of foreigners into Luxembourg. The OLAI will also draft a multiannual national plan on integration and the combating of racism. At this time, the OLAI website has only a working document of the National Action Plan. The NAP is vague about political rights. It mentions only promoting citizenship and the political and social participation of foreigners, as well as awareness-raising of target groups, many of whom are not foreign-born regarding diversity, etc. It mentions no targeting of foreign residents on an individual basis.<sup>43</sup>

Articles 17-19 of Luxembourg's Law of 16 December 2008 on the hosting and integration of foreigners provides a new legal basis for the existing *Conseil national pour étrangers* [National Council for Foreigners] (CNE), whose mission is to study problems concerning foreigners and their integration in Luxembourg, and suggest measures for the improvement of the situation of foreigners and their families. Between 2010 and 2011, the CNE's composition will shift from representatives made up of half Luxembourgish citizens and half foreigners (set at 15-15), to a greater number foreigner representatives (at least 22), to proportionally represent them in Luxembourg. Council members are appointed by the Ministry on recommendation of the government (for refugee representatives); employer organisations; unions; and, associations formed by foreigners for social, cultural or sports activities. Article

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42 Christelle Raineri, « Nouveau calcul de l'allocation différentielle des frontaliers français : le dossier transmis à la CSL », in *La Voix* (24.04.2010).

43 *Loi du 16 décembre 2008 concernant l'accueil et l'intégration des étrangers au Grand-Duché de Luxembourg*, Mémorial A-N° 209, (24.12.2008), at p. 3156, and <http://www.olai.public.lu/>

20 provides that the president and vice president of the council are elected by majority vote of the members for a period of 5 years.<sup>44</sup>

Only the right of initiative to make reports is guaranteed in law. Article 18 of the Law of 16 December 2008 on the hosting and integration of foreigners, the CNE is charged with studying, on its own initiative or that of the government, problems concerning foreigners and their integration in Luxembourg, and suggest measures for the improvement of the situation of foreigners and their families. It will submit an annual report on foreigner integration in Luxembourg to the government, which will make the report public. Both genders not required in law. Article 19 provides that the number of foreigners must be proportionate to their presence in Luxembourg as indicated by the national census.<sup>45</sup>

Article 23 provides that in all local 'communes', the local counsel will form a consultative integration commission charged with the living together of all local residents, and particular with the interests of foreign residents, to be formed of foreign and Luxembourg residents. Article 23 does not distinguish between the capital city and others. The organisation and functioning of the local commissions are to be determined by Grand-Ducal Regulation that does not appear to have been published yet, so we assume the 2007 composition is still valid.<sup>46</sup>

Articles 42, 47 and 48 of the Law of 29 August 2008 on free movement and immigration, Mémorial A-No. 138, p. 2034, as amended (the "Immigration Law"), respectively, provide for salaried worker (travailleur salarié), temporary intra-company transfer (travailleur salarié transféré) and temporary transfer (secondment) for the transnational provision of services (travailleur salarié détaché) work permits to third-country national. The legislative history for Article 42 expressly states that the Employment Administration (ADEM) evaluates the labour market, and the Consultative Commission for Salaried Workers assesses whether the applicants meets the requirements for the work permit, and whether hiring the applicant is detrimental to the Luxembourg and EC Member State citizen hiring priority based on the ADEM's findings. However, the Immigration Ministry can issue work permits to third-country nationals for sectors experiencing recruitment difficulties as determined by Grand-Ducal Regulation.<sup>47</sup>

### 3.4 RETURN OF NATIONALS TO NEW EU MEMBER STATES

Nothing significant to report.

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44 *Loi du 23 octobre 2008 sur la nationalité luxembourgeoise*, Mémorial A-N° 158, 27 October 2008, at p. 2222.

45 *Loi du 23 octobre 2008 sur la nationalité luxembourgeoise*, Mémorial A-N° 158, 27 October 2008, at p. 2222.

46 *Loi du 23 octobre 2008 sur la nationalité luxembourgeoise*, Mémorial A-N° 158, 27 October 2008, at p. 2222.

47 *Loi du 29 août 2008 portant sur la libre circulation des personnes et l'immigration*, Mémorial A-N° 138, 10.09.2010, p. 2024.

#### 4. NATIONAL ORGANIZATIONS OR NON-JUDICIAL BODIES TO WHICH COMPLAINTS FOR VIOLATION OF COMMUNITY LAW CAN BE LAUNCHED

Luxembourg's main non-judicial bodies/organizations to which complaints on Community law violations can be launched are the *Médiateur* [Ombudsman], the *Ombuds-Comité fir d'Rechter vum Kand* [Children's Rights Ombudscommittee] (ORK), the *Commission nationale pour la protection des données* (CNPD) [National Data Protection Commission], the *Centre pour l'égalité de traitement* [Centre for Equal Treatment] (CET), the Luxembourg chapter of the international NGO Caritas and *Action Luxembourg Ouvert et Solidaire – Ligue des Droits de l'Homme* [Luxembourg Open and Joint Action – Human Rights League] (ALOS-LDH).

As demonstrated above, the *Médiateur* [Ombudsman] receives many complaints dealing with violations of Community law. The Ombudsman is charged with receiving and proposing recommendations for resolution of disputes between either natural or legal persons and or a public administration, or with respect to a court's handling of a case that would include excessive delays in or non-implementation of a court decision. The *Médiateur* can file a claim before the competent legal authority to enforce the implementation of the law creating it and its implementing Grand-Ducal Regulation. The Ombudsman publishes annual activity reports.<sup>48</sup>

The *Ombuds-Comité fir d'Rechter vum Kand* (ORK) [Children's Rights Ombudscommittee] monitors the protection and promotion of the rights and interests of children as primarily defined in the UN Convention on the Rights of the Child (UNCRC) and EU texts. The ORK does this through issuing opinions on bills before the Chamber of Deputies; hearing the claims of children who assert the violation of their rights; making recommendations regarding those situations (via press releases, for example); presenting its annual report to the Chamber of Deputies in which it documents those situations and lists the specific UNCRC and EU provisions with which Luxembourg's compliance requires improvement; and, visiting any institutions dealing with children, including the incarceration thereof.<sup>49</sup>

The *Commission nationale pour la protection des données* (CNPD) [National Data Protection Commission], monitors and verifies the legality of the collection and use of data processed, as well as informs those responsible for the data processing of their obligations in that regard. The CNPD also monitors the respect of fundamental rights and the impact of data processing on the personal life of individuals concerned, and informs the public of its rights. The CNPD receives complaints from individuals requesting it to verify the legality of treatment of the data, and advises the government on the matter generally. The CNPD can also file a claim before the competent legal authority to enforce the implementation of the

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48 Luxembourg/*Loi du 22 août 2003 instituant un Médiateur* (22.08.2003), as amended, and Ombudsman website at [http://www.ombudsman.lu/index.php?l=1&page=accueil\\_site&action=&ok=&inscrit=&lang=en](http://www.ombudsman.lu/index.php?l=1&page=accueil_site&action=&ok=&inscrit=&lang=en) (20.07.2010).

49 Luxembourg/*Loi du 25 juillet 2002 portant institution d'un comité luxembourgeois des droits de l'enfant, appelé « Ombuds-Comité fir d'Rechter vum Kand » (ORK)* (25.07.2002), annual reports found on OKR website at <http://www.ork.lu/> (21.07.2010).



law creating it and its implementing Grand-Ducal Regulations. The CNPD publishes annual reports.<sup>50</sup>

The *Centre pour l'égalité de traitement* [Centre for Equal Treatment] (CET) promotes, analyses and monitors the equal treatment of all persons without discrimination on the basis of race, ethnic origin, sex, sexual orientation, religion or beliefs, disability and age. The CET is empowered to publish reports, opinions, recommendations and carry out studies regarding discrimination issues, as well as any other form of information and documentation useful to its mission. The CET can also assist persons who consider themselves victims of discrimination as defined in the applicable legal provisions (based on transposition of EU Directives), and provide those individuals with counselling and information services on their individual rights, the applicable legislation and case law as well as the means available to enforce their rights. The CET's members can request any information or documentation necessary to accomplish their mission with the exception of that subject to medical or other professional obligations of confidentiality. The CET exercises its functions without actually intervening in or brining legal proceedings. The CET publishes an annual report.<sup>51</sup>

Luxembourg's chapter of the faith-based international NGO Caritas works to end all forms of exclusion of members of society. Caritas works with families, children, unaccompanied minors, asylum seekers, refugees, drug addicts, as well as handicapped, elderly and dependent individuals, without regard to an individuals philosophical or religious leanings. Within the context of its assistance to refugees/asylum seekers, Caritas engages in mediation and intervention activities before the competent authorities to advocate for their rights under international and European human rights conventions. Caritas publishes annual management reports.<sup>52</sup>

Finally, *Action Luxembourg Ouvert et Solidaire – Ligue des Droits de l'Homme* [Luxembourg Open and Joint Action – Human Rights League] (ALOS-LDH), a non-profit association, was officially established in early 2009 to promote and defend the human rights principles in the UN Human Rights Convention and the ECHR, including its additional protocols, combat intolerance, discrimination and the violation of fundamental rights. The ALOS-LDH focuses its efforts on human rights issues specific to the Luxembourg domestic context as opposed to those of a global scope. It heard cases touching on issues of prisoners' rights and loss of parental authority when a child is placed in an institution. Recently, the ALOS-LDH received government accreditation to file a claim before the competent legal authority.<sup>53</sup>

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50 Luxembourg/*Texte coordonné de la loi du 2 août 2002 relative à la protection des personnes à l'égard du traitement des données à caractère personnel* (02.08.2002), and <http://www.cnpd.public.lu/fr/index.html> (21.07.2010)

51 Luxembourg/*Loi du 28 novembre 2006 sur l'égalité de traitement* (28.11.2006), and <http://www.cet.lu/> (21.07.2010).

52 <http://www.caritas.lu>.

53 <http://www.ldh.lu/> (21.07.2010).