

Dying in Luxembourg

A guide to the Administrative procedures

Dying in Luxembourg

Foreword

The loss of a loved one is probably one of the most difficult experiences any of us may face. It may happen very suddenly as in the case of a tragic accident or it can be the culmination of a long illness. It may involve a young person, someone older or a visiting friend or relative. Whatever the circumstances, for the family there are a number of legal and administrative requirements to complete. These would be difficult in one's own country, but living abroad they take on even more significance.

We will all have our own national traditions and expectations; in Luxembourg the law clearly defines their role and responsibilities. Some of one's preconceptions may not be realised. This can lead to considerable stress. Knowing the types of questions which will be asked and having your own questions and requests ready can greatly facilitate the process.

This guide has been prepared in consultation with the various authorities and people who deal with these issues on a day to day basis. Here we try and provide some of the answers to the most obvious questions relevant to dying in Luxembourg, but of course every situation is unique and we cannot cover every eventuality.

Our considered advice is that, in particular, if you have family responsibilities to ensure that you have put all the necessary legal safeguards in place. Do not assume, for example, that a will or guardianship provisions for your children made elsewhere will necessarily be applicable in Luxembourg. The advice of a notary is strongly recommended.

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Introduction

The First Steps

The initial process is divided into the following steps:-

1. Contact with the emergency or medical services
2. Registration of the death with the Commune of residence of the deceased
3. Contact with the undertakers
4. Contacting the person conducting the funeral service
5. Other tasks requiring attention

Place of Death

Where the death takes place will dictate much of what follows. If the death occurs in a hospital, hospice or care home then the staff will be on hand to make the first necessary contacts and give you help and advice.

If the death occurs elsewhere, at home or in an accident, then one will need to deal with the initial formalities oneself.

The place of death will also dictate the place where the body will be kept prior to burial or cremation. This will be in the hospital mortuary or the morgue of the commune in which the deceased was resident. Note that a chapel of rest is unknown in Luxembourg.

1. Contacting the Emergency or Medical Services

Calling the doctor/ambulance

If the person is taken ill then calling an ambulance and possibly the attending doctor are the obvious steps. If the person has died then you should call the attending doctor or 112 for the duty doctor, as a doctor is required to issue a death certificate indicating time, place and cause of death. Only a doctor can issue a death certificate. If the cause of death is not obvious the doctor will request an autopsy. Note that Luxembourg ambulances do not transport people who have already died; this is the remit of the undertaker.

The **death certificate** is divided into 3 sections, Volet A the declaration, Volet B statistics concerning the cause of death and Volet C is the medical declaration; this last is sealed and is not to be opened except by the *Médecin-inspecteur*. Please be aware the cause of death may, at the prior request of the deceased, be kept secret.

The cause of death will be described as:

1. Natural or violent but non suspicious
2. Suspicious and violent
3. Cause unknown and therefore suspicious.

If you already know that you will be planning a cremation then you should request a certificate for this. The doctor is required to indicate whether there is any indication of a violent death or not, and whether the deceased had a pacemaker or not.

Police

Police should be called in the case of an accident or a suspicious death; they will be required to establish the cause of death. If the circumstances are unclear then the death will be described as a "*mort douteuse*" i.e causes 2 and 3 above. In this case the "*procureur*" (coroner) will order an autopsy/post-mortem, to establish the cause of death.

The 72 hour rule

The 72 hour rule is one that can add to the general stress of the moment. In Luxembourg a funeral is required to take place between 24 hours after death and within 72 hours or 3 working days. For many of us this is very rushed, particularly if we want friends and relatives to come from abroad. A three day extension can be sought for certain circumstances such as an autopsy. This may affect the arrangements for burial or cremation, please check this with the undertaker.

Post-mortems/Autopsies

Luxembourg has no resident pathologist. An autopsy normally takes 2-3 days and is conducted in the State laboratories by a pathologist from Homburg, Germany, who visits several times a week. In the case of unknown cause of death and an autopsy being requested by the State, the cost is then borne by the State. If the cause of death is known, but the family for their own reasons would like to have an autopsy then this may be performed at their own expense. Please be aware that if there is an autopsy report it will contain both a written and detailed photographic report: deal with care.

2. Notifying the Commune

The Commune must be notified at the earliest opportunity and within 24 hours. They will take the necessary administrative steps. They will also be responsible if you plan a burial or the placing of the ashes in the local cemetery.

All deaths must be reported to the Commune where the person died.

The person registering the death must provide the following documents:-

- The death certificate (*certificat de décès*) issued by the doctor who attended the deceased (for cremation one must also submit a certificate that the deceased was not carrying a pacemaker, see above)
- An appropriate identity document indicating the marital status of the deceased, e.g. a resident's permit, passport, ID card, marriage

certificate or *Livre Familiale*.

The Commune will provide:-

- Copies of the death certificate and international death certificate if required. These copies will be necessary for a number of administrative steps one is required to take (note there is a charge)
- A permit for burial or cremation (*certificat de mise en bière*)
- A transportation permit if required
- A certificate "pacemaker" (*stimulateur cardiaque*) if the deceased is to be cremated

These documents should be given to the funeral director of your choice, by whom you will be asked to discuss the type of burial or cremation ceremony you wish to have, and choose a coffin or urn as appropriate.

3. The undertakers

You can then expect the undertakers to deal with the following:-

- Local administration
- Cemetery /crematorium
- Stonemason or other
- Curé /priest/rabbi/imam or other officiator
- Florist

You are advised to ask the cost of the various services before making your final choice.

Choice of coffin

This is probably one of the more difficult and immediate decisions one has to face after a death. The undertakers will ask a series of questions like the height and weight of the person, type of coffin, handles etc. This is to ensure they bring the right size and strength of coffin BUT please be aware at this time you do not have to choose the final coffin; you can ask for a temporary one. The final coffin is sealed immediately, while a temporary one is not.

Laying out and embalming

Luxembourg does not traditionally embalm, but this can be done at the family's request. An embalmer comes from Belgium and the cost at the present time (2009/10) is approximately 1000€.

If the death is accidental or sudden you may ask for a temporary coffin which will allow you to see your loved one before they are transferred to a permanent coffin. This can be important because the permanent coffin is sealed immediately. This will be done either in the Commune or at the cemetery at Merl.

There is provision at the Merl cemetery for the washing and preparation of the body as required by some faiths. However, this procedure must be performed soon after death. Please note that if the death is due to an infectious disease then the coffin must be sealed immediately.

If the death occurs at home one can only keep the deceased in the house for a brief time before transfer by the undertakers to a morgue.

If the death occurs outside Luxembourg, for example in France, then you should be aware that in France you will be required to use a French undertaker to return the body back to Luxembourg. However, in the other surrounding countries, Belgium and Germany, a local Luxembourg undertaker can be instructed to collect and return the body to Luxembourg. The formalities in Germany are known to be lengthy.

On its return the body will be held until burial or cremation in the mortuary of the city, the Merl cemetery or the Commune of residence.

4. Contacting the person conducting the funeral service

The first decision is whether the service will be a burial or cremation. The undertakers will deal with the official contacts for you. Secondly, will the service be a faith based service or a secular service? The contacts for the major faith groups are given at the end of this document.

A secular service is usually carried out by the Mayor or appropriate official of the Commune in which the deceased was resident.

Questions to be answered

Burial or Cremation?

Both forms are available in Luxembourg; burials will be carried out in the commune of the deceased's residence, and cremations are carried out at the Crematorium in Hamm.

The crematorium has a "Garden of Remembrance" for the scattering of ashes.

The traditional method of burial in Luxembourg is either:

- The burial of the coffin in the ground in a tomb or
- To place the coffin in a vault or a family tomb.

In the case of cremation the ashes are put in an urn and placed in

- A columbarium of the cemetery of the Commune.
- A family tomb

- A grave in the appropriate part of the cemetery.

Scattering of ashes

The ashes may be scattered officially in:

- The Garden of Remembrance at the Crematorium in Hamm.
- The Garden of Remembrance of the city

In Luxembourg it is against the law to keep, drop or scatter the ashes in a place not officially designated.

If you wish to send the ashes outside Luxembourg you are required by law to apply for an export certificate. You will be required to supply a copy of the deceased's birth certificate and the precise details of the place of dispersal. This cannot be a favourite green on a golf course, but a place officially recognised such as a cemetery.

You will not be given the urn after the funeral service; it will remain with the undertaker until the formalities have been completed.

Here or elsewhere?

It is possible to arrange for the repatriation of the deceased; further advice can be obtained from your embassy or consulate.

If you plan to repatriate the deceased you must obtain an international death certificate from the doctor who signed the original death certificate.

A metal coffin is required for transportation which takes 3-6 days. If the journey is over 600 kms then the coffin must be hermetically sealed and will be carried by air freight. Shorter journeys may be carried out by road. Depending on the distance the cost starts at about 3000€.

The local undertakers will prepare everything for the transportation, but you will need to contact an undertaker in the country of destination for the appropriate arrangements to be made there.

If the cause of death is the result of an accident or violence then repatriation may take longer.

Announcing the death

It is customary to publish the announcement as soon as possible. The major newspapers also offer a service on Sundays.

The contents should include:-

- Date and place of death
- Identity of the deceased and close family

- Date and time of service unless it is to be restricted to close family, in which case this should be indicated as "*en toute intimité*"

Funeral costs

The funeral costs are usually reimbursed by the deceased's Caisse de Maladie. You should check with the deceased's insurance for the amounts allowed, and procedures; normally it is similar to a routine medical claim.

5. Other tasks

After the initial preparations the family will be required to follow up on a number of practical details. We provide a list of items to consider. Please note that if there is a surviving spouse they will need to transfer accounts, insurances, etc into their sole names. The Commune will provide the family with a number of copies of the death certificate/international death certificate for use in these administrative procedures.

- Banks
- Credit cards
- Dealing with the employer
- Company car
- Medical insurance
- Private health insurance e.g. DKV
- Life Insurance
- Pension insurance
- Other insurances
- Investments

- Rest home - contract, outstanding bills
- Inform Social Services (meals on wheels, home help, etc as necessary)
- Inform Doctor, Dentist , Notary
- Inform Social Security Caisse de Maladie (funeral costs), Pensions
- Post Office (re-direct mail)
- Cancel Newspapers/other regular deliveries
- Empty house
- Remove valuables for safe keeping from empty house
- Closing or changing name of the following:-
 - Water meter
 - Gas meter
 - Electricity
 - Phone(s)
 - Fire insurance

- Theft insurance
- Car insurance

- Tax Return and TVA liability
- Notify Embassy or Consulate and cancel passport
- Société Nationale de Contrôle Technique if the deceased owned a car
- Return driving licence to the Ministry of Transport
- Deal with overseas banking, investments, property etc
- Apply for Probate on UK assets
- Notary – Estate in Luxembourg
- Education establishment, school, college or university if appropriate

The Role of the Notary

The notary is responsible for determining the hereditary rights and succession of the deceased's assets.

A declaration of inheritance must be made to the "*Bureau de l'administration d'enregistrement et des domaines*" within 6 months. This time limit may be longer if the death occurred abroad. If the deceased owned property in Luxembourg a copy of this declaration will be registered with the Land Registry (*Cadastré*).

If the only beneficiaries are the spouse and their children or their descendants then the Administration will issue a certificate exempting the estate from tax. This should be given to the bank.

In Luxembourg there are precise laws on succession and one needs to be aware of these. For example if there is a marriage contract this will determine the outcome of the distribution of assets. If there is no marriage contract the surviving spouse does not automatically inherit the totality of the deceased's estate. Children in particular are protected by law.

If you have or plan to make a will and are concerned about its validity in this jurisdiction it is wise to consult a notary. Likewise it is prudent to draw up a marriage contract, something not necessarily required in other countries.

Notaries will also give advice on the tax implications (TVA, inheritance rights, capital gains) on property transactions in Luxembourg. Note there is no reciprocal inheritance tax agreement between the UK and Luxembourg so the UK part of an estate will certainly be liable for inheritance tax as may the Luxembourg assets.

Bank Accounts

It can be difficult without a marriage contract for the surviving spouse to maintain access to the bank accounts. In general, current accounts are frozen until the "*acte de décès*" and the "*acte notarié*" have been issued. This is also

applicable for savings accounts, *bons de caisse*, SIVAC and share certificates lodged with the bank. It is always advisable for partners to ensure they have independent access to a personal bank account. Be aware that not only are common assets shared, so are the debts.

If the bank accounts of the deceased are not known to the beneficiaries they may request a search of the banks. A model letter is available from the L'ABBL (Association of Banks). This is normally carried out by the notary.

Insurances

A number of insurances will come to an end on the death of the holder:

- Life insurance
- Death insurance
- Insurance guaranteeing bank loans

In certain cases damage to car, accident or travel insurance may need to be claimed.

Benefits

For all those living and working in Luxembourg there are number of benefits available, these will however depend on the individual insurance schemes, state or employer based. You should contact the appropriate insurance to check what is provided by their scheme e.g. widows, orphans or dependents pensions.

Other sometimes surprising facts

In our personal experience there are some procedures which come as a surprise.

The deceased body is the property of the State, the implication being that the family can not deal with it as they will, they need to follow the legal steps required by the State as we have described above.

The SAMU, attending doctors, etc will bill the deceased, as this will be covered by the deceased's Caisse de Maladie.

If the deceased person is held responsible for say a car accident he/she will be charged with the damage caused and for the cleaning of the accident site.

Widows will revert to their maiden names for administrative purposes.

There is statutory provision for compassionate leave; the maximum is 3 days for close family. Other family members, depending on closeness, may be entitled to one day. These requests need to be accompanied by a copy of the death certificate.

Some of these points can seem a bit insensitive, but knowing of them will at least be some preparation.

Useful Addresses

Luxembourg City Administration Tel: 4796 2633
Local Communes see Telephone Directory

Cemetery Merl Tel: 4796 248

Crematorium Tel: 43 16 01-1

Undertakers
Erasmy Tel: 43 42 02
www.erasmy.lu

Maison Platz Tel: 22 32 48
www.platz.lu

See also Yellow pages under Pompes funèbres
<http://editus.luxweb>

Anglican Church of Luxembourg
Tel: 43 95 93
www.anglican.lu

English Speaking Catholic Community of Luxembourg
Tel: 47 00 39
www.catholic.lu

Synagogue of Luxembourg
Tel: 45 29 14-20
www.jewish-community.org.lu

Islamic Cultural Centre of Luxembourg
Tel: 31 00 60
www.Islam.lu

Details of other churches can be found at <http://editus.luxweb>

Omega 90
(Association for palliative care and support for the dying and grieving)
Tel: 29 77 89-1
www.omega90.lu

Association des Victimes de la Route
Tel: 2643 2121

Chamber Of Notaries – Grand Duchy of Luxembourg
53 Bd Joseph II , L-1840 Luxembourg
B.P. 1936

www.notariat.lu

E-mail: chambre.des.notaires@online.lu

Tel: 44 70 21 Fax. 45 51 40

Adm de l'Enregistrement et des Domaines (Tax office)
Tel: 44905-1

Ministère d l'Etat
Tel: 478 8112

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