



## The Luxembourgish Language Law and Policy: a Fairy Tale come true?

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**Abstract:** This article examines language law and policy in the only EU Member State that has a trilingual official language policy in force throughout its territory. Under Luxembourg law, Luxembourgish is designated as the 'national language'. French, on the other hand, is designated as the 'legislative language'. In addition, Luxembourgish, French and German are the three 'administrative and court languages'. The present study adopts a law in context approach, integrating the legal analysis of this unique language policy with an overview of the historical background and data on actual language use and practices. The main challenge of Luxembourg's language policy is highlighted, namely finding a balance between national identity and social cohesion.

**Keywords:** official multilingualism, trilingualism, Luxembourg, social cohesion.

**Summary:** 1. Introduction; 2. Once upon a time: a national history on the Germanic-Romance language border; 3. The regulation of public and private language use; 3.1 Public language use; 3.2 Private language use; 3.2.1 Lawyers; 3.2.2 Medical personnel; 3.2.3 Teachers; 3.2.4 Other (liberal) professions; 4. Schooling system and language use; 4.1 Multilingual schooling system; 4.2 Language status and use; 4.2.1 Status; 4.2.2 Daily language use; 5. Concluding remarks.

### 1. Introduction

In 1981, the American scholar Eric Stein published a seminal article on the Court of Justice of the European Union (EU) in which he observed that the Court had been "*tucked away in the fairyland Duchy of Luxembourg and blessed, until recently, with benign neglect by the powers that be and the mass media (...)*".<sup>1</sup>

Since then, the subject of the Court and its constitutional role has been the focus of numerous debates, media attention and scholarly contributions. However, the *benign neglect* noted by Stein still fully applies to the *fairyland Duchy of Luxembourg*, particularly with respect to the legal aspects of its unique and unparalleled official multilingualism.

In contrast to the numerous sociolinguistic analyses which have examined Luxembourg's linguistic superdiversity,<sup>2</sup> it is noteworthy that there has been a paucity of legal analysis, notwithstanding the

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<sup>1</sup> E. STEIN, *Lawyers, Judges, and the Making of a Transnational Constitution*, *American Journal of International Law*, 75 (1), p. 1-27. Part of the research for this article was originally conducted for my Ph.D. thesis on '*Conflicting Language Policies in the EU and its Member States*', which I defended at the Vrije Universiteit Brussel (VUB) in September 2015. The main part of the thesis (with the exception of the chapter on Luxembourg) was published in 2015 (S. VAN DER JEUGHT, *EU Language Law*, Groningen, 2015, second revised edition 2025). The present article, however, is a completely revised and updated contribution on the Luxembourg language regime.

<sup>2</sup> As regards recent sociolinguistic analyses, the following should be mentioned, among others: C. PINTER, *Mehrsprachigkeit und Identitätsbildung im Grossherzogtum Luxemburg: eine sprachbiografische und diskurslinguistische Untersuchung im superdiversen Kontext*, Berlin, 2023; F. COLLOTTE, *Situation linguistique au Luxembourg: nouvelles approches sociolinguistiques*, *Mémoires de l'Académie de Metz*, 2017, p. 351-361; C. KIRSCH, J. DUARTE & A. PAIVLANEN, *Language policy, professional development and sustainability of*



rather unique legal features of Luxembourg's language regime. It is evident that the two approaches differ in nature. The (socio)linguist's primary focus is on diversity as a phenomenon, whereas the lawyer's attention is predominantly directed towards the realm of linguistic rights and their enforceability.<sup>3</sup> The case of Luxembourg is of particular interest in this regard, as it is the only EU Member State that has adopted a multilingual policy based on personal rather than territorial criteria.<sup>4</sup> This entails that three languages, namely French, German and Luxembourgish,<sup>5</sup> may be used in dealings with the authorities throughout the territory.<sup>6</sup>

The present article is divided into the following sections. The second section provides an overview of the historical background to the development of this unique linguistic situation, drawing upon doctrine and original source materials from the Luxembourgish Official Journal.<sup>7</sup> The third section is dedicated to an examination of the legal intricacies of language rights in both the public and private spheres. The fourth section assesses the situation in the schooling system, the (legal) status of the various languages and their resulting daily use. The latter section employs a *law in context* approach, drawing upon statistical data on language proficiency and daily use among residents, particularly comparing the Eurostat surveys *Europeans and their languages* from respectively 2012 and 2024.<sup>8</sup> The final section offers some general thoughts on the Luxembourgish language regime.

## 2. Once upon a time: a national history on the Germanic-Romance language border

Luxembourg's present linguistic situation is evidently rooted in its geographical position, as the territory has always been located on the border between the Germanic and Romance linguistic areas of Europe.<sup>9</sup> For centuries, the German and French languages have competed for dominance.<sup>10</sup> From the 13<sup>th</sup> century onwards, French superseded Latin as the language of the nobility, and even the emerging merchant class adopted it, influenced by the prestige associated with it. Conversely, the majority of the

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*multilingual approaches*, in C. KIRSCH & J. DUARTE (eds.), *Multilingual approaches for teaching and learning*, London, 2020, p. 186-203; R. GOMEZ-FERNANDEZ & A. QUINTUS, *Culturally and linguistically diverse students at Europe's crossroads: the case of Luxembourg*, in J. JIMENEZ-SALCEDO (ed.), *Small is multilingual: language and identity in micro-territories*, Frankfurt, 2020.

<sup>3</sup> PH. VAN PARIJS, *Linguistic Justice for Europe and the World*, Oxford, 2011, p. 175.

<sup>4</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *La situation de la langue française parmi les autres langues en usage au Grand-Duché de Luxembourg*, Luxembourg, 1998, p. 35. In a language policy based on personal criteria, it is the natural or legal person who (to some extent, i.e. from among the languages which have official status) determines the language to be used with the authorities (see PH. VAN PARIJS, *op. cit.*, p. 133 *et seq.*; see S. VAN DER JEUGHT, *EU Language Law*, Groningen, 2025, p. 33 *et seq.* for an overview of the language regimes of EU Member States in this respect).

<sup>5</sup> In the English language, the term "*Luxembourgian*" is also frequently employed (see, for instance, *Collins online dictionary* – which, incidentally, also describes the language as a Germanic *dialect*). In this article, however, the term "*Luxembourgish*" will be used, as this is the term that is consistently employed in official publications by the Luxembourgish authorities. An alternative form is "*Lëtzebuergesch*", which is the original denomination of the language. See also Démonym confusion and poll, Which is correct - Luxembourgish or Luxembourgian?, *RTL Today*, 30 December 2019, available [here](#) (accessed 30.3.2025).

<sup>6</sup> A notable exception is the 2023 law on the use of English in certain notarial acts concerning SICAVs (Société d'Investissement à Capital Variable), which does not oblige an official translation to be provided when the act is registered. See the law of 21 July 2023 [here](#).

<sup>7</sup> *Journal officiel du Grand-Duché du Luxembourg*, available [here](#).

<sup>8</sup> *Europeans and their languages*, May 2024, European Union (Eurostat) available [here](#) (accessed 30.3.2025).

<sup>9</sup> C. PEERSMAN, G. RUTTEN & R. VOSTERS, *Past, Present and Future of a Language Border*, Berlin/Boston, 2015, p. 1.

<sup>10</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, in R. MC CALL MILLAR (ed.), *Marginal Dialects: Scotland, Ireland and beyond*, *Forum for Research on the Languages of Scotland and Ireland*, Aberdeen, 2010, p. 90.



population, comprising serfs and peasants, remained linguistically isolated, speaking exclusively the local Germanic dialect.<sup>11</sup>

Throughout history, the territory of Luxembourg, which today comprises the Grand Duchy of Luxembourg and the Belgian Province of Luxembourg, has seen many changes in political administration. Initially under the rule of the Burgundians from 1443 to 1506, it was subsequently ruled by the Spanish from 1506 to 1684. The territory subsequently fell under the rule of the French (1684-1698), the Spanish once again (1698-1714), the Austrians (1714-1795), and once more the French (1795-1815). In 1815, Luxembourg formed a union with the Netherlands, as a personal possession of the King of the Netherlands, which endured until 1830. During the period of the Belgian Revolution (1830-1839), Luxembourg was de facto part of Belgium, with the exception of the town of Luxembourg.<sup>12</sup> The Treaty of London (19 April 1839) stipulated the cession of half of the territory of the Grand Duchy to Belgium, an assertion of sovereignty that was subsequently consolidated by the Second Treaty of London (11 May 1867), which granted full sovereignty to Luxembourg.<sup>13</sup>

In the 15<sup>th</sup> and 16<sup>th</sup> centuries, both German and French were used as administrative languages.<sup>14</sup> However, by the 17<sup>th</sup> century, French had become the sole administrative language,<sup>15</sup> with the exception of the lower courts, which continued to handle cases in German.<sup>16</sup>

During the subsequent brief period of French rule, the use of German was comprehensively prohibited in the administration, including in the lower courts.<sup>17</sup> The French language maintained its exclusive use in the administration during the subsequent periods of Spanish and Austrian rule.<sup>18</sup>

During the second French period, French was formally introduced as the exclusive language of the administration and all the courts.<sup>19</sup> An examination of the *Mémorial* (the Official Journal of Luxembourg, which was initially entitled the *Offizielles Journal – Journal Officiel* in 1815 and the *Verwaltungsmemorial – Mémorial administratif* from 1817) reveals that from 1775 to 1798, all legal texts were written in French. However, towards the end of this period, there is also evidence of the use of German in legal acts.<sup>20</sup> It is important to note that during this period of political transition, the local Germanic dialect – the precursor of the language known today as Luxembourgish – remained the primary means of communication for the majority of the population.<sup>21</sup>

### *The Union with the Netherlands (1815-1830)*

<sup>11</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 92.

<sup>12</sup> See A. COLLART, A., *Am Wege zur Unabhängigkeit Luxemburgs*, Luxembourg, 1938.

<sup>13</sup> P. SCHMITT, *Précis de droit constitutionnel – Commentaire de la Constitution luxembourgeoise*, Luxembourg, 2009, p. 54; P. EYSCHEN, *Das Staatsrecht des Grossherzogtums Luxemburg*, Tübingen, 1910, p. 1.

<sup>14</sup> Allegedly French seems to have been predominant as early as the 15<sup>th</sup> century (see J.-M. YANTE & M. WEIS, *Gouverner par la loi au duché de Luxembourg aux 15<sup>e</sup> et 17<sup>e</sup> siècles* [Governing by law in the duchy of Luxembourg in the 15<sup>th</sup> and 17<sup>th</sup> centuries], *Hémecht – Revue d'Histoire luxembourgeoise - Zeitschrift für Luxemburgische Geschichte*, 2024, p. 42-52).

<sup>15</sup> J.-M. YANTE & M. WEIS, *op. cit.*, p. 49 et seq.

<sup>16</sup> P. EYSCHEN, *op. cit.*, p. 37. To illustrate this point, it is notable that a legislative text concerning forestry authored by Archdukes Albert and Isabelle was published during this period solely in the French language (Edit, *Ordonnance et Règlement des Archiducs nos Princes Souverains, sur le fait des bois*, 14 September 1617).

<sup>17</sup> J.-C. FRISCH, *Le Luxembourg, pays multilingue; La place du français dans l'enseignement au Grand-Duché de Luxembourg* in PH. MAGÈRE, B. ESMEIN & M. POTY (eds.), *op. cit.*, p. 108.

<sup>18</sup> An example is the *Ordonnance et règlement de sa majesté impériale et catholique sur le fait de la Chasse & de la Pêche* of 10 June 1732 (during the Austrian reign).

<sup>19</sup> Decree of 9 vendémiaire in the year IV (1796); P. EYSCHEN, *op. cit.*, p. 37.

<sup>20</sup> A regulation of 4 August 1800 on tax law (*recouvrement*) was also published in German (*Verordnung über die Erhebung der direkten Abgaben*), presumably because the authorities wished to ensure that all citizens comprehended their fiscal obligations. My research yielded further examples in the year 1802.

<sup>21</sup> D. REDINGER, *Multilingual Luxembourg: Language Attitudes and Policies*, Essex, 2008, p. 108.



The Final Act of the Vienna Congress of 9 June 1815 assigned the Grand Duchy of Luxembourg to the German Confederation (*Deutscher Bund*) under the personal sovereignty of William I, King of the Netherlands.<sup>22</sup> In effect, the Grand Duchy was thus united with the Kingdom of the Netherlands, and the Dutch Constitution was applied. However, the civil and penal laws of the French era remained in force.<sup>23</sup> In relation to the linguistic policy, it has been frequently posited by scholars that the Dutch ruler sought to supplant French with German and even Dutch as the administrative languages of the country.<sup>24</sup> However, research findings indicate that the limited number of legislative acts documented in the *Mémorial* are consistently published in both German and French. From 1814 to 1823, legislative acts appear to have been published in both languages. While there are instances of acts being published in French only, none appear to be in German only.

### *Uncertainty and upheaval in the aftermath of the Belgian Revolution (1830-1839)*

Following the issuance of the Royal Decree of 4 June 1830, which pertained to the linguistic policy across the entire Kingdom, the use of both French and German in the Grand Duchy was formally endorsed by the king.<sup>25</sup> Subsequently, on 31 December 1831, the king promulgated a further royal decree, which granted the Grand Duchy of Luxembourg greater autonomy and delegated the exercise of royal powers to a governor, together with a government committee.<sup>26</sup> In the wake of the proclamation of the Belgian Constitution of 7 February 1831, Luxembourg came to be de facto incorporated into the Kingdom of Belgium, albeit with the exception of the strategically pivotal town of Luxembourg, within which a Prussian garrison was deployed ensuring Dutch jurisdiction was maintained (the Prussian King being an ally of King William).<sup>27</sup>

As to the linguistic situation in this period of upheaval, it is noteworthy that on 14 June 1833, the president of the government committee in Luxembourg proclaimed linguistic freedom. This proclamation stipulated that both German and French were designated as official languages and that citizens were entitled to use either of these languages in their interactions with the authorities. Nevertheless, the Prussian military commanders of the garrison in the town of Luxembourg were instructed by the president of the German Confederation to accept only communications in German.<sup>28</sup>

<sup>22</sup> P. SCHMITT, *op. cit.*, p. 54. The name of the King was *Willem* (in Dutch) and *Guillaume* (in French). The German Confederation was constituted as an association of 39 predominantly German-speaking sovereign states in Central Europe. The Congress of Vienna, a pivotal moment in the geopolitical landscape, was instrumental in the formation of this alliance, serving as a replacement for the dissolution of the former Holy Roman Empire in 1806, a consequence of the Napoleonic Wars.

<sup>23</sup> A. BONN, *Le Contentieux Administratif en droit Luxembourgeois*, Luxembourg, 1966, p. 11.

<sup>24</sup> J.-C. FRISCH, *op. cit.*, p. 108. PAULY's claims that King William wanted Dutch to be added as a second administrative language (along with French), but makes no mention of German (M. PAULY, *Histoire du Luxembourg*, Brussels, 2013, p. 80).

<sup>25</sup> *Arrêté royal grand-ducal du 4 juin 1830 contenant des modifications aux dispositions existantes au sujet des diverses langues en usage dans le royaume*, *Journal officiel du Royaume des Pays-Bas*, Tôme vingt-cinquième, nb. 19, published in French and Dutch.

<sup>26</sup> P. SCHMITT, *op. cit.*, p. 56.

<sup>27</sup> P. SCHMITT, *op. cit.*, p. 55. Frederick William III (German: Friedrich Wilhelm III; 3 August 1770 – 7 June 1840) was King of Prussia from 16 November 1797 until his death in 1840. Concurrently, he served as Elector of Brandenburg within the Holy Roman Empire until 6 August 1806, when the dissolution of the empire occurred.

<sup>28</sup> P. EYSCHEN, *op. cit.*, p. 37. The Confederation's sole organ was the *Bundesversammlung*, otherwise referred to as the Federal Convention (or the Confederate Diet). The Convention comprised representatives of the member states. The presiding representative was the Austrian delegate.





In 1834, King William issued a Royal Decree officially sanctioning linguistic freedom for the German and French languages.<sup>29</sup> Nevertheless, the practical scope of this Decree was, in fact, limited to the town of Luxembourg. All citizens were granted legally enforceable rights to use either language in their oral or written dealings with public authorities. It is further observed that the Belgian authorities implemented a comparable policy of bilingualism (French/German) in the regions under their jurisdiction.<sup>30</sup>

*The Treaty of London (18 April 1839) and the German Confederation (1839-1867)*

The treaty brought a definitive end to the prevailing state of uncertainty and led to the division of the country into distinct entities. A significant portion of the territory was ceded to Belgium, where French was the sole official language, while the remainder of the country gained independence. It is noteworthy that at this time, very few citizens of Luxembourg had French as their mother tongue. Nevertheless, the prominent Luxembourg upper classes, who often used French, effectively ensured that French became the administrative, legislative and political language of the newly established state. Conversely, the clergy and the press primarily used German.<sup>31</sup>

Concurrent with this process, the establishment of political independence served to consolidate the position of the Luxembourgish language. The local vernacular came to be regarded as a distinguishing feature that set the country apart from its neighbours, thus contributing to the formation of a distinct Luxembourgish identity.<sup>32</sup>

The Luxembourg Constitution of 12 October 1841 was notable for the absence of any provisions on language arrangements. However, the decree of King William of 1834, which had established the principle of linguistic freedom, was republished in the same year.<sup>33</sup> The subsequent Constitution of 9 July 1848 explicitly enshrined linguistic freedom with regard to French and German. Article 30 of the Constitution stipulated that:

*"L'emploi des langues allemande et française est facultatif. L'usage n'en peut être limité"* (The use of the German and French language is free. The use thereof may not be limited).<sup>34</sup>

Consequently, linguistic freedom for both French and German was constitutionally guaranteed henceforth. The introduction of French on an equal footing with German, a policy which was harshly criticized in the press,<sup>35</sup> clearly served a political purpose, namely to guarantee Luxembourg's

<sup>29</sup> *Arrêté royal grand-ducal du 22 février 1834 concernant l'usage des langues allemande et française dans les actes publics* (Grand-Ducal Royal Decree of 22 February 1834 concerning the use of the German and French languages in public documents – own translation), *Grand-Duché (Ville)*, p. 99.

<sup>30</sup> For instance, consider a regulation pertaining to the collection of firewood from communal lands, which was promulgated by the Belgian King Leopold I. This regulation was exclusively applicable to areas outside the municipality of Luxembourg and was published in both French and German (*Règlement de la députation permanente du 13 juillet 1837 sur l'exercice du droit d'affouage et autres émoluments communaux*).

<sup>31</sup> G. TRAUSCH, *La situation du français au Luxembourg: une prééminence précaire dans un pays d'expression trilingue* in PH. MAGÈRE, B. ESMEIN & M. POTY (eds.), *La situation de la langue française parmi les autres langues en usage au Grand-Duché de Luxembourg*, Luxembourg, 1998, p. 24; D. REDINGER, *Multilingual Luxembourg: Language Attitudes and Policies*, *op. cit.*, p. 108; M. PAULY, *op. cit.*, p. 84.

<sup>32</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 92.

<sup>33</sup> *Arrêté no 8 relatif à la réimpression de l'arrêté de sa Majesté* of 22 February 1834.

<sup>34</sup> Art. 30 became art. 29 (unchanged) in the Constitution of 27 November 1857. Art. 23 of the Belgian Constitution of 1831 has a similar wording (*"L'emploi des langues usitées en Belgique est facultatif; il ne peut être régi que par la loi, et seulement pour les actes de l'autorité publique et pour les affaires judiciaires"*).

<sup>35</sup> Notably by the newspaper *Luxemburger Wort*. Cf. J. REISDOERFER, *Remarques sur la politique linguistique au Grand-Duché de Luxembourg: une guerre de langues?*, *Nos cahiers: Lëtzebuerger Zäitschrëft fir Kultur*, 2020, p. 73.



sovereignty vis-à-vis the Germanic sphere of influence, especially in view of Luxembourg's continued membership of the German Confederation.<sup>36</sup> In addition, in 1843, legislation was enacted that led to French being designated as a mandatory school subject, on par with German.<sup>37</sup> The government introduced the compulsory teaching of French from primary school onwards. However, at the request of local authorities and for serious reasons, the government could waive the teaching of French. This opting-out possibility was inevitable due to the lack of qualified bilingual teachers, resulting in German remaining dominant in the schooling system.<sup>38</sup>

### *The independent Grand-Duchy (1867)*

Following the dissolution of the German Confederation in 1866,<sup>39</sup> the Grand Duchy of Luxembourg was granted full sovereignty, a fact that was formally recognised by the Treaty of London on 11 May 1867. Subsequently, Article 29 of the Constitution of 17 October 1868 reaffirmed the freedom of language stipulated in the Constitution of 1848, explicitly stating that the use of both German and French was to be permitted without restriction. The Constitutional Committee explicitly declared that this provision was based on the 1833 declaration regarding the right to use freely either language. It is important to note, however, that the French language version of the Constitution was the original, with the German language version being only an official translation.<sup>40</sup>

### *World War I and II*

Research in the *Mémorial* indicates that French was still used during the First World War, despite the country being occupied by Germany. However, during the Second World War, under Nazi occupation, the use of French was prohibited and German was the only permitted language.<sup>41</sup> The Nazi regime imposed a prohibition not only on the use of the French language, but also on specific colloquial expressions in Luxembourg, such as *merci*, *pardon*, and *madame*.<sup>42</sup> In the context of these regulations, shopkeepers found to be allowing the use of French faced the prospect of closure of their shops. Furthermore, a regulation was in place which obliged Luxembourgers bearing a French first name to change it to a German one.<sup>43</sup> During the war, rather than French, it was therefore the Luxembourgish language that gained strength as a symbol of national identity.<sup>44</sup>

From a linguistic perspective, Luxembourgish can be categorised as a Moselle Franconian language variety, demonstrating significant affinities with other Germanic linguistic varieties

<sup>36</sup> P. SCHMITT, *op. cit.*, p. 54.

<sup>37</sup> *Loi du 26 juillet 1843, n° 1709b, sur l'instruction primaire*, 26 July 1843; M. PAULY, *op. cit.*, p. 83.

<sup>38</sup> K. HORNER & J.-J. WEBER, *Multilingual education and the politics of language in Luxembourg*, in C. PEERSMAN, G. RUTTEN & R. VOSTERS, *op. cit.*, p. 238.

<sup>39</sup> The Confederation was dissolved after the victory of the Kingdom of Prussia in the Seven Weeks' War over the Austrian Empire in 1866.

<sup>40</sup> P. EYSCHEN, *op. cit.*, p. 219.

<sup>41</sup> See, for instance, the *Verordnung über die Erhebung der Gewerbesteuer* [Regulation on Industry Tax] of 31 March 1943, *Mémorial* A1 of 31 March 1943. On the Nazi language policy, which has never been studied in detail, see REISDORFER, *op. cit.* (2020), p. 78 - 82.

<sup>42</sup> *Verordnung über das Verbot des Gebrauchs der Französischen Sprache in der Öffentlichkeit* of 1 June 1941 (Regulation on the prohibition to use French in public), exhibit at *Musée National de la Résistance et des droits humains* in Esch-sur-Alzette (Luxembourg), visited on 8 June 2013.

<sup>43</sup> *Verordnung betreffend die Änderung von Vor- und Familiennamen* (Regulation on the change of First Names and Surnames), 31.3.1941, exhibit showing an administrative decision to change a name from Camille to Kamill, consulted at the *Musée National de la Résistance et des droits humains* in Esch-sur-Alzette (Luxembourg), visited on 8 June 2013.

<sup>44</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 93; M. PAULY, *op. cit.*, pp. 8 and 101.



prevalent in the region.<sup>45</sup> Prior to 1900, the language was referred to as *Lëtzebuurger Däitsch* (Lëtzebuergesch German) or even *schlecht Däitsch* (bad German).<sup>46</sup> A proposal by the socialist Member of Parliament Caspar Spoo in 1896 to introduce Luxembourgish as a language in Parliament was rejected on the grounds that it was not considered to be a real language.<sup>47</sup> By contrast, the first authors writing in Luxembourgish, such as Edmond de la Fontaine (1823-1891), also known by his pen name *Dicks*, Michel Lentz (1820-1893) or Antoine Meyer (1801-1857), used to refer to the language more affectionately as *onst Däitsch* (our German).<sup>48</sup> In 1872 Michel Rodange (1827-1876) published his literary epic “The Fox” (*De Reenert*), a satire on Luxembourg’s society, entirely in the Luxembourgish language.<sup>49</sup>

In this respect, the events surrounding the 1941 census, which was conducted under German occupation and focused on nationality and language, appear to have been of pivotal significance. It has been asserted that in that census (*Personenstandaufnahme*, 10 October 1941), as many as 96% or even 98% of Luxembourgers indicated that “Luxembourgish” was their language of choice, as opposed to the politically correct response of German.<sup>50</sup> However, it has also been asserted that the *Gauleiter* (Gustav Simon) pre-empted the census, having been apprised of the potential outcome.<sup>51</sup> Ongoing research has yielded initial results in 2024, providing some insight into this matter.<sup>52</sup> However, it remains challenging to accurately assess the results. Nevertheless, it is noteworthy that the census did engender a sense of resistance and served to reinforce the Luxembourgish identity.

### *The aftermath of World War II*

In the immediate post-liberation period, a number of acts continued to be translated into German. However, from 1945 onwards, statutes were published exclusively in French, with the Regulation of 26 July 1944 on the state of siege serving as a final illustration of the legal co-existence of German and French.<sup>53</sup> Beginning in 1945, the official journal retained its bilingual title, yet acts were no longer available in German. Following the war, the Constitutional revision of 6 May 1948 abolished the freedom of language, instead leaving it to the law to regulate the use of languages in administrative and legal matters.

In this regard, the new article 29 stipulated that:

*"La Loi règlera l'emploi des langues en matière administrative et judiciaire."* (The rules on the use of languages in administrative matters and court proceedings shall be established by Statute).

<sup>45</sup> G. TRAUSSCH, *op. cit.*, p. 20.

<sup>46</sup> R. MÜLLER, *Les débuts de la littérature luxembourgoophone*, Projet Formation Lëtzebuergesch, ULG-Campus d'Arlon, 17 February 2007, p. 1.

<sup>47</sup> “*l'on ne saurait se servir de l'idiome du pays dans les débats à la Chambre, celui-ci ne constituant pas une langue*” (the idiom of the country cannot be used in debates in the Chamber, as it does not constitute a language).

<sup>48</sup> R. MÜLLER, *op. cit.*, p. 1.

<sup>49</sup> See for a bilingual edition (Luxembourgish/English): J. THILL, *The fox in a Sunday Suit and in Human Shape - De Fuuss am Frack an a Maansgréisst*, Luxembourg, 2022, available [here](#).

<sup>50</sup> P. SCHMITT, *op. cit.*, p. 49; G. TRAUSSCH, *op. cit.*, 20; PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 37.

<sup>51</sup> J.-C., FRISCH, *op. cit.*, p. 107; R. MÜLLER, *op. cit.*, p. 2.

<sup>52</sup> *Tageblatt*, 25-26 May 2024, available [here](#).

<sup>53</sup> On language policy in the direct aftermath of the World War II, see HORNER, K., *The “natural history” of multilingual policy in Luxembourg: analysing strategic ambiguity and its implications for small language communities*, Sociolinguistica, 2025.



It is noteworthy that the Constitution of 1948 did not explicitly enumerate the languages to which this provision pertained.<sup>54</sup> Consequently, the German language lost its pre-war equal footing with the French language.<sup>55</sup> In the public sphere, the use of the discredited German language was progressively replaced by French. This replacement occurred in various aspects of public life, including street signage, legislation, and within the parliament.<sup>56</sup> Indeed, the democratisation that took place at the beginning of the 20<sup>th</sup> century had resulted in an increased use of German in Parliament; however, following 1945, the use of German was prohibited in the Chamber.<sup>57</sup> For a considerable period, the linguistic situation was thus characterised by an absence of clarity, due to the non-adoption of legislation pertaining to the use of languages. During this interval, the Decrees on Language Freedom for German and French, promulgated in 1834, remained in effect as they were not formally repealed until 1984.

### *Societal changes as of the 1960s*

Since the 1960s, Luxembourgish society has undergone significant demographic shifts as a consequence of immigration, predominantly from Romance language-speaking countries such as Portugal and Italy. By 1981, foreigners constituted 26% of the total population, a figure that has persistently increased since then. This inflow has resulted in a shift in the linguistic landscape of Luxembourg, with French assuming a more prominent role in communication between the indigenous population and newcomers.<sup>58</sup>

Another factor that must be considered is the foundation of the European Community of Coal and Steel (ECSC) in 1951, which resulted in a considerable influx of European civil servants to Luxembourg, one of the seats of the new organisation, alongside Brussels and Strasbourg. Given that French was the predominant working language in the institutions of the ECSC, and subsequently of the European Economic Communities (and is to this day of the European Court of Justice of the EU), it is unsurprising that officials were inclined to acquire proficiency in French and use it in their daily activities.<sup>59</sup>

The perceived threats to cultural cohesion gave rise to a series of lobbying activities aimed at enhancing the status of Luxembourgish. The 1970s saw the establishment of the group *Actioun Lëtzebuergesch*, which sought to encourage local residents to use Luxembourgish in all circumstances and to ensure the language's presence on street signs, banknotes and stamps.<sup>60</sup> A salient issue in this regard pertains to the historical evolution of Luxembourgish. Prior to this juncture, Luxembourgish was predominantly a spoken language. Indeed, the Luxembourgish population had long regarded German as the written form of their mother tongue.<sup>61</sup> In 1946, an initial attempt was made to introduce an orthography for Luxembourgish, with the political objective of emphasising the distinction between that language and German.<sup>62</sup> This endeavour, however, met with failure. Subsequent to this, in 1975, a revised orthography was published, which underwent a further slight adjustment in 1999, and was finally replaced in 2019.<sup>63</sup>

<sup>54</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 36.

<sup>55</sup> G. TRAUSCH, *op. cit.*, p. 21.

<sup>56</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 94; PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 66.

<sup>57</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 65.

<sup>58</sup> For a more detailed discussion of this topic, please refer to Section 4 of the present contribution.

<sup>59</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 60.

<sup>60</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 95.

<sup>61</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 42.

<sup>62</sup> Arrêté ministériel du 5 juin 1946 portant fixation d'un système officiel d'orthographe luxembourgeoise.

<sup>63</sup> *Règlement grand-ducal portant réforme du système officiel d'orthographe luxembourgeoise*, Mémorial A 112, 11 August 1999, replaced by *Règlement grand-ducal du 26 octobre 2019 déterminant les modalités d'organisation et de fonctionnement du Conseil permanent de la langue luxembourgeoise, l'indemnisation de ses*





In 1984, the legislator was compelled to intervene,<sup>64</sup> which culminated in the enactment of the 1984 Law on the Use of Languages (*Loi sur le régime des langues*, 24 February 1984).<sup>65</sup> This legislative act formally implemented the constitutional provision (article 29 of the Constitution of 6 May 1948) and formally designated Luxembourgish as the national language, while French was recognised as the language of legislation. French, German and Luxembourgish all designated as administrative and court languages.

Finally, on 17 January 2023, the Constitution was amended to grant constitutional status to Luxembourgish, as well as to French and German. It is noteworthy that the Constitution now formally recognises Luxembourgish as the *national* language, thereby affording it a distinct constitutional and political standing.<sup>66</sup> The present wording of article 4 of the Constitution (which has replaced article 29 of the previous Constitution) is as follows:

*La langue du Grand-Duché de Luxembourg est le luxembourgeois. La loi règle l'emploi des langues luxembourgeoise, française et allemande* (The language of the Grand Duchy of Luxembourg is Luxembourgish. The law regulates the use of Luxembourgish, French and German, own translation).

### 3. The regulation of public and private language use

#### 3.1 Public language use

The Constitution stipulates (both prior to and following the 2023 revision) that the regulation of language use is to be determined by the legislator. In the context of the public sphere (defined as legislation, administration and court proceedings) the issue had already been addressed by the 1984 law on the use of languages, as previously mentioned. This law, which has never been changed, reads as follows (own translation):

*“Article 1 - National language  
The national language of the Luxembourgish is Luxembourgish.*

*Article 2 - Language of legislation  
Statutes and executive Regulations shall be drafted in French. When Statutes and Regulations are accompanied by a translation, only the French text is authentic. In cases where Regulations other than those mentioned in the previous paragraph are issued by a State organ, municipalities or public authorities in a language other than French, only the text in the language used by that authority shall be authentic. This article does not derogate from provisions that apply in the field of international agreements.*

*Article 3 - Languages of the administration and in court proceedings*

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*membres et portant abrogation du règlement grand-ducal du 30 juillet 1999 portant réforme du système officiel d'orthographe luxembourgeoise, Mémorial A 734, 30 October 2019.*

<sup>64</sup> On the origin of this law, see J. REISDOERFER, *op. cit.* (2020), p. 85-88.

<sup>65</sup> Version consolidée applicable au 1.9.2020, available [here](#) (accessed 25.2.2025). Article 3bis recognises German sign language in Luxembourg. People who are hard of hearing, deaf or unable to speak have the right to use sign language in their dealings with the public administration. On written request to the Minister responsible for disability policy, at least forty-eight hours before the meeting, the Minister will provide an interpreter. The cost of the interpreter is borne by the State budget. Any pupil who is hearing-impaired, deaf or unable to speak has the right to receive primary and secondary education in sign language under certain conditions.

<sup>66</sup> See A. STEICHEN, *La Constitution luxembourgeoise commentée*, Louvain-la Neuve, 2024.



*In administrative matters, contentious or non-contentious proceedings, as well as in court proceedings, the French, German or Luxembourgish languages may be used, without prejudice to special provisions regarding certain matters.*

*Article 4:*

*Administrative applications*

*When an application is drafted in Luxembourgish, in French or in German, the administration must reply, insofar as possible, in the language chosen by the applicant.  
(...)”.<sup>67</sup>*

It is evident that the 1984 Law fails to define the (presently constitutional) concept of *national language*.<sup>68</sup> Instead, it merely stipulates that the national language of the Luxembourgers is Luxembourgish. While this general affirmation may appear to assign a superior status to Luxembourgish in relation to French and German (similar to what is stated in the 2023 constitutional amendment), such a status is not substantiated by the other provisions.

Moreover, the designation of French as the language of legislation is unambiguous; however, the concept of languages of the administration is somewhat perplexing. The term is linked to the use of languages in courts, which would appear to imply a linguistic right to use any of the three languages in dealings with the administration. This position appears to be consistent with Article 4 of the 1984 Law, which suggests that citizens have the right to use any of the three languages. However, it should be noted that the administration does not bear an absolute obligation to provide a response in the chosen language; rather, it is required to do so wherever possible.

It is evident that the term *official language* is deliberately circumvented, and that the terminology employed in the 1984 Law does not correspond at all to the terminology normally used in public law.<sup>69</sup>

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<sup>67</sup> In the original version :

« Art. 1<sup>er</sup> - *Langue nationale*

*La langue nationale des Luxembourgeois est le luxembourgeois.*

*Art. 2.- Langue de la législation*

*Les actes législatifs et leurs règlements d'exécution sont rédigés en français. Lorsque les actes législatifs et réglementaires sont accompagnés d'une traduction, seul le texte français fait foi.*

*Au cas où des règlements non visés à l'alinéa qui précède sont édictés par un organe de l'Etat, des communes ou des établissements publics dans une langue autre que la française, seul le texte dans la langue employée par cet organe fait foi. Le présent article ne déroge pas aux dispositions applicables en matière de conventions internationales.*

*Art. 3. - Langues administratives et judiciaires*

*En matière administrative, contentieuse ou non contentieuse, et en matière judiciaire, il peut être fait usage des langues française, allemande ou luxembourgeoise, sans préjudice des dispositions spéciales concernant certaines matières.*

*Art. 4. -Requêtes administratives*

*Lorsqu'une requête est rédigée en luxembourgeois, en français ou en allemand, l'administration doit se servir, dans la mesure du possible, pour sa réponse de la langue choisie par le requérant. (...)».*

<sup>68</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 91. In the parliamentary discussion (Chambre des Députés, Session ordinaire 1982-1983, 2535/4, 9) Luxembourgish is defined as follows : « Le luxembourgeois est la langue maternelle des Luxembourgeois, première langue dont se sert le Jeune être pour communiquer ses désirs et pensées. En outre, le luxembourgeois est la langue usuelle des Luxembourgeois, la langue qui est parlée sur tout le territoire du Grand-Duché, par tous les Luxembourgeois venant de toutes les classes sociales et en toutes occasions (Luxembourgish is the mother tongue of the people of Luxembourg, the first language used by young children to communicate their desires and thoughts. In addition, Luxembourgish is the everyday language of the people of Luxembourg, the language spoken throughout the Grand Duchy by all Luxembourgers from all social classes and on all occasions). See J. REISDOERFER, *op. cit.* (2020), p. 90-93.

<sup>69</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 9.



In any event, given French's status as the language of legislation, it follows that statutes and executive regulations are not drafted in Luxembourgish, but exclusively in French. It is also noteworthy that there exists no legal obligation to translate laws into German or the national language of Luxembourg. In the event that a translation is available, it is the French version that is considered authentic and legally binding.

It is acknowledged that the 1984 Law does indeed permit the drafting of secondary legislation by state organs, municipalities or public authorities in languages other than French (without specifying which language is implied). In such instances, the *other* language is recognised as being authentic. It has been observed that, particularly at the local level, German remains a prevalent language, for instance, in municipal council publications.<sup>70</sup> In the Chamber of Deputies, Luxembourgish is employed during oral debates or for questions, whilst French is used when drafting legislation.<sup>71</sup> German is also employed when the authorities wish to guarantee the comprehensibility of the text for all citizens, as evidenced by tax letters.<sup>72</sup> As Trausch asserts, the guiding principle appears to be a commitment to use French wherever possible, and German only where necessary.<sup>73</sup>

In administrative matters and before the courts, French, German or Luxembourgish may be used (the languages of the administration and the courts). However, the somewhat peculiar caveat clause "*without prejudice to special provisions regarding certain matters*" casts doubt on to the enforceability of such linguistic rights. This exception appears to refer to the judiciary, where the language rules are intricate and inconsistent across different courts. Regardless, prior to their initial appointment, judges are obligated to demonstrate a satisfactory level of proficiency in all three languages.<sup>74</sup>

In practice, the official language of civil and commercial courts is French, whereas judgments in criminal cases are often delivered in German.<sup>75</sup> Despite the assertion in official government information on language use by courts that none of the three languages holds precedence over any other, it is also established that discussions and hearings are usually conducted in French and/or Luxembourgish, with German being used less frequently.<sup>76</sup> This practice is reported to be a matter of custom and a consequence of the fact that the majority of lawyers are francophone and that the laws are in French.<sup>77</sup> In criminal proceedings, judicial decisions frequently cite reports issued by the Grand-Ducal Police, which are typically written in German. In instances where individuals lack proficiency in any of the three official languages, particularly in the absence of legal representation, they are obligated to secure the services of a sworn interpreter, at their own expense.<sup>78</sup> In criminal proceedings, should the individual summoned or the witness be unable to communicate in French, German or

<sup>70</sup> In 2025, the City of Luxembourg announced that it would provide interpretation into French for the meetings of the City Council (*City Magazine officiel de la Ville de Luxembourg*, 4/2025, p. 11).

<sup>71</sup> A. WALDER, Are Luxembourg's official languages treated equally?, *Luxemburger Wort*, 6 April 2015; PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, pp. 39, 40 and 54.

<sup>72</sup> The tax law is in German.

<sup>73</sup> G. TRAUSCH, *op. cit.*, p. 22.

<sup>74</sup> See information on the official portal of the government of Luxembourg, *guichet.lu*, Use of languages in the Luxembourg courts, last update 24 August 2021, available [here](#) (accessed 30 March 2025).

<sup>75</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 40.

<sup>76</sup> See information on the official portal of the government of Luxembourg, *guichet.lu*.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* The cases in question pertain to the following: dismissals, divorces, rental contracts, and so forth. In the event that an individual requests the presence of a witness who does not possess proficiency in any of the three official languages of the country, it is their responsibility to inform the court of the necessity for an interpreter. The party in question is then responsible for covering the costs of the interpreter, which they may be able to recoup from the opposing party, should this be ordered to pay the costs and expenses of the trial. With regard to written documents, those which are written in a language other than French, German or Luxembourgish must be accompanied by translations, generally in French. In practice, documents in English (for example, a contract) may be submitted without translation.



Luxembourgish, the responsibility for arranging for an interpreter typically falls upon the prosecuting authorities, that is to say the prosecutor.<sup>79</sup>

Moreover, with regard to the linguistic rights of citizens to use one of the administrative languages in interactions with the administration, the proviso stipulated in Article 4, "insofar as possible", appears to confer a considerable degree of discretion to the administration to refrain from employing the language of the applicant.<sup>80</sup> It is important to note that while Luxembourgish is favoured in oral interactions, Luxembourg's administration continues to write almost exclusively in French.<sup>81</sup> Furthermore, the term used, "*application*" (*requête*), does not appear to encompass all interactions between citizens and the administration; it is restricted rather to official and written requests. Consequently, there appears to be an absence of an enforceable right for citizens to request oral information in French, Luxembourgish or German.

It has been posited that French should be considered the superior language in relation to the other languages, Luxembourgish and German, in that order. French is regarded as the true official language. In contrast, Luxembourgish and German are only used in specific, limited capacities, whereas French is an appropriate language for all official contexts.<sup>82</sup> From a legal perspective, this assertion is not entirely accurate. For instance, there is no enforceable right to use French in all circumstances, such as when interacting with the administration. Moreover, statistical data demonstrate the continued prevalence of Luxembourgish (see section 4). Finally, it is imperative to emphasise that linguistic proficiency in Luxembourgish constitutes an essential component of the linguistic requirements for personnel within the ambit of public administration.

### 3.2 Private language use

There exists no overarching legal framework that regulates private language use in Luxembourg. Consequently, both natural and legal persons are, in principle, at liberty to use the language(s) of their preference throughout the country in all private contexts, including contracts, publicity, interactions with employees, and so forth. Evidently, a significant degree of linguistic tolerance is apparent. However, certain regulations stipulate that, in specific contexts such as the labelling of food products, the languages employed must be one of the three languages of the country (French, German or Luxembourgish).<sup>83</sup> Nonetheless, the cumulative use of all three languages is never made mandatory. However, it is important to acknowledge the implications of the trilingual context in Luxembourg on the linguistic requirements imposed on the professional community. The following discussion will focus on the particular situation of lawyers, medical personnel and other professionals.

<sup>79</sup> *Id.*

<sup>80</sup> D. REDINGER, *Language Planning and Policy on Linguistic Boundaries: the case of Luxembourg*, *op. cit.*, p. 91; J. REISDOERFER (2020), *op. cit.*, p. 87.

<sup>81</sup> See information on the official portal of the government of Luxembourg, *guichet.lu*. Citizens may submit petitions in French, German or Luxembourgish, and the administration is obliged to respond in the language selected by the petitioner, so far as is feasible. In practice, French is favoured for written language and Luxembourgish for spoken language (for work and communication). Administrative deeds are drafted in French, and the principle that 'only the French language shall prevail' applies at all levels of public administration. See also G. TRAUSSCH, *op. cit.*, p. 21; J.-C. FRISCH, *op. cit.*, p. 109. PH. MAGÈRE, B. ESMEIN & M. POTY argue that the current situation is worse than under the Royal Decree of 1834 which obliged the administration to reply in the language of the applicant (*op. cit.*, p. 39).

<sup>82</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, p. 36-37; G. TRAUSSCH, *op. cit.*, p. 21.

<sup>83</sup> « Les informations obligatoires sur les denrées alimentaires au sens du règlement (UE) n° 1169/2011 et du présent règlement grand-ducal doivent être libellées au moins dans une des trois langues française, allemande ou luxembourgeoise. », see art. 2 of *Règlement grand-ducal du 25 août 2015 concernant l'information des consommateurs sur les denrées alimentaires, les allégations nutritionnelles et de santé ainsi que le marquage du numéro de lot*, *Mémorial A* 176 of 10 September 2015. The present provision can be considered as a confirmation of the previous legislation.



### 3.2.1 Lawyers

The prevailing EU rules on the freedom to provide services and establishment, in particular with regard to lawyers, were the underlying factor that compelled the Grand Duchy of Luxembourg to make its prevailing language requirements for solicitors explicit. In this regard, the 1991 Law on the Profession of Solicitor (*Loi sur la profession d'avocat*) did not stipulate any linguistic requirements for admission to the Luxembourg Bar. However, in 2002, when transposing into Luxembourg law Directive 98/5/EC regarding lawyers from other EU Member States, Luxembourg also introduced language requirements as a condition for registration with the Luxembourg Bar.<sup>84</sup> In order to be granted admission, it was necessary for a solicitor to demonstrate proficiency in the administrative and judicial languages of Luxembourg, namely French, German and Luxembourgish.<sup>85</sup> These language requirements were applicable to lawyers who had already been admitted to the Bar in another EU Member State and who wished to practise in Luxembourg under their home-country title (the so-called European or migrant lawyers, as opposed to domestic lawyers). It has been highlighted that the language requirements were contentious from the outset, as business lawyers in Luxembourg in practice require proficiency in other languages, such as English.<sup>86</sup> Nevertheless, the compatibility of these language requirements with the Luxembourgish Constitution was confirmed by the *Conseil disciplinaire et administratif d'appel*.<sup>87</sup>

However, the Law did not provide a detailed explanation of how to demonstrate a sufficient level of proficiency in these languages (French, German and Luxembourgish). In practice, for candidates in possession of a diploma of secondary school studies in Luxembourg, there is a presumption that the language conditions are met. For all other candidates, the Bar organises an oral hearing. It is important to note that candidates have the option to retake the examination. Furthermore, the Luxembourgish Bar is reputed to adopt a lenient approach towards language proficiency, with the majority of candidates reportedly succeeding in the examination.<sup>88</sup> The crux of the issue pertained to legal professionals who had been admitted to the Bar in another EU Member State and who sought to practise their profession in Luxembourg, leveraging the opportunities afforded by EU law.

In 2004, Mr Wilson, a practising English solicitor, initiated a legal challenge to the prevailing language requirements. Mr Wilson had been practising as a lawyer in Luxembourg since 1994 under his home-country title (member of the Bar of England and Wales since 1975). Pursuant to the language requirements stipulated in the Luxembourg Law of 2002, Mr Wilson was invited to attend a hearing to assess his proficiency in French, German and Luxembourgish. He refused to attend the hearing without the assistance of a lawyer, and the case was brought before the *Cour Administrative*. The latter body referred the matter to the European Court of Justice for a preliminary ruling. Concurrently, the European Commission initiated an infringement procedure against Luxembourg, citing the failure to adequately implement Directive 98/5 by requiring language proficiency for lawyers from other member states seeking to practise in Luxembourg under their home-country professional title. The judgments were delivered on the same day, confirming the incompatibility of the prior language test with Directive 98/5/EC.<sup>89</sup>

<sup>84</sup> Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained, *O.J. L* 77 of 14 March 1998, p. 36. The Directive is transposed in Luxembourg by the Law of 13 November 2002, *Mémorial A* no 140 of 17.12.2002, p. 3202. It should be noted that the addition of linguistic skills was not mandated by the Directive, which does not set out any such requirements.

<sup>85</sup> Art. 6(1)(d) of the Law of 10 August 1991 (*Loi sur la profession d'avocat*, *Mémorial A* 58 of 27 August 1991, p. 1110), as amended.

<sup>86</sup> M. THEWES, *La profession d'avocat au Grand-Duché de Luxembourg*, Brussels, 2015, p. 70.

<sup>87</sup> Judgment of 13 July 2004, 5/04, as reported by M. THEWES, *op. cit.* (2015), p. 70.

<sup>88</sup> M. THEWES, *La profession d'avocat au Grand-Duché de Luxembourg*, Brussels, 2010, pp. 51 and 52.

<sup>89</sup> ECJ judgment of 19 September 2006, *Graham J. Wilson v Ordre des avocats du barreau de Luxembourg*, case C-506/04, ECLI:EU:C:2006:587; ECJ judgment of 19 September 2006, case C-193/05, *Commission of the European Communities v Grand Duchy of Luxembourg*, ECLI:EU:C:2006:588.





In its defence, the government of Luxembourg contended that lawyers must possess the capacity to communicate reliably with clients, the authorities, and professional bodies.<sup>90</sup> Nonetheless, the Court determined that Directive 98/5 does not permit the registration of a European lawyer to be contingent upon a hearing to ascertain the individual's proficiency in the languages of the relevant EU Member State.<sup>91</sup>

The Court observed that the European legislature has accomplished full harmonisation of the conditions for the registration of European (migrant) lawyers. In order to facilitate the exercise of freedom of establishment for these European lawyers, the legislature has opted against implementing a system of prior language tests. The Court rejected the argument that language skills are a prerequisite, citing the various safeguards in place. It emphasised that the use of the lawyer's home-country professional title signifies to clients that the lawyer has not qualified in the host Member State and does not inherently possess the language skills to address particular cases. Moreover, such European (migrant) lawyers may be obliged by national authorities to collaborate with a local lawyer. Additionally, the rules of professional conduct may also provide for sanctions if European lawyers handle matters for which they are not competent due to a lack of language skills.

Following this ruling, in 2007, Luxembourg abolished the language requirements for European lawyers wishing to practise in Luxembourg under their home-country title.<sup>92</sup> Nevertheless, the linguistic requirements were maintained as a condition for these migrant lawyers to become fully integrated into the Luxembourg Bar and to be entitled to practise before Luxembourg courts.

In 2012, the European Commission initiated new infringement proceedings and requested that Luxembourg permit European lawyers to become full members of the Luxembourg Bar, without the necessity of complying with any language requirements.<sup>93</sup> The Commission considered that there were less restrictive and more effective means of ensuring the efficiency of the legal system, the protection of clients and the linguistic heritage of the country. It was highlighted that the Luxembourg Bar maintains a publicly accessible list of lawyers, indicating their specialisations and the languages in which they practise.

Consequently, the law was revised again in 2013 to introduce amendments that allowed European lawyers to acquire the title of *avocat* in Luxembourg, provided they had practised in the country for at least three years under their home-country titles. A prerequisite for this acquisition was, however, the

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<sup>90</sup> For a more detailed discussion of the pertinent Luxembourgish linguistic regime, see the Opinion of Advocate General Stix Hackl in the aforementioned case C-193/05 (*Commission vs. Luxembourg*). The government of Luxembourg contended that a lawyer practising under his home-country professional title may also provide counsel on Luxembourg law and, as such, must possess the requisite language skills to comprehend and interpret Luxembourg legal texts. Furthermore, the Luxembourg government emphasised that financial penalties imposed by law enforcement following traffic violations are typically expressed in German, as is the country's tax legislation, which necessitates the consultation of case law and commentaries written in German (pt. 25 of the Opinion). Furthermore, in instances where an individual representing themselves in court is from Luxembourg, they will typically utilise the Luxembourgish language before the lower courts, where there is no requirement to be represented by a legal professional (*avocat à la cour*). Furthermore, it is noteworthy that many Luxembourg nationals tend to utilise their mother tongue when consulting a lawyer (pt. 26 of the Opinion) and that the comprehensive professional code of the Luxembourg Bar is exclusively written in French.

<sup>91</sup> It is interesting to note that the Court adopts a prudent approach by focusing on the "*hearing*", rather than on the linguistic requirement itself. However, it should be noted that this is ultimately equivalent to the same thing (see pt. 70 of the Wilson judgment). For a more detailed analysis of the Court's reasoning, see S. VAN DER JEUGHT, *Linguistic Obstacles for Migrating Professionals in the EU Internal Market: Time for a Legislative Overhaul*, *Comparative Law and Language Journal (CLL)*, 2/2023.

<sup>92</sup> Law of 21 June 2007, *Mémorial A* no 101 of 26 June 2007, p. 1856.

<sup>93</sup> Second infringement proceedings, following the first ruling of the Court of Justice in the aforementioned case C-193/05 (*Commission/Luxembourg*). See Commission Press Release MEMO/12/708 of 27 September 2012, *Infringements package: main decisions*.



demonstration of proficiency in the legal language of Luxembourg, namely French.<sup>94</sup> In any event, European lawyers are required to restrict their professional operations to those domains that do not necessitate proficiency in German or Luxembourgish. In instances where such expertise is deemed essential, it becomes incumbent upon the individual to substantiate their command of German and Luxembourgish.<sup>95</sup> It is also important to note that lawyers who undertake activities for which they lack the necessary language skills may be subject to disciplinary sanctions.<sup>96</sup>

Furthermore, the level of language proficiency required is more precisely defined than was previously the case, and is currently based on the *Common European Framework of Reference for Languages* (CEFR) developed by the Council of Europe. Specifically, for the French language, proficiency in both active and passive knowledge at level B2 is mandatory.<sup>97</sup>

### 3.2.2 Medical personnel

A number of additional examples of language requirements can be found in the medical sector. According to the information provided on the website of the Ministry of Health, foreign higher education diplomas must undergo official translation into French, German or Luxembourgish in order to be recognised in Luxembourg.<sup>98</sup>

It appears that disparate linguistic requirements are in place for different medical professions. A general requirement of proficiency in either German or French is imposed on general practitioners, specialists, dentists, and veterinarians who have obtained their qualifications in other EU Member States and who wish to practise in Luxembourg.<sup>99</sup>

Candidates whose mother tongue is not French, German or Luxembourgish must provide proof of their language skills.<sup>100</sup> Evidence of this proficiency may be provided in any form, including but not limited to: a copy of training qualifications obtained in one of these languages or proof of professional experience in a French-speaking/German-speaking country. In the absence of any of the aforementioned documentation, candidates are required to submit a B2 level language proficiency certificate from an approved examination centre.

It is important to acknowledge that the regulations to which psychotherapists are subject are of an even higher order.<sup>101</sup> It is imperative that they possess not only proficiency in either German or French, but also an understanding of all three administrative languages (or acquire the knowledge to

<sup>94</sup> *Loi modifiant la loi modifiée du 10 août 1991 sur la profession d'avocat*, 13 June 2013, *Mémorial* A 102 of 21 June 2013, p. 1478. Arguably, this linguistic requirement could still be contrary to the Directive.

<sup>95</sup> M. THEWES, *op. cit.* (2015), p. 71.

<sup>96</sup> *Id.* p. 72.

<sup>97</sup> In the case of Luxembourgish and German, it has been determined that a passive knowledge level of B2 is required, in addition to an active knowledge level of B1. As far as can be ascertained, no further action was taken by the European Commission.

<sup>98</sup> See information available on the website of the Luxembourgish Ministry of Health, [here](#) as well as the general administrative portal [guichet.lu](http://guichet.lu). (accessed on 30 March 2025). English documents are accepted in the context of other medical professions. There appears to be no obvious reason why this should not also be the case more broadly, i.e. as to all medical professions.

<sup>99</sup> *Id.* The text on the website reads as follows: '*Vous devez posséder les connaissances linguistiques nécessaires à l'exercice de votre profession au Luxembourg. Si votre langue maternelle est autre que le français, l'allemand ou le luxembourgeois, une preuve des connaissances linguistiques est nécessaire pour exercer la profession. (...)*' (You must have the language skills necessary to practise your profession in Luxembourg. If your mother tongue is not French, German or Luxembourgish, you will need to provide proof of language skills in order to practise your profession – own translation. (...)).

<sup>100</sup> *Id.* The minimum level of language proficiency in French or German that is required is that at level B2 of the Common European Framework of Reference for Languages (CEFR).

<sup>101</sup> *Loi du 14 juillet 2015 portant création de la profession de psychothérapeute*, *Mémorial* A 136, of 21 July 2015, art 2 e.



understand them).<sup>102</sup> The Minister may request a review of the language skills of a psychotherapist from the President of the Medical Council.<sup>103</sup> The more stringent linguistic requirements for this profession can be attributed to the fact that the EU professional qualifications directive does not apply to this profession (cumulated linguistic requirements in more than one language of the host country for those professions covered by that directive are not allowed).<sup>104</sup>

It appears that a greater degree of leniency is exhibited in the case of other medical professions, including but not limited to nurses, masseurs, midwives, dieticians, physiotherapists, orthophonists and ergotherapists.<sup>105</sup> With regard to linguistic requirements, the applicable law stipulates, under the heading "Familiarisation with the Luxembourg situation", that individuals practising these professions are obliged to acquire the language skills necessary to perform their professional activities in Luxembourg.<sup>106</sup> However, the law does not include any explicit mention of the necessity of specific language proficiency. Nevertheless, it should be noted that professionals may be subject to disciplinary, civil or criminal sanctions if mistakes are made in the exercise of their profession due to insufficient language skills.<sup>107</sup>

### 3.2.3 Teachers

Until 1996, Luxembourg required candidates for primary and secondary school teaching positions to be nationals of the country. Luxembourg's rationale for this requirement stemmed from concerns regarding the preservation of its national identity. The European Commission initiated infringement proceedings, and the Court of Justice ruled that while the preservation of national identity is a legitimate aim in itself, this interest can be effectively safeguarded by means other than the general exclusion of nationals of other EU Member States.<sup>108</sup> It is interesting to note that the Court pointed out that teachers would still have to fulfil all the conditions for recruitment, such as language skills. Consequently, the Court implicitly sanctioned a language requirement (Luxembourgish) for prospective teachers.

Indeed, candidates for teaching posts in Luxembourg are required to participate in an open competition, during which their written and oral proficiency in French, German, and Luxembourgish

<sup>102</sup> *Id.* « il doit avoir les connaissances linguistiques nécessaires à l'exercice de la profession, soit en allemand, soit en français, et comprendre les trois langues administratives du Grand-Duché de Luxembourg ou acquérir les connaissances lui permettant de les comprendre » (they must have the language skills necessary to practise the profession, either in German or French, and understand the three administrative languages of the Grand Duchy of Luxembourg or acquire the knowledge to enable them to understand them – own translation).

<sup>103</sup> *Id.*

<sup>104</sup> Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (*OJ L 255/22* of 30.9.2005), as amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ("the IMI Regulation"), *OJ L 354/132* of 28.12.2013.

<sup>105</sup> Loi du 26 mars 1992 sur l'exercice et la revalorisation de certaines professions de santé, *Mémorial A 20* of 16 April 1992.

<sup>106</sup> *Id.*, art 11 (1) (Familiarisation avec la situation luxembourgeoise): « La personne exerçant une de ces professions est tenue d'acquérir les connaissances linguistiques nécessaires à l'exercice de son activité professionnelle au Luxembourg ».

<sup>107</sup> *Id.*

<sup>108</sup> ECJ judgment of 2 July 1996, *Commission v Grand Duchy of Luxembourg*, case C-473/93, ECLI:EU:C:1996:263. It is very atypical that the preservation of national identity is considered to be a legitimate aim in itself, see S. SCHOENMAEKERS, *The identification of national identity in EU law: a Venn diagramming exercise*, *Europarättslig Tidskrift, ScandinavianBook*, 2024, p. 227-252.



is evaluated. Candidates may be exempt from one or more of the language tests if they can provide evidence of their proficiency, for example in the form of diplomas.<sup>109</sup>

### 3.2.4 Other (liberal) professions

In the case of liberal professions such as architecture, accounting, surveying, and construction consulting engineering, there are no evident linguistic stipulations.

However, it is evident that the trilingual context in Luxembourg is almost invariably pertinent to all professional activities. Research indicates that a significant proportion of employment opportunities, approximately one-third of all available positions, are concentrated in public and assimilated offices, as well as in educational institutions and small commercial enterprises. These positions are reserved for individuals who possess proficiency in all three administrative languages. As to other positions, French is the most frequently requested language in job offers, either explicitly or implicitly (91.3%), while Luxembourgish is frequently regarded as an asset, though it is not a prerequisite for employment.<sup>110</sup> It is noteworthy that job offers frequently do not explicitly mention language requirements. However, the language in which the advertisement is written (Luxembourgish, French or German) implicitly clarifies this aspect.<sup>111</sup>

In the Halbert case, the highest administrative court of Luxembourg, the Council of State (*Conseil d'État*), ruled that language requirements, imposed by the Mayor of Luxembourg, as a prerequisite for obtaining a licence as a taxi driver, constituted a violation of the freedom to work (*droit au travail*) laid down in the Constitution. The Council concluded that proficiency in a specific language is not an essential requirement for the effective performance of the profession of taxi driver, given that these individuals are engaged in transporting clients speaking a variety of languages, which are not necessarily the local ones.<sup>112</sup>

Finally, it should be noted that Luxembourgish law imposed a nationality requirement on notaries, on the grounds that proficiency in the Luxembourgish language was necessary for the effective exercise of that profession. As was the case with teachers (see above), the European Commission initiated infringement proceedings and ultimately the Court of Justice held that, while the preservation of the national identities of the EU Member States is a legitimate aim, that interest could be effectively safeguarded otherwise than by a general exclusion of nationals of the other EU Member States.<sup>113</sup> Nevertheless, the Court refrained from expanding the scope of its ruling to encompass the establishment of a mandatory language condition. In any event, in order to be considered for appointment as a notary in Luxembourg, candidates must demonstrate a level of proficiency in all three official languages of Luxembourg.<sup>114</sup>

## 4. Schooling system and language use

<sup>109</sup> See official government information ‘Concours de recrutement des enseignants fonctionnaires de l’Enseignement secondaire’, Session 2024-2025, available [here](#) (accessed 30 March 2025).

<sup>110</sup> I. PIGERON-PIROTH & F. FEHLEN, *Les langues dans les offres d’emploi du Luxemburger Wort 1984-2004*, Luxembourg, 2005, pp. 16, 24 and 27.

<sup>111</sup> *Id.* p. 11.

<sup>112</sup> Judgment of 21 March 1990: “*on ne saurait raisonnablement admettre que la connaissance d’une langue particulière soit indispensable à l’exercice de la profession de chauffeur de taxi, lequel est appelé à transporter jour par jour une clientèle d’expression diverse dont beaucoup sont incapable de lui tenir conversation dans sa langue*”. Text available in D. SPIELMANN, M. THEWES & L. REDING, *Recueil de la jurisprudence administrative du Conseil d’Etat luxembourgeois (1985-1995)*, Brussels, 1996 (630), pp. 192-193.

<sup>113</sup> ECJ judgment of 24 May 2011, *Commission v Grand Duchy of Luxemburg*, case C-51/08, ECLI:EU:C:2011:336, pt. 124.

<sup>114</sup> Website of the Luxembourgish ministry of Justice, “le notaire”, 18 July 2024, see [here](#) (accessed 30 March 2025).



#### 4.1. Multilingual schooling system

The 1984 Law does not provide for a language policy in the education system. In essence, early childhood and pre-school education is designed to teach children Luxembourgish as a language of communication. However, a recent initiative has been implemented, namely a programme of multilingual education in crèches (nursery schools), with the objective of familiarising children with French.<sup>115</sup> A number of international schools also offer a diverse range of languages.<sup>116</sup>

At primary level (ages 6-12), instruction in reading and writing is, in principle, provided in German, with explanations frequently provided in Luxembourgish. In the second cycle, pupils are instructed in spoken French, while in the third cycle, instruction is focused on written French.<sup>117</sup>

In the initial years of secondary education, instruction is provided in German for all subjects except French and mathematics. From the fourth year, however, the secondary education system is largely divided into two categories: classical and professional schools. In the former, which prepares students for university, the language of instruction changes from German to French, but explanations are often given in Luxembourgish. In the latter, German predominates, with explanations in Luxembourgish.<sup>118</sup>

A study undertaken by the Council of Europe in 2006 demonstrated the extent of language teaching in Luxembourg's educational system. The study revealed that 39.4% of the curriculum for primary school pupils and 34.4% of the curriculum for secondary school pupils was devoted to language learning.<sup>119</sup>

The 2006 Report by the Council of Europe experts contained a number of critical observations regarding the Luxembourgish educational system. The report's conclusion was that the system is incapable of achieving its stated objectives, including, but not limited to, fostering social cohesion, integrating newcomers into the community, ensuring individual success, and cultivating a competitive economy. Of particular concern were the high rates of attrition, which were hypothesised to be associated with the system's multilingualism.<sup>120</sup> It is alleged in this regard that the emphasis on language instruction imposes a considerable burden on students in general, and on those from lower social classes and immigrants in particular.<sup>121</sup> It has been contended that the use of Luxembourgish has engendered a schism between educational policy and actual language use, as Luxembourgish is the language of integration in schools, while among migrant children French is employed as a *lingua franca*.<sup>122</sup>

However, the most recent Organisation for Economic Co-operation and Development (OECD) Country Note on the Luxembourgish educational system (2024) appears to offer more reassurance, as

<sup>115</sup> Official information Government of Luxembourg, "languages at School", available [here](#) (accessed 30 March 2025).

<sup>116</sup> On this new language policy in education, see J. REISDOERFER (2020), *op. cit.*, p. 107 - 109.

<sup>117</sup> *Id.* At the commencement of the 2022-2023 academic year, a pilot project was initiated in four primary schools with the objective of providing pupils with the opportunity to acquire literacy skills in French. Literacy in French is elective for pupils in cycles 1 and 2. The overarching objective of the initiative is to enhance the prospects of success for pupils by employing a flexible and diverse approach to language instruction.

<sup>118</sup> *Id.*

<sup>119</sup> Council of Europe, *Profil de la politique linguistique éducative – Grand-Duché de Luxembourg*, 2005-2006, Strasbourg, 2006.

<sup>120</sup> *Id.*, p. 17.

<sup>121</sup> See in this regard also B. TAVARES & K. JUFFERMANS, *Language and (Im)mobility as a Struggle: Cape Verdean Trajectories into Luxembourg*, in K. HORNER & J. DAILEY-O'CAINE, (eds.), *Multilingualism, (im)mobilities and spaces of belonging*, Luxembourg, 2023.

<sup>122</sup> K. HORNER & J.-J. WEBER, *Multilingual education and the politics of language in Luxembourg*, in C. PEERSMAN, G. RUTTEN & R. VOSTERS (eds.), *Past, Present and Future of a Language Border*, Berlin/Boston, 2015, p. 246.





it estimates the proportion of 25-34 year-olds who have not attained upper secondary education at 11% (which is 3 percentage points below the OECD average).<sup>123</sup> Nevertheless, it was observed that grade repetition was marginally higher in Luxembourg in comparison to the OECD average.<sup>124</sup>

## 4.2 Language status and use

### 4.2.1 Status

Within a single sociopolitical entity, such as Luxembourg, where linguistic diversity is a hallmark, the existence of a certain degree of linguistic rivalry appears to be an unavoidable phenomenon, even in the context of a peaceful and harmonious society.<sup>125</sup> In this context, it has been asserted that French occupies the highest rank, primarily due to its status as the sole legal language, but also because of its prestige and social status, as only the most educated are able to speak French with ease.<sup>126</sup>

In recent years, the Luxembourgish authorities have, however, actively promoted the use of Luxembourgish. This commitment was formalised in March 2017 through the establishment of a strategy aimed at promoting the Luxembourgish language. The document outlines 40 measures, establishing the foundations for an action plan and facilitating the establishment of medium- and long-term initiatives aimed at developing the Luxembourgish language.<sup>127</sup> The document sets out four main commitments and objectives: firstly, to increase the importance of the Luxembourgish language; secondly, to advance the standardisation, use and study of Luxembourgish; thirdly, to promote learning Luxembourgish and learning about Luxembourgish culture; and fourthly, to promote culture in the Luxembourgish language.<sup>128</sup> On 20<sup>th</sup> July 2018, the Chamber of Deputies passed legislation with the aim of promoting the use of the Luxembourgish language.<sup>129</sup> Consequently, a number of bodies were established, including the Commissioner for the Luxembourgish language (*Commissaire fir d'Lëtzebuergescher Sprooch*),<sup>130</sup> and the Centre for the Luxembourgish language (*Zenter fir*

<sup>123</sup> Organisation for Economic Co-operation and Development (OECD), *Education at a Glance 2024*, Luxembourg, available [here](#) (accessed 30 March 2025).

<sup>124</sup> *Id.* In Luxembourg, 3.6% of primary, 9.7% of lower secondary and 4.1% of general upper secondary students repeat a grade in their current level of education, while the OECD average is 1.5% at primary, 2.2% at lower secondary and 3.2% at general upper secondary level.

<sup>125</sup> A. FRANZISKUS, 'I Learnt English – the Wrong Thing, Eh' – Power, Interests and Language Practices among Cross-Border Workers in Luxembourg, in H. KOFF, C. SCHULZ & P. GILLES, *Theorising Power through Analyses of Border Relationships*, Switzerland, 2013; R. POSNER, *Society, civilization, mentality: Prolegomena to a language policy for Europe*, in F. COULMAS (ed.), *A Language policy for the European Community – Prospects and Quandaries*, Berlin/New York, 1991, pp. 127 and 132.

<sup>126</sup> D. REDINGER, *Multilingual Luxembourg: Language Attitudes and Policies*, *op. cit.*, pp. 13 and 117.

<sup>127</sup> Promotion of the Luxembourgish language, site du ministère de l'éducation nationale, de l'enfance et de la jeunesse, available [here](#) and Une stratégie pour promouvoir la langue luxembourgeoise, available [here](#) (accessed 30 March 2025).

<sup>128</sup> *Id.* On 14 December 2022, the Government adopted the Action plan for the Luxembourg language comprising 50 measures grouped around the following three pillars: *Lëtzebuergesch léiere fir jiddwreen* – Learning Luxembourgish for everyone; *Visibilitéit a Gebrauch vum Lëtzebuergesch* – Visibility and use of Luxembourgish; *Lëtzebuergesch virundreiwen* – Promotion of the Luxembourgish language.

<sup>129</sup> Loi du 20 juillet 2018 relative à la promotion de la langue luxembourgeoise (...), *Mémorial A* 646 of 3 August 2018.

<sup>130</sup> The commissioner is responsible for implementing an action plan for the promotion of Luxembourgish and for recommending new complementary measures in favour of the language. He also ensures that there are sufficient opportunities to learn Luxembourgish, both in the Grand Duchy and abroad, and that adequate teaching materials are available. He also sees to it that complaints concerning the use or non-use of Luxembourgish in public services, the visibility of Luxembourgish at all levels and research into Luxembourgish are duly investigated. Pierre Reding was appointed as commissioner on 1 January 2023.



*d'Lëtzeburger Sprooch*).<sup>131</sup> It has been observed that public signage, which was traditionally only in French since the Second World War, is increasingly bilingual in French and Luxembourgish.<sup>132</sup>

In addition, to acquire Luxembourgish nationality, proficiency in Luxembourgish and not French is required.<sup>133</sup>

Further to the status of Luxembourgish, it should also be noted that, in contrast to the case of German or French, Luxembourgish does not (yet) have any EU language status.<sup>134</sup> Firstly, a historical explanation can be given: in 1952, when the European Community of Coal and Steel (ECSC) was set up and Luxembourg was one of the founding Member States, the Luxembourg language had no legal status in the Grand Duchy. As elucidated in section 2, it was not until 1984 that Luxembourgish was granted such legal recognition.

Furthermore, given that all laws in Luxembourg are enacted in French only, it is debatable whether Luxembourgish could be recognised as an EU language.<sup>135</sup> It should be noted that Luxembourg has not submitted an official request to the EU for recognition as an official EU language.<sup>136</sup> Nevertheless, in 2024, the Commissioner for the Luxembourgish language was quoted in the press as follows: "*Our own laws are written in French, so we do not want every word or document to be translated in Luxembourgish. We are able to read things in other languages*".<sup>137</sup> He proposed a compromise solution, namely that the EU Treaties should be translated into Luxembourgish and that Luxembourgish should be recognised as a language that can be used to interact with the EU institutions.<sup>138</sup>

Article 55(2) of the Treaty on European Union (TEU) stipulates indeed that the Treaty may also be translated into any other languages as determined by EU Member States among those which, in accordance with their constitutional order, enjoy official status in all or part of their territory. Furthermore, EU Member States may enter into administrative agreements with EU institutions and

<sup>131</sup> The *Zenter fir d'Lëtzeburger Sprooch* (ZLS) is responsible for the Luxembourgish language and the linguistic situation in the Grand Duchy, as well as the promotion of Luxembourgish at national and international level.

<sup>132</sup> On 24 March 2025, Luxembourg Railways announced that it would provide signage in French and Luxembourgish for all stations by 2026 at the latest. (Panneaux bilingues, *L'Essentiel*, 24 March 2025).

<sup>133</sup> The Law on Luxembourg nationality (available [here](#) in English) stipulates that candidates for naturalisation, and in certain cases by optional declaration, must pass a Luxembourg language test and obtain an integration certificate ('Vivre ensemble au Grand-Duché de Luxembourg', which guarantees knowledge of the fundamental rights of citizens, the state and local institutions of the Grand Duchy of Luxembourg, as well as Luxembourg history and European integration). However, those who have lived in Luxembourg for at least 20 years only need to attend 24 hours of Luxembourg language classes.

<sup>134</sup> In October 2024, it was reported that a Luxembourg MEP (Fernand Kartheiser) intervened in the European Parliament in Luxembourgish. His microphone was cut off because Luxembourgish is not an official language of the EU (*L'Essentiel*, 22 October 2024). See also J. GAULIER, "Je veux un autre statut pour la langue luxembourgeoise", *L'Essentiel*, 23.10.2024, p. 2.

<sup>135</sup> See, for a more in-depth analysis, S. VAN DER JEUGHT, *Linguistic Autonomy of EU Institutions, Bodies and Agencies*, *Zeitschrift für Europäische Rechtslinguistik* (ZERL), 2/2021.

<sup>136</sup> Such a request must be made at an intergovernmental conference, as it requires a treaty change. In September 2010, Luxembourg's Foreign Minister Jean Asselborn rejected a request by the Alternative Democratic Reform Party (ADR) to make Luxembourgish an official language of the European Union, citing financial reasons and the fact that German and French, already official languages, were sufficient for Luxembourg's needs ("De l'usage de la langue luxembourgeoise dans le contexte européen : Une question parlementaire de Fernand Kartheiser, available [here](#), accessed 30 March 2025). An interesting point is that if Luxembourg ever decided to adopt all laws in Luxembourgish and to give this version precedence over the French version, it could be argued that Luxembourgish would indeed qualify for the status of official/working language under the EU Treaty.

<sup>137</sup> S. RAO, Luxembourgish celebrates its 40<sup>th</sup> birthday as a national language, 24 February 2024, *Luxembourg Times*.

<sup>138</sup> *Id.*



bodies to permit the official use of additional languages.<sup>139</sup> Accordingly, the Spanish Government has signed administrative agreements with several EU institutions and bodies. These agreements provide for the limited use of Catalan, Basque and Galician.<sup>140</sup> As a matter of fact, rather than granting direct language rights, the arrangements establish essentially a translation procedure: citizens may submit a written request to a competent national body, which will then forward the request together with a certified translation to the EU institution or body concerned. The latter replies, in the official EU language of the EU Member State concerned, to the national body, which translates the reply and sends it to the person concerned. It is therefore evident that Luxembourg could indeed pursue these avenues for Luxembourgish to enhance its position in the EU.

#### 4.2.2 Daily language use

Assessing everyday language use in Luxembourg is a significant challenge given the country's official trilingualism, which includes French, Luxembourgish and German. This established linguistic framework is complemented by the frequent use of English, Portuguese and a variety of other languages.<sup>141</sup>

In any case, the relative percentage of daily use of Luxembourgish is decreasing. While 55.8% of the population declared Luxembourgish as their main language in 2011, less than half (48.9%) did so in 2021.<sup>142</sup> This is mainly due to the rapidly changing demographics with a high immigration rate.<sup>143</sup>

The most recent Eurostat data (2024) on Luxembourg confirm these findings and show a sharp decline in the number of residents claiming Luxembourgish as their mother tongue.<sup>144</sup> This figure has fallen by 14 percentage points in about a decade, from 52% to 38%, compared to the Eurostat survey of 2012. This decline is in line with the results of the aforementioned OECD survey, which showed that around 67% of primary school pupils stated that their first language at home was not Luxembourgish.<sup>145</sup> This is also in keeping with the Eurostat 2024 survey, which shows that 19% of respondents consider Portuguese to be their mother tongue (+1), 17% French (+1), 7% German (+5) and 3% Italian (-3).<sup>146</sup>

The Eurostat survey (2024) provides further noteworthy insights in this regard. The survey revealed that 77% of residents can hold a conversation in French, in contrast to only 28% in Luxembourgish. It is also significant that English is clearly on the rise as a common language, with 68% of residents claiming to be able to hold a conversation in it (French has fallen by three percentage points, while English has risen by no less than 12 points in just a decade).<sup>147</sup> It is noteworthy that 59% of

<sup>139</sup> Council Conclusions of 13 June 2005 on the official use of additional languages within the Council and possibly other institutions and bodies of the European Union, *OJ C* 148/1 of 18 June 2005. The Council does not specify the legal basis, but refers to the principle of linguistic diversity.

<sup>140</sup> See, for instance, administrative arrangement between the Kingdom of Spain and the Council of the European Union, *OJ C* 40/2 of 17 February 2006 and administrative agreement between the European Commission and the Kingdom of Spain, *OJ C* 73/14 of 25 March 2006.

<sup>141</sup> See F. FEHLEN, P. GILLES, L. CHAUVEL, I. PIGERON-PIROTH, Y. FERRO & E. LE BIHAN, *Recensement de la population 2021, Une diversité linguistique en forte hausse*, STATEC, Luxembourg, available [here](#).

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> Special Eurobarometer 540, Europeans and their languages, *op. cit.* The question was formulated in the following terms: "Thinking about the languages that you speak, which language is your mother tongue?", see [here](#).

<sup>145</sup> Organisation for Economic Co-operation and Development (OECD), *Education at a Glance 2024*, Luxembourg, available [here](#) (accessed 30 March 2025).

<sup>146</sup> Special Eurobarometer 540, Europeans and their languages, *op. cit.*

<sup>147</sup> *Id.* The question was formulated in the following terms: "And which other language, if any, do you speak well enough in order to be able to have a conversation?"

respondents indicated their ability to converse in German, a figure that significantly surpasses that of Luxembourgish.<sup>148</sup>

Despite an observed increase in the use of Luxembourgish (as compared to the 2012 Eurostat survey, which found that only 18% of respondents indicated they could speak it well enough to hold a conversation), it is evident that considerable progress is still required before Luxembourgish can be considered a viable overarching lingua franca among all residents. This outcome is particularly uncertain in light of the general demographic evolution of the country. In line with this, a survey of residents' preferences for additional languages to be learned for personal development, excluding their mother tongue, revealed the following order of preference: French (62%), English (46%), German (34%), and Luxembourgish (20%).<sup>149</sup>

It is evident that the allegations made since the close of the previous century concerning the potential risks to social cohesion arising from the emergence of distinct communities, with one community (diminishing) using Luxembourgish as its first language of communication and the other using French, as its first (or only) language of communication, have been borne out.<sup>150</sup> A novel element in this equation is also the sharp increase in the use of English by part of the international community living in Luxembourg who do not speak French, Luxembourgish or German.

### 5. Concluding remarks

Fairy tales usually end with the phrase "*And they lived happily ever after*".<sup>151</sup> The question of whether this ending applies to the Luxembourgish language regime is still open.

From a purely legal point of view, the primary feature of Luxembourg's language law is the absence of clear definitions of linguistic rights. Indeed, the 1984 Law on the use of languages is concise and does not define the precise circumstances in which each of the three languages can be used. Additionally, it fails to delineate the precise legal status of the national language, Luxembourgish (which, although not employed for legislative purposes, has attained primary constitutional status in 2023), and the three administrative and court languages.

In practice, the multilingualism of Luxembourg's legal system is incomplete, as the three languages do not have the same status. French is the language of law, and thus takes legal precedence. Consequently, it can be deduced that, de facto, all citizens should possess a certain degree of proficiency in French in order to comprehend their rights and obligations as enshrined by law. It is also noteworthy that even the 1984 legislation which grants language rights is only available in French.

Furthermore, the enforceability of language rights is constrained. While all three languages are recognised as administrative languages, the administration is under no mandatory obligation to interact in the language selected by the applicant, but rather, merely to the greatest extent feasible.

<sup>148</sup> *Id.* See in this regard also: H. SIEBURG, 'Luxemburger Standarddeutsch': on the future of the german language in Luxembourg, in R. MUHR & B. MEISNITZER (eds.), *Pluricentric languages and non-dominant varieties worldwide: new pluricentric languages – old problems*, Frankfurt, 2018, p. 262-282.

<sup>149</sup> *Id.* The question was formulated in the following terms: "*Thinking about languages other than your mother tongue, which two languages do you think are the most useful for your personal development?*"

<sup>150</sup> PH. MAGÈRE, B. ESMEIN & M. POTY, *op. cit.*, 98.

<sup>151</sup> The phrase is said to first appear in the 1702 English translation of Boccaccio's *Il Decamerone*, which the Oxford English Dictionary lists as the earliest citation for the phrase: "Paganino, hearing the news, married the widow, and as they were very well acquainted, they lived very lovingly and happily ever after".



Notwithstanding these legal observations, linguistic disputes are conspicuously absent in the realms of administrative and constitutional law. The general consensus on the role and status of languages in Luxembourg is remarkable. This state of affairs is often referred to as '*paix des langues*'. This suggests that the Luxembourg language regime may be regarded as a noteworthy example, with the potential to serve as a model for other multilingual countries.

However, it should be noted that the specific linguistic situation is unique and probably inimitable, as demonstrated in the historical overview in section 2, which reflects the country's historical struggle for national sovereignty and identity, encapsulated by the Grand Duchy's national motto, *Mir wëlle bleiwe wat mir sin* (We want to remain what we are). Following centuries of foreign domination, a peaceful coexistence of languages within a single territory has emerged. The linguistic regime has been shaped not only by history, but also by the specific nature of Luxembourg society, which is small but extremely diverse, with approximately half of the population being of foreign origin. This linguistic landscape, characterised by its diversity and inclusivity, serves as a testament to Luxembourg's identity as an open and tolerant society.

In sum, there are no (modern) fairytales without a twist or some suspense. The most significant challenge Luxembourg is currently facing is its rapidly changing demographics. The trilingual nature of Luxembourg, a distinctive attribute among European countries, presents significant challenges to the integration of non-Luxembourgish nationals. The ability to communicate in Luxembourgish is a prerequisite for attaining full integration into Luxembourgish society and a legal condition for acquiring nationality. Proficiency in French is also essential, as it is the language of legislation. German retains its significance as a language of communication. In addition, professional immigrants are likely to work in English in Luxembourg. This linguistic diversity, coupled with the native languages of foreigners, leads to an ideal, albeit somewhat utopian, proficiency in at least five languages. In this regard, it is an inconvenient and paradoxical truth that it is easier to integrate as a foreigner in a monolingual political entity, as the newcomer only needs to know one language of the host country. This phenomenon was elucidated in section 3 in the context of the language requirements for the liberal professions in Luxembourg. In a similar vein, the multilingual school system poses a particular challenge for immigrant children who have a different, sometimes even multilingual, background at home.

Luxembourg society must therefore continue to demonstrate its capacity for adaptability in order to preserve the precarious equilibrium between the safeguarding of its identity, the promotion of social cohesion, and the nurturing of multilingualism. This ability has been developed over several centuries, particularly in light of Luxembourg's geographical position on the germanic-romance linguistic border, as articulated by *Michel Rodange*, the national poet:<sup>152</sup>

*„Ech liesen“, sot de Wollef,  
„Op d'éischt Gesiicht eenzock,  
't sief däitsch an och franséisesch,  
An d'Schrëft als wi den Drock.*

(‘I can read,’ replied the Wolf,  
‘and at first sight succinct,  
French as well as German script,  
handwriting and in print.’)

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