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## Penal Code

Original Language Title: Code pénal

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## Consolidated Text

Consolidation involves the incorporation of successive amendments into a legal act. Its aim is to improve the transparency of the law and make it more accessible.

**This consolidated text has only a documentary value. It is important to note that there is no legal value.**

## List of modifiers

### BOOK. - Offences and repression in general

#### Chapter I. - Offences

**Article 1.** The offence of criminal punishment is a crime. The offence of a correctional penalty is a crime. The offence of laws punishing a police force is a violation.

**Art. 2.** No offence may be punished with penalties that were not laid before the law before the offence was committed. If the sentence established at the time of the trial differs from the time of the offence, the lesser sentence will be applied.

**Article 3.** The offence committed on the territory of the Grand Duchy, by Luxembourgers or by foreigners, is punishable in accordance with the provisions of the Luxembourg laws.

**Art. 4.** The offence committed outside the territory of the Grand Duchy, by Luxembourgers or by foreigners, is punishable in the Grand Duchy only in cases determined by law.

**Art. 5.** The provisions of this Code do not apply to offences punishable under military laws and regulations.

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**Article 6.** The courts and tribunals will continue to enforce specific laws and regulations in all matters not covered by this Code.

#### Chapter II. - Penalties for natural persons (L. 13 June 1994; L. 3 March 2010)

Ire Section. -Criminal penalties

**Art. 7.** (L. 13 June 1994; L. 3 March 2010) The criminal penalties incurred by natural persons are:

(1) life imprisonment or time; (2) amen; (3) special confiscation; (4) dismissal of titles, grades, functions, jobs and public offices; (5) prohibition of certain civil and political rights; (6) closure of undertakings and (7) the publication or posting, at the expense of the convicted person, of the decision or an excerpt of the decision

Conviction; 8) (L. 6 October 2009) prohibiting the practice of certain professional or social activities.

**Article 8.** (L. 13 June 1994) Sentencing for a term of five to ten years, ten to fifteen years, fifteen to twenty years or twenty to thirty years. The duration of one year of imprisonment shall be three hundred and sixty days.

**Art. 9.** (L. 1 August 2001) The fine in criminal matters is at least 251 euros.

**Art. 10.** (L. 13 June 1994) The dismissal of titles, grades, functions, jobs and public offices is mandatory in case of conviction to imprisonment.

**Art. 11. (L. 27 June 2018)** Any decision on the sentence to be sentenced to more than ten years' imprisonment shall give a ruling against the prohibition on life of the right:

(1) to carry out duties, jobs or public offices; (2) to vote, to be elected, to be eligible; (3) to wear any decoration; (4) to be an expert, an instrument witness or a certifier in the acts; to bring to justice otherwise

To provide simple information; (5) to be a member of any family council, to perform any function in a system of protection

Minor or major, if not in respect of their children and on the basis of the assent of the family judge, if any;

6) carrying or possessing weapons; 7) holding school or teaching or being employed in an

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**Art. 12.** (L. 13 June 1994) The prohibition of the rights listed in the preceding article may be imposed, in whole or in part, for life or for ten to twenty years against those sentenced to imprisonment for five to ten years.

**Art. 13.** (L. 13 June 1994) The duration of the prohibition laid down by the decision of conviction short of the day on which the convicted person has suffered or prescribes his sentence. The prohibition shall also have effect as from the day on which the conflicting or default conviction became irrevocable.

Section II. -Correctional penalties

**Art. 14.** (L. 13 June 1994; L. 3 March 2010) Without prejudice to other penalties provided for by special laws, the correctional penalties incurred by natural persons are:

(1) imprisonment; (2) amen; (3) special confiscation; (4) the prohibition of certain civil and political rights; (5) the closure of undertakings and establishments; (6) the publication or display, at the expense of the convicted person, of the decision or of an Excerpt from decision

Conviction; 7) (L. 6 October 2009) the prohibition of certain professional or social activities; (8) the prohibition of driving certain vehicles; (9) the substitution penalties provided for in Articles 21 and 22.

**Art. 15.** (L. 13 June 1994) The term of imprisonment shall be at least eight days and not more than five years, except in cases where the law determines other limits. The duration of one day's imprisonment is twenty-four hours. The duration of one month's imprisonment is thirty days. The one-year prison term is three hundred and sixty days.

**Art. 16.** (L. 1 August 2001) The fine in correctional matters is at least 251 euros.

**Art. 17.** (L. 13 June 1994) When an offender is subject to a criminal penalty other than imprisonment or a fine, the penalty may be imposed alone as a principal sentence.

**Art. 18.** (L. 13 June 1994) Where the perpetrator of a crime punishable by imprisonment has knowingly used, in order to prepare or commit the offence, the facilities provided to him by the exercise of an activity of a professional or social nature, the court may pronounce The prohibition, for a period of up to five years, of carrying out this activity in any form and in any way, except in the case of the exercise of a mandate as a Member of Parliament or a municipal councillor. The provisions of this Article shall not apply in respect of press offences.

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**Art. 19.** (L. 13 June 1994) When a crime is punishable by imprisonment, special confiscation as defined in Article 31 may be pronounced as a principal penalty, even though it is not provided for by the particular law of which it is Application. The provision of the preceding paragraph shall not apply in respect of press offences.

**Article 20.** (L. 13 June 1994) When a crime is punishable by imprisonment and a fine, the court may, as a principal punishment, pronounce only one or other of these penalties. If the fine is imposed alone, it may be raised at double the maximum rate. If imprisonment is taken alone, the court may substitute a fine which may not exceed the sum obtained by multiplying the maximum sentence of imprisonment, expressed in days, by the amount taken into account in respect of Constraint per body.

**Article 21.** (L. 13 June 1994) When a crime is punishable by imprisonment, the court may pronounce as a principal sentence, one or more of the following penalties:

(1) prohibition of driving certain vehicles for a period of not more than five years, or limiting the right to drive for the same period of time;

(2) confiscation of one or more vehicles owned by the accused; (3) prohibition of holding or wearing, for a period of not more than five years, a weapon submitted to

Authorisation; (4) prohibition of the right to hunt for a period of not more than five years; (5) confiscation of one or more weapons owned by the accused.

**Art. 22.** (L. 13 June 1994)

(1) If, in the opinion of the court, the offence does not involve a custodial sentence of more than six months, it may, as a principal punishment, prescribe that the convicted person shall perform, for the benefit of a public community or an institution Public or an association or a hospital or philanthropic institution, a work of general interest that is unpaid and of a duration that cannot be less than forty hours or more than two hundred and forty hours.

(2) This article may only be applied when the accused is present. The President of the Court shall, before the judgment is delivered, inform the defendant of the right to refuse the performance of a work of general interest and shall receive his reply.

3) (L. 23 July 2016) The execution of work of general interest must be commenced within six months from the day on which the criminal decision has become res judicata. This period may be suspended in the event of serious medical, family, professional or social reasons. Work of general interest must be carried out within 24 months from the day on which the criminal decision has become res judicas.

(4) The procedures for carrying out the work of general interest shall be decided by the State Attorney General. This may, in particular, temporarily suspend for serious medical, family, professional or social reasons the period during which the work is to be carried out.

5) A grand-ducal regulation determines the nature of the proposed works. (6) Work of general interest may, for convicted persons, be combined with the legal duration of the work. (7) Legal and regulatory requirements relating to night work, hygiene and safety, and

The work of women and young workers is applicable to work of general interest.

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**Article 23.** (L. 13 June 1994) Any breach of one of the obligations or prohibitions resulting from the criminal sanctions imposed pursuant to Articles 17, 18, 21 and 22 shall be punishable by imprisonment for two months to two years.

**Article 24.** (L. 13 June 1994) Courts and courts may, in cases provided for by law, prohibit in whole or in part the exercise of the rights enumerated in Article 11 for a term of five to ten years.

Section III. -Police Penalties

**Art. 25.** (L. 13 June 1994; L. 3 March 2010) Without prejudice to the penalties other than deprivation of liberty provided for by special laws, the police penalties incurred by natural persons are:

1); 2) special confiscation; 3) prohibition of driving certain vehicles.

**Article 26.** (L. 1 August 2001) The police fine shall be at least EUR 25 and not more than EUR 250, except in cases where the law provides otherwise.

Section IV. -Fines

**Article 27.** (L. 13 June 1994) The fine is imposed individually against each of the convicted persons for the same offence. It is seen to the benefit of the state.

**Art. 28.** (L. 13 June 1994) Within the limits set by the law, the amount of the fine shall be determined taking into account the circumstances of the offence and the resources and expenses of the defendants.

**Article 29.** (L. 13 June 1994) Judgments and judgments giving a conviction to the fine by applying this Code or of special laws shall, at the same time, set out the duration of the constraint per body applicable in the absence of payment of the fine.

**Article 30. (L. 13 June 1994)** (1) (L. 1 August 2001) (L. July 20, 2018) The length of the constraint per body is one day per 100 euros fine. For fines of less than 100 euros, the constraint per body will be one day. (2) In no case shall the duration of the stress per body exceed ten years. (3) The pre-trial detention shall be charged with full right over the duration of the constraint by body, to the extent that it has not already been imputed, in accordance with Article 33 on the duration of the penalties deprived of liberty. (4) The fine is divisible with respect to the constraint per body. (5) It is extinguished by the execution of the constraint by body.

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(6) The constraint per body is neither imposed nor enforced, nor maintained against the convicts who have reached their seventieth year.

## Section V.-Special confiscation

**Article 31. (L. As of 1 August 2018)** (1) Special confiscation is always a crime, it may be a crime. It is for a contravention only in cases determined by law. (2) Special confiscation shall apply:

1 ° to goods comprising goods of any kind, tangible or intangible, movable or immovable, as well as legal acts or documents attesting to a title or right in a property, goods forming the object or product, direct or indirect of a An offence or a heritage benefit derived from the offence, including the income from such property;

2 ° to property that has been used or intended to commit the offence, when the property is owned by the convicted person or has the right to dispose of the property, subject to the rights of the owner in good faith;

3 ° to goods substituted for those referred to in point 1 of this paragraph, including income from substituted goods;

4 ° to property owned by the convicted person and whose monetary value corresponds to that of the goods referred to in point 1 of this paragraph, if they cannot be found for the purpose of confiscation;

5 ° to property of any kind, tangible or intangible, movable or immovable belonging to the convicted person or, subject to the rights of the owner in good faith, of which he has the freedom of disposition, where neither the convicted person, nor the owner, is able to Explain why confiscation is envisaged, could not justify its origin, if it is a crime or an offence punishable by at least four years' imprisonment and has provided direct or indirect profit.

(3) In the case of a money laundering offence referred to in items 506-1 to 506-8 and in the event of an offence referred to in sections 112-1, 135-1 to 135-6, 135-9 and 135-11 to 135-16, special forfeiture shall apply to property that has been or has been Commit the offence. The confiscation of the property referred to in paragraph 1 shall be pronounced, even in the event of acquittal, exemption from punishment, extinguishment or limitation of public action.

**Article 32. (L. As of 1 August 2018)** (1) Where the property belongs to the person aggrieved by the offence, the property shall be returned to the person. The forfeited property shall be forfeited to the judge when the judge has ordered forfeiture on the ground that the property is substituted for things owned by the person aggrieved by the offence or when the property is the value of the forfeiture. Paragraph 2 point 4 ° of Article 31. Any other third party claiming to be entitled to the confiscated property may assert that right. In the case of legitimate and justified claims, the court shall decide on the return. (2) The court which has ordered the confiscation remains competent to rule on requests for restitution, addressed to the public prosecutor or the court, which emanate either from an injured person or from a third party, who claims a right in the property Confiscated. The request must be made within two years from the day on which the confiscation order was issued, under penalty of foreclosure. The request is also forced when the confiscated property has been transferred to the requesting State in accordance with a related agreement between the two States or an arrangement between the Government of Luxembourg and the Government of the State of Luxembourg Applicant. (3) Where no court has been brought before or where the court seised has exhausted its jurisdiction without a decision on the return of seized property, the State Attorney for the place where the assets are located shall be Competent to decide, ex officio or upon request, for the return of the property. The State Prosecutor shall refuse the restitution if the applicant does not prove his right to property or if the property constitutes the object or proceeds of an offence, or constitute any pecunian advantage derived from the infringement, in accordance with the Distinctions as defined in Article 31 (2).

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The decision on non-restitution made by the State Prosecutor may be challenged, within the month of his notification, by a request by the person concerned before the correctional chamber of the district court, which shall act in the Board of Directors. If the correctional chamber refuses restitution, it shall pronounce the confiscation of the property or of the heritage benefit concerned. If the return has not been requested or decided within three years from the decision of classification or the decision by which the last court seised has exhausted its jurisdiction, the property or economic benefits not returned Become the property of the State, subject to the rights of third parties. (4) A judgment ordering the confiscation of the property referred to in Article 31 (2) (2) shall, in the event that the property could not be carried out, a fine not exceeding the value of the forfeited thing. This fine has the character of a sentence.

**Article 32-1.** Repealed (L. August 1, 2018)

## Section VI. -General provisions

**S 33** (l. 13 June 1994) Any detention in the Grand Duchy or abroad before the conviction has

Article 32. (L. 10 June 1997) Any detention in the Grand Duchy or abroad before the conviction has become irrevocable, as a result of the offence which gives rise to this conviction, is imputed on the duration of the penalties deprived of liberty.

## Chapter II-1. - Penalties for legal persons (L. 3 March 2010)

**Article 34. (L. March 12, 2020)** (L. 3 March 2010) Where a crime or an offence is committed in the name and in the interest of a legal person by one of its legal bodies, by one or more of its heads of law or fact or by any person, acting either individually or as a person A member of a body of the legal person, who exercises executive power within the body, on the basis of a power of representation of the legal person or of a power to make decisions in the name of the legal person or of a power to exercise A control within the legal person, the legal person may be declared criminally liable and To incur the penalties provided for in Articles 35 to 38. The legal person may also be declared criminally liable and incur the penalties provided for in Articles 35 to 38 where a failure to monitor or control the part of a person referred to in paragraph 1 of this Article has made Possible the commission of a crime or an offence, in the interest of the said legal person, by a person subject to his or her authority. The criminal liability of legal persons does not exclude that of natural persons who are perpetrators or accomplices in the same offences. The preceding paragraphs shall not apply to the State and the municipalities.

**Article 35.** (L. March 3, 2010) Criminal or correctional penalties incurred by legal persons are:

(1) the fine, in accordance with the terms and conditions laid down in Article 36; (2) special confiscation; (3) (L. From 3 July 2018) the exclusion of participation in procedures for awarding public contracts and

Concession contracts; (4) the dissolution, under the conditions and in accordance with the procedures laid down in Article 38.

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**Article 36.** (L. 3 March 2010) The fine in criminal and correctional matters applicable to legal persons is at least EUR 500. In criminal matters, the maximum rate of the fine applicable to legal persons is 750,000 euros. In correctional matters, the maximum rate of the fine applicable to legal persons is double that provided for natural persons by the law which criminalized the offence. Where fines are not imposed in respect of natural persons by the law which represses the offence, the maximum rate of the fine applicable to legal persons shall not exceed twice the sum obtained by multiplying the maximum penalty Of imprisonment, expressed in days, by the amount taken into account in respect of stress by body.

**Art. 37.** (L. 3 March 2010) The maximum rate of the fine incurred in accordance with the provisions of Article 36 shall be increased fivefold where the criminal liability of the legal person is committed for one of the following offences:

-crimes and offences against the security of the State-acts of terrorism and terrorist financing-offences under laws relating to prohibited weapons in relation to an association of criminals or a criminal association

Criminal organisation-trafficking in human beings and pimping-drug trafficking in relation to an association of criminals or a criminal organisation-money laundering and recel-bribery, illegal seizure of interests, active bribery, and Passive, private corruption-aid for unauthorised entry and residence in relation to an association of criminals or an organisation

Criminal - (L. 21 December 2012) illegal employment of illegally staying third-country nationals in relation to

A criminal association or criminal organization.

**Article 38.** (L. 3 March 2010) Dissolution may be pronounced when, intentionally, the legal person has been created or, in the case of a crime or an offence punishable in respect of the natural persons of a custodial sentence of greater or equal freedom To three years, diverted from his object to commit the incriminated facts. Dissolution shall not apply to legal persons under public law who may be liable for liability. The decision on the dissolution of the legal person shall include the dismissal of the legal person before the competent court for the liquidation.

**Art. 39.** (L. 3 March 2010) Where the legal person incurs a correctional penalty other than the fine, that correctional penalty may be imposed alone as a principal sentence.

**Art. 40.** (L. 3 March 2010) Where an offence is punishable by imprisonment in respect of natural persons by the law which criminally reacts the offence, the special confiscation as defined in Article 31 may be pronounced as a principal penalty in respect of the offence Of the legal person, even though it would not be provided for by the particular law of which it is applied. The provision of the preceding paragraph shall not apply in respect of press offences.

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**Articles 41 to 43.** Repealed (L. 13 June 1994)

### **Chapter III. - Other convictions that may be imposed for crimes, offences and offences**

**Art. 44.** The penalties imposed by the law will always be imposed, without prejudice to the refunds and damages which may be due to the parties.

**Article 45.** Where the law has not settled the damages, the court or tribunal will determine the amount of the damages, without being able to pronounce the application to any work, even the consent of the injured party.

**Article 46.** .....

**Art. 47.** .....

**Art. 48.** Repealed (L. 7 July 1989)

**Art. 49.** Where the assets of the convicted person are insufficient to cover fines, refunds and damages, the last two convictions will be preferred.

**Article 50.** All individuals convicted of the same offence are jointly and severally liable for refunds and damages. They shall be jointly and severally liable when they have been convicted by the same judgment or judgment. Nevertheless, the judge may exempt all or some of the convicted persons from solidarity, indicating the reasons for the exemption, and determining the proportion of the costs to be borne individually by each of them. Persons convicted by separate judgments or judgments shall be held jointly and severally liable for the acts of prosecution which have been common to them.

### **Chapter IV. - The attempted crime or crime**

**Article 51.** An attempt to commit a crime or an offence has been made by external acts which constitute the beginning of the execution of that crime or crime, and which have not been suspended or have failed to have effect. By circumstances beyond the control of the author.

**Art. 52.** (L. 7 July 2003) The attempted crime is punished with the punishment immediately below that of the crime itself. Is considered to be immediately below:

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(a) The penalty of life imprisonment for the period of imprisonment of twenty to thirty years; (b) The penalty of imprisonment for twenty to thirty years, that of imprisonment for fifteen to twenty years; (c) The penalty of imprisonment for 15 to 20 years, that of imprisonment From ten to fifteen years; (d) The penalty of ten to fifteen years' imprisonment, that of imprisonment for five to ten years; (e) The penalty of imprisonment of five to ten years, imprisonment for at least three months.

**Article 53.** The law determines in which cases and under what penalties attempts to commit crimes are punished.

### **Chapter V. - Recidivism**

**Art. 54.** Anyone who has been convicted of a criminal offence and has committed a crime with a sentence of five to ten years, may be sentenced to ten to fifteen years' imprisonment. If the crime carries ten to fifteen years' imprisonment, the offender may be sentenced to 15 to 20 years' imprisonment. He will be sentenced to at least seventeen years if the crime carries the sentence of fifteen to twenty years.

**Article 55.** Implicitly repealed (L. 13 June 1994).

**Article 56.** Any person who, after a conviction of a criminal penalty, has committed an offence, may be sentenced to double the maximum penalty laid down by law against the offence. The same penalty may be imposed in the case of a conviction prior to imprisonment for at least one year, if the convicted person has committed the new offence before the expiry of five years since he or she has suffered or prescribes his sentence. Paragraph repealed (L. 13 June 1994)

**Article 57.** The rules established for recidivism will be applied, in accordance with the previous articles, in the case of a previous conviction handed down by a military court, for a fact described as a crime or a crime by ordinary criminal laws, and a sentence Carried by these same laws. If, for this reason, a sentence of military law has been imposed, courts and tribunals, in the assessment of recidivism will have regard only to the minimum of the penalty punished by the first judgment

of recidivism, will have regard only to the minimum of the penalty permitted by the first judgment could result in criminal law Ordinary.

**Art. 57-1.** (L. 29 February 2008)

1. Any person who has been sentenced to a custodial sentence of more than five years by a court of a Member State of the European Union for acts referred to in Articles 161, 162, 163, 166 and 169, points 2 and 3., shall have committed one of those He may be sentenced to ten years' imprisonment for a period of fifteen years, if that fact is a crime involving imprisonment from five years to ten years. (L. 28 July 2017) If this is a crime which carries the sentence of ten years to fifteen years, it may be sentenced to 15 years' imprisonment for twenty years. He will be sentenced to at least seventeen years'imprisonment, if this is a 15-year sentence of 20 years' imprisonment.

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(2) Any person who has been sentenced to a deprivation of liberty for more than five years by a court of a Member State of the European Union for acts referred to in Articles 161, 162, 163, 164, 165, 166, 169, paragraphs 2 and 3, 178 and 179 shall have committed Once again, one of these facts may be sentenced to a double sentence of the maximum permitted by law against that fact, if that fact is a crime. (L. July 28, 2017)

3. Any person who, having been sentenced to a custodial sentence of at least one year, by a court of a Member State of the European Union for acts referred to in Articles 161, 162, 163, 164, 165, 166, 169, points 2 and 3, 178 and 179 shall have, before The expiry of five years since he has undergone or prescribed his sentence, once again committed one of those facts, may be sentenced to double the maximum penalty laid down by law against that fact, if that fact is an offence. (L. July 28, 2017)

**Art. 57-2.** (L. 3 March 2010) When a legal person, having been sentenced to a criminal penalty under Article 36, commits his criminal responsibility by a new crime, the maximum rate of the applicable fine shall be the quadruple of the one fixed in Article 36. Where a legal person, having been sentenced to a criminal penalty under Article 37, incurs criminal liability for a new crime, the maximum rate of the applicable fine shall be four times the one set out in Article 37.

**Art. 57-3.** (L. 3 March 2010) When a legal person, having been sentenced to a criminal penalty, incurs criminal liability for a criminal offence, the maximum rate of the applicable fine shall be four times the one laid down in Article 36. The penalties provided for in the preceding paragraph may be imposed where a legal person, previously sentenced to a fine of at least 36,000 euros, incurs liability for a new offence before the expiry of five years Since she has undergone or prescribed her sentence.

**Article 57-4.** Repealed (L. March 29, 2013)

## **Chapter VI. - The competition of several offences**

**Art. 58.** Any individual who is satisfied with a number of contraventions will face the penalty of each offence.

**Art. 59.** In the case of a competition of one or more offences with one or more tickets, the police penalties shall be cumulative; the strongest penalty shall be the only sentence handed down and may even be raised to a maximum of double the maximum, without However, be able to exceed the sum of the penalties provided for the various offences.

**Article 60.** In the case of a competition of several offences, the strongest sentence will be the only one. This penalty may even be raised to double the maximum, but may not exceed the sum of the penalties provided for the various offences. (L. 13 June 1994) However, the substitution penalties will be imposed cumulatively.

**Article 61. (L. 8 July 1996)** (1) When a crime conruns, either with one or more offences, or with one or more tickets, the strongest penalty shall be the only one. (2) The strongest penalty shall be the one whose length of deprivation of liberty is the longest.

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(3) If the custodial sentences are of the same duration, the highest penalty shall be the highest penalty rate. (4) If the length of the custodial sentences is the same and the rate of mandatory fines is also the same, the strongest penalty is that provided for the crime. (5) In all cases, the provisions concerning recidivism, prescription, suspended sentences and rehabilitation are those applicable to criminal penalties.

**Article 62.** In the case of a number of crimes, the strongest sentence will be the only one. If the sentence is in prison on time or in prison for five to ten years, it may even be five years higher than



sentence is in prison on time or in prison for five to ten years, it may even be five years higher than the maximum.

**Article 63.** Repealed (L. 13 June 1994 and L. 8 July 1996)

**Article 64.** Special confiscation penalties for several crimes, offences or contraventions will always be cumulative.

**Article 65.** Where the same act constitutes a number of offences, the strongest penalty shall be the only one.

#### **Chapter VII. - From the participation of several persons to the same crime or offence**

**Article 66.** They shall be punished as perpetrators of a crime or a crime: Those who have executed it or have cooperated directly in its execution; Those who, by any means, have lent for the execution aid such as, without their assistance, the crime or the Those who, by way of gifts, promises, threats, abuse of authority or power, machinations or culpable fireworks, will have directly caused this crime or crime; (L. 8 June 2004) Those who, through speeches in meetings or in public places, either by placards or posters, or by writing, printed or not and sold or distributed, will have directly caused them to do so, without prejudice The last two provisions of article 22 of the Act of 8 June 2004 on freedom of expression in the media.

**Article 67.** Will be punished as accomplices in a crime or crime: Those who have given instructions to commit it; Those who have provided weapons, instruments or any other means that have served the crime or the crime, knowing that they were to serve them; Those who are not in the case provided for in article 66, paragraph 3, shall have, with knowledge, assisted or assisted the perpetrator or perpetrators of the crime or the crime in the facts which prepared or facilitated it, or in those who consumed it.

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**Art. 68.** Those who, knowing the criminal conduct of criminals engaged in robberies or violence against state security, public peace, persons or property, have usually provided them with accommodation, place of retirement or Meeting, will be punished as their accomplices.

**Art. 69.** The accomplices of a crime shall be punished with the penalty immediately below that which they would incur if they were responsible for the crime, according to the graduation provided for in Article 52 of this Code. The sentence imposed on the accomplices of a crime shall not exceed two-thirds of that which would be applied to them if they were responsible for the offence.

#### **Chapter VIII. - Causes of justification, irresponsibility, or mitigation of liability and excuse**

(L. 8 August 2000) **Article 70. (L. Feb 27, 2012)** (1) There is no offence, when the act was ordered by law and commanded by the lawful authority. (2) The preceding paragraph shall not apply in the case of an offence provided for in Articles 136bis and 136ter. In the event of an offence under Article 136c and 136quinquies, subsection (1) shall apply if the following three conditions are met in the chief of the perpetrator or the accomplice of the offence:

-the person had the legal obligation to obey the orders of the government or its superior, military or civilian,

-the person did not know that the order was illegal, - the order was not manifestly unlawful.

**Article 71.** (L. 8 August 2000) It is not criminally responsible to the person who, at the time of the offence, had suffered from mental disorders which had abolished his discernment or control of his acts. Where the investigating or trial courts find that the accused or defendant is not criminally liable within the meaning of the preceding paragraph, and that mental disorders have abolished the discernment or control of the indictments of the accused or Of the defendant at the time of the facts, they order by the same decision the placement of the accused or defendant in an establishment or service authorized by the law to accommodate persons who are the subject of an investment as long as The accused or defendant is always a danger to himself or others. The courts of inquiry or judgment may, in any event, appoint an ex officio counsel to the accused or to the accused person who has not chosen it. The decision ordering the placement may be subject to appeal or opposition in the forms and time limits laid down in the Code of Criminal Procedure. The execution of the investment measure will, however, be pursued notwithstanding the action brought against the decision having ordered it.

**Art. 71-1.** (L. 8 August 2000) A person who, at the time of the offence, has been affected by a mental disorder that has altered his or her discernment or interferes with the control of his or her acts remains punishable; however, the court shall take that circumstance into account when determining The punishment.

**Art. 71-2.** (L. 8 August 2000) is not criminally liable for the person who acted under the empire of a

force or constraint to which it was unable to resist.

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(L. 13 March 2009) It is not criminally responsible to the victim of the offences set out in Articles 382-1 and 382-2 who take part in unlawful activities when they are forced to do so. (L. 28 February 2018) It is not criminally responsible for a crime of racking the victim of the offences defined in Book II, Title VII, Chapters VI and VI-I of the Penal Code.

**Article 72.** (L. 13 June 1994) No crime or offence can be excused, except in cases determined by law.

**Chapter IX. - Mitigating circumstances** (L. 13 June 1994)

**Article 73.** (L. 13 June 1994) If extenuating circumstances exist, criminal penalties are reduced or amended in accordance with the following provisions.

**Article 74.** (L. 13 June 1994) Life imprisonment is replaced by a period of imprisonment which may not be less than fifteen years. The imprisonment of twenty to thirty years, by imprisonment not less than ten years. The imprisonment of 15 to 20 years, by imprisonment not less than five years. The imprisonment of ten to fifteen years, by imprisonment for five to ten years or even imprisonment not less than three years. The imprisonment of five to ten years, by imprisonment for at least three months.

**Article 75.** (L. 13 June 1994) In the case where the law raises the minimum of a criminal penalty, the ordinary minimum of this penalty shall be applied, or even the penalty immediately below, in accordance with the preceding article.

**Article 75-1.** (L. 3 March 2010) The assessment of the mitigating circumstances in the head of a legal person is carried out in the light of the criminal penalties incurred by the natural person for the offences liable to commit the criminal responsibility of the person Moral.

**Art. 76.** (L. 1 August 2001) The fine in criminal matters can be reduced, without it being in any case less than EUR 251.

**Art. 77.** (L. 1 August 2001) The guilty parties whose criminal sentences have been commuted to imprisonment can be fined EUR 251 to 10,000 euros. (L. 13 June 1994) They may be sentenced to the prohibition of all or part of the rights referred to in Article 11 for at least five years and not more than ten years.

**Article 78.** (L. 1 August 2001) If there are extenuating circumstances, the prison sentence may not be imposed and the fine may be reduced below EUR 251, without it being less than EUR 25.

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(L. 13 June 1994) If the prohibition of the rights referred to in Article 11 is ordered and authorised, the judges may impose such penalties for a term of one year to five years or give them all.

**Art. 79.** (L. 13 June 1994) The assessment of mitigating circumstances is reserved for courts and tribunals. These circumstances are indicated in their judgments and judgments.

**Articles 80 to 85.** Repealed (L. 13 June 1994).

**Chapter X. - From Extinction of Sentences**

**Article 86.** The sentences handed down by judgments or judgments that have become irrevocable are extinguished by the death of the convicted person. However, the State may, after such judgments or judgments, require the heirs or successors in title of the convicted person, the purely fiscal fines. In the case of convictions of the head of crime and offences against the external security of the State, the latter may require the heirs or the right holders of the offender to pay the fines and fees, as well as the costs resulting from the execution of the And preventive detention, up to the net assets collected by them. (L. 3 March 2010) For convicted legal persons, the loss of legal personality does not extinguished the sentence.

**Art. 87.** The disabilities pronounced by judges or bound by the law to certain convictions end with the surrender that the Grand Duke can do under the right of pardon.

**Articles 88 to 90.** Repealed (L. 13 June 1994)

**Article 91.** Criminal punishments will be prescribed for twenty years as from the date of the judgments or judgments that pronounced them. (L. 27 February 2012) The sentence imposed on the head of the offences provided for in articles 138bis to 138quinquies of the Criminal Code does

the head of the offences provided for in articles 130bis to 130quinquies of the Criminal Code does not prescribe.

**Article 92.** Correctional penalties will be imposed by five years, from the date of the judgment or judgment rendered as a last resort, or from the day on which the judgment at first instance can no longer be appealed by the appeal. If the sentence is more than three years, the limitation period will be ten years. With regard to the conviction of the Head of Offences against the State's external security, the corrective fines will be prescribed by 20 revolved years.

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**Article 93.** The police punishments will be prescribed by two revolved years, beginning with the periods set out in the previous article.

**Article 94.** (L. 13 June 1994) Penalties for fines and special confiscation may be imposed within the time limits laid down in the previous articles, depending on whether they will be imposed for crimes, offences or contraventions.

**Article 95.** If the convicted person was able to escape, the prescription begins to run from the day of the escape. However, in this case, it will be imputed, over the duration of the limitation period, the time during which the offender has been sentenced beyond five years, if that is a temporary criminal penalty, or more than two years if that is a correctional penalty.

**Article 96.** The sentence of the sentence shall be interrupted by the arrest of the convicted person.

**Articles 97 and 98.** Repealed (L. 13 June 1994)

**Article 99.** Civil convictions, handed down by judgments or judgements in criminal, correctional or police matters, will be imposed according to the rules of civil law, from the day on which they become irrevocable. However, these convictions will be imposed from the date of the judgment, if they have been handed down in absentia.

### General provisions

**Art. 100.** (L. 20 July 2018) Article repealed.

**Article 100-1.** (L. 13 June 1994) The provisions of this book apply to all offences under special laws, provided that they do not provide for derogating rules.

## BOOK II. - Offences and their repression in particular

Title I. -Crimes and offences against state security

### Chapter I. - Attacks and plots against (King) Grand Duke, against the Grand Ducal family and against the form of the Government

**Article 101.** The attack on life or against the person of the (King) Grand Duke will be punished with life imprisonment. If he did not have the result of violating the freedom of the (King) Grand Duke and he has not caused him any bloodshed, injury or illness, the attack on his person will be punished with life imprisonment.

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**Article 102.** The attack on the life of the Crown's heir presumptive will be punishable by life imprisonment. The attack on his person will be punished with life imprisonment. If the person did not have the result of violating his or her freedom and has not caused him or her blood, injury or illness, the attack on his person shall be punishable by 15 to 20 years' imprisonment.

**Article 103.** The attack on the life of the (Queen) Grand Duchesse, the parents and allies of the (King) Grand Duke in direct line, or of his brothers, or against the life of the Regent, will always be punished as the fact consumed. The attack on their person shall be punished with imprisonment of between ten and fifteen years; he shall be punished by imprisonment for five to ten years, if he has not had the result of undermining their freedom and has not caused them any bloodshed, injury, or Disease.

**Article 104.** The purpose of the attack, either to destroy or change the form of the Government or the order of succession to the throne, or to take the arms to the citizens or the inhabitants, against the authority of the (King) Grand Duke, or the Chamber of Deputies, Will be punished with life imprisonment.

**Article 105.** The attack exists as soon as there is a punishable attempt.

**Article 106.** The conspiracy against life or against the person of the (King) Grand Duke shall be punishable by fifteen to twenty years' imprisonment, if it has been followed by an act committed to prepare for the execution thereof, and from ten to fifteen years of the same penalty, if not.

**Article 107.** The conspiracy against the life or against the person of the Crown's heir presumptive shall be punishable by ten to fifteen years' imprisonment, if it has been followed by an act committed to prepare for the execution, and the imprisonment of five to ten years in the contrary case.

**Article 108.** The conspiracy against life or against the person, or members of the royal family listed in article 103, or the Regent, shall be punished by imprisonment for five to ten years.

**Article 109.** The conspiracy to achieve one of the purposes referred to in Article 104 shall be punishable by ten to fifteen years' imprisonment, if any act has been committed to prepare for the execution, and from five to ten years of the same penalty, if not.

**Art. 110.** There is a conspiracy as soon as the resolution to act has been stopped between several people.

**Art. 111.** The proposal made and not agreed to form a conspiracy against life or against the (King) Grand Duke, the presumptive heir of the Crown, members of the royal family listed in article 103, or the Regent, shall be punished by a Imprisonment for one year to five years.

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The guilty person may be sentenced to the prohibition in accordance with Article 24.

**Article 112.** Any person who has formed the resolution to carry out an attack on life or against the person of (King) Grand Duke, the presumptive heir of the Crown, members of the royal family listed in section 103, or the Regent, shall be punished by the Five to ten years' imprisonment, when he or she has committed an act to prepare for the execution.

#### **Chapter I-1. - Attacks against Internationally Protected Persons (L. 27 October 2010)**

**Article 112-1. (L. 27 October 2010)** (1) The maximum penalties laid down for offences determined by Chapters I, IV and IV-1 of Title VIII of Book II by the Ire Section of Chapter III of Title IX of Book II and Article 521 of the Criminal Code may be increased Within the limits of the penalties provided for in Articles 54, 56 and 57-1 where they apply to a person enjoying international protection or his or her official premises, private accommodation or means of transport. (2) The threats to commit one of these offences are punished under sections 327 to 331. The increase in the penalties provided for in paragraph 1 shall apply. (3) Deemed persons with international protection for the purposes of subsections (1) and (2):

-any head of state, including each member of a collegiate body fulfilling under the Constitution of the State considered the functions of Head of State; any Head of Government or any Minister for Foreign Affairs, when such person is Finds in a foreign state, as well as the accompanying family members;

-any official, official or official of a State and any official, official or other official of an intergovernmental organization, who, on the date and place where an offence is committed against his or her person, Official premises, private accommodation or means of transport, shall be entitled in accordance with international law to special protection against any infringement of his person, liberty or dignity, as well as members of his or her family who are members of the Household.

#### **Chapter II. - Crimes and offences against the external security of the State**

**Article 113.** (Arr. G. - d. 14 July 1943) All Luxembourgers who have taken up arms against the Grand Duchy of Luxembourg will be punished by life imprisonment. (L. 30 April 1946) The Luxembourgish who voluntarily served in the armed forces of the invader or his allies will be punished by the same penalty.

**Art. 114.** (Arr. G. - d. 14 July 1943) Every person who has practised machinations or maintained intelligences with a foreign power or with any person acting in the interest of a foreign power to commit such power to the commission of hostilities or To start the war against the Grand Duchy of Luxembourg or to provide it with the means, will be punished by ten to fifteen years' imprisonment. If hostilities followed, he would be punished with life imprisonment.

**Article 115.** (Arr. G. - d. 14 July 1943) To be sentenced to life imprisonment: The one who has facilitated the entry into the territory of the Grand Duchy by the enemies of the State; The one who has delivered towns, places, posts, shops, arsenals or buildings belonging to the Grand Ducal State;

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(L. 30 April 1946) The one who provided relief in soldiers, men; (Arr. G. - d. 14 July 1943) The one who has assisted the progress of their weapons on the territory of the Grand Duchy or against the Luxembourg armed force by undermining the loyalty of the officers, soldiers or other citizens to the Sovereign and the State. In the above case, the punishable attempt will be equated with the crime itself. The conspiracy aimed at one of these crimes will be punishable by ten to fifteen years' imprisonment, if it has been followed by an act committed to prepare for the execution, and the imprisonment of five to ten years in the opposite case.

**Art. 116.** (Arr. G. - d. 14 July 1943) Any person who has knowingly delivered or communicated in whole or in part, in original or in reproduction, to an enemy power or to any other person acting in the interest of an enemy power, objects, plans, writings, documents or Information whose secret to the enemy is of interest to the defence of the territory or the security of the State, will be punished with life imprisonment.

**S. 117.** (Arr. G. - d. 14 July 1943) The penalties laid down in Articles 113, 115 and 116 shall be the same or that the crimes provided for in those Articles were committed against the Grand Duchy of Luxembourg, or that they were committed to the allies of the Grand Duchy of Luxembourg Acting against the common enemy. For the purposes of this provision, it is "ally of the Grand Duchy of Luxembourg" any state which, even independently of an alliance treaty, pursues the war against a state with which the Grand Duchy of Luxembourg itself is at war.

**Article 118.** (Arr. G. - d. 14 July 1943) Any person who has knowingly delivered or communicated, in whole or in part, in original or in reproduction, to a foreign power or to any person acting in the interests of a foreign power of the objects, plans, writings, documents or Information the secret of which is of interest to the defence of the territory or the external security of the State, shall be punished by imprisonment for five to ten years. If the guilty party had a public office or mandate, or if he carried out a task or carried out a task entrusted to him by the Government, he would be punished by ten to fifteen years' imprisonment.

**118bis.** (Arr. G. - d. 14 July 1943) To be punished by life imprisonment anyone who willingly participated in the transformation by the enemy of legal institutions or organizations, shaken in time of war the loyalty of citizens to the Sovereign and the State, or who Willingly served the enemy's policy or designs. The same penalty shall be imposed on life imprisonment for any person who has voluntarily directed, practised by any means, provoked, assisted or favoured propaganda against the resistance to the enemy or its allies or for the facts listed in The preceding paragraph. *(Paragraph 3 has become unaddressed pursuant to the Act of 20 June 1979 on the abolition of the death penalty and the law of 13 June 1994 on the sentencing regime.)*

**118b.** (L. 30 April 1946) To be punished by imprisonment for a period of one month to five years the person who knowingly and without necessity has, either directly or through intermediary or in that capacity, favoured the policy or the designs of the enemy by supplies or by means of Services. In particularly serious cases the sentence will be that of imprisonment for five to ten years or even imprisonment for ten to fifteen years. For the purposes of the foregoing provision, companies are to be regarded as civilly liable for the offence committed by a body of the company.

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**Article 119.** (Arr. G. - d. 14 July 1943) Any person who has knowingly delivered or communicated, in whole or in part, in original or in reproduction, to any unqualified person for delivery or knowledge, objects, plans, writings, documents or information referred to in Article 118 will be punished by imprisonment for six months to five years and a fine of 251 euros to 125,000 euros. Any person who, without the authorization of the competent authority, shall have reproduced, published or disclosed, in whole or in part, by any process of the objects, plans, writings, documents and information referred to in Article 118, shall be punished with the same penalties.

**Article 120.** (Arr. G. - d. 14 July 1943) Any person who, without qualification for delivery or knowledge, has obtained, in whole or in part, original or in reproduction, objects, plans, writings, documents or information referred to in section 118 or will have received them Will be punished by imprisonment from one month to five years and a fine of 251 euros to 125,000 euros.

**Article 120bis.** (Arr. G. - d. 14 July 1943) To be punished by imprisonment from six months to five years and a fine of 251 euros to 125,000 euros:

1. Any person who, under a disguise or by concealing his or her identity, profession, quality or nationality, or by means of a manoeuvre designed to deceive or disengage on-call agents, will be introduced either in A defence, a post, a military or aeronautical establishment, a depot, a store or military park, or in a workshop, site or laboratory where the State of work of the State is to be carried out in the defence of the Territory;

(2) Any person who, by one of the means provided for in the preceding paragraph, shall have removed a plan, recognized means of communication, means of connecting or transmitting at a distance or collected information relevant to the defence of the territory or the External security of the Eta;

3. Any person with a view to the collection or transmission of information relevant to the defence of the territory or the external security of the State and without having a qualification to that effect, shall have organized or employed any means of correspondence or Remote transmission.

**120ter.** (Arr. G. - d. 14 July 1943) To be punished by imprisonment from eight days to three months and a fine of 251 euros to 125,000 euros:

(1) Any person who, without the authorization of the military or aeronautics authority, shall have carried out any surveying or operation of topography within a range of a myriameter or any other radius to be fixed by the Government by any means whatsoever, Around a defence work, a post, a military establishment, an aeronautical institution other than an aerodrome or air terminal, a military deposit, store or park, from the advanced works, or have taken photographs of any of these Places, works or establishments, edited, exposed, sold or distributed of reproductions These views;

2. Any person who, without authorization, has climbed or climbed over the walls, gates, grids, fences Establishments covered by Article 120bis.

**Art. 120quater.** (Arr. G. - d. 14 July 1943) The attempt at one of the offences, provided for in Articles 116, 119, 120 to 120ter, is considered to be the offence itself.

**Art. 120d.** (Arr. G. - d. 14 July 1943) To be punished with imprisonment for one month to one year and a fine of 251 euros to 125,000 euros, anyone, contrary to the regulations, will have moved or detained objects, plans, writings,

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Or documents referred to in section 118, or any person, by negligence or non-compliance with the regulations, shall have destroyed, subtracted or otherwise temporarily removed, any or all of these objects, plans, writings or documents entrusted to him or his Knowledge due to his or her functions, state, profession, mission, mandate or the knowledge, copy or reproduction by any process, in whole or in part.

**Art. 120e.** (Arr. G. - d. 14 July 1943) If they were committed in time of war: The offences set out in Articles 118, 119, 120 and 120a shall be punishable by life imprisonment; The offences set out in Article 120d shall be punished by imprisonment for Six months to five years and a fine of 251 euros to 125,000 euros.

**Article 120septies.** (Arr. G. - d. 14 July 1943) Without prejudice to the application of Articles 66 and 67, it shall be punishable by imprisonment of eight days to six months and a fine of EUR 251 to EUR 125,000, whosoever, knowing the intentions of the perpetrators of an offence provided for by the Articles 120 or 120bis or the attempt of one of these offences, provided accommodation, place of retirement or meeting, will have either received or transmitted their correspondence, or re-shaped the objects or instruments that were used or intended to be used for the purpose of committing The offence.

**Article 120octies.** (L. 15 June 2004) The penalties laid down in Articles 118, 119, 120 to 120septies will be the same either as the offences committed against the Grand Duchy of Luxembourg or whether they were committed to a State or an organisation To which the Grand Duchy of Luxembourg is bound by a common defence agreement.

**Article 121.** (Arr. G. - d. 14 July 1943) Anyone who has refrained or rethused spies or enemy soldiers sent to the discovery, and which he will have known, will be punished with life imprisonment. Any person who has re-identified or re-identified enemy, able-bodied or injured agents or soldiers to allow them to evade the military authority shall be punished with imprisonment for six months to five years and a fine From 251 euros to 125,000 euros.

**121bis.** (Arr. G. - d. 14 July 1943) To be punished by imprisonment for five to ten years, anyone who knowingly has, through the denunciation of a real or imagined fact, exposed any person to the research, prosecution or rigor of the enemy. To be punished with the same penalty, anyone who uses violence, ruse or threat, or any other means, has trained or tried to train a person abroad to put his or her life, freedom or bodily integrity at risk. It will be punishable by ten to fifteen years' imprisonment, if it has resulted or training abroad, or denunciation for any person and without the intervention of a new denunciation, a deprivation of liberty for more than one month. It shall be punishable by life imprisonment if, as a result of the detention or treatment suffered, the denunciation or training abroad has resulted for any person and without the intervention of a new denunciation, namely Death, which is an apparently incurable disease, or a permanent incapacity

denunciation, namely death, which is an apparently incurable disease, or a permanent incapacity for personal work, either the loss of the use of a body or a serious mutilation.

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**Art. 122.** (Arr. G. - d. 14 July 1943; Arr. G. - d. 6 November 1944) When objects have been burned or destroyed by any means, with the intention of promoting the enemy, the penalties laid against those facts by Chapter III of Title IX will be replaced: The imprisonment of between five and ten years by the imprisonment of fifteen to twenty years; imprisonment of ten to fifteen years, by life imprisonment; and imprisonment for a term of 15 years and more by life imprisonment. The attempt to fire or destroy it will be considered the crime itself.

**Article 123.** (Arr. G. - d. 14 July 1943) Whoever, through hostile actions not approved by the Government, will expose the State to hostilities by a foreign power, shall be punished by imprisonment for five to ten years, and if hostilities have followed, Ten to fifteen years' imprisonment.

**Article 123bis.** (Arr. G. - d. 14 July 1943) Without prejudice to the application of Chapter VII of Book 1 of this Code, it shall be punishable by imprisonment from eight days to two years and a fine of 251 euros to 125,000 euros:

The offer or proposal to commit one of the offences provided for in Articles 113 to 120bis, 121 to 123;

2. The acceptance of this offer or proposal.

**123ter.** (Arr. G. - d. 14 December 1944) Sections 113 to 123 of the Criminal Code, concerning crimes against and offences against the external security of the State, are amended in the sense that the sentence of detention is replaced by imprisonment, the duration of the sentence remaining the same.

**Art. 123quater.** (Arr. G. - d. 14 July 1943) Without prejudice to the application of stricter provisions, penalties under Article 123bis shall be punished, conspiracy to commit a crime or an offence against persons or property formed for the purpose of obstructing The defence of the territory, namely the supply of food, arms or ammunition of the armed force. If the plot is formed in time of war, it will be punished by imprisonment for five to ten years.

**123quinquies.** (Arr. G. - d. 7 July 1944) The confiscation of the movable and immovable property which has been used or intended to commit the offence will always be pronounced, as well as the confiscation of the plans, maps, writings, documents, copies, surveys, photographs, Views, reproductions and all other securities and real estate acquired by the offence. When the said things have not been seized, the judges, in order to take place of their confiscation, shall give a judgment to the benefit of the public treasury for payment of an amount equal to their value. For the recovery of convictions under the above provisions, in the absence of forfeiture, the Public Treasury has a privilege that takes precedence between paragraphs 1 and 2 of Article 2101 of the Civil Code.

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**123sexies.** (Arr. G. - d. 14 December 1944) The one who, during the enemy occupation, by freely laid down acts, has done a continuous demonstration of marked incivism, which has given rise to general disapproval, will be punished with imprisonment of 3 months to 3 years and one A fine of 251 euros to 125,000 euros.

**123septies.** (Arr. G. - d. 14 December 1944) In the event of infringements of the provisions of Articles 113 to 123sexies of the Criminal Code, judges may impose fines ranging from 251 euros to 125,000 euros, depending on the gravity of the cases. The fine will be adapted to the offender's capital situation, taking into account the following: income and capital, occupation and professional gain, family expenses, age and health status. In the event that the profit achieved as a result of the infringement exceeds this maximum, the judges may declare acquired to the treasury the remuneration, respectively, the actual benefit, or the value of that retribution or profit when they have not been Entered.

**123octies.** (Arr. G. - d. 14 December 1944) Articles 113 to 123septies, as amended and supplemented by the Grand Ducal Decrees of 14 July 1943, 7 July 1944 and 6 November 1944, concerning crimes against the external security of the State, retroactive to 10 May 1940.

### **Chapter III. - Crimes against the internal security of the State**

**Article 124.** The aim of the attack, which will be to stir up civil war, by arming or arming citizens or residents to arm themselves against each other, will be punishable by 15 to 20 years' imprisonment. The conspiracy of the same purpose shall be punishable by ten to fifteen years'

imprisonment, if any act has been committed to prepare for the execution and from five to ten years of the same penalty, if not.

**Art. 125.** The attack, the aim of which will be to carry the devastation, the massacre or the pillaging in one or more municipalities, will be punished by the imprisonment of fifteen to twenty years. The conspiracy formed for the same purpose shall be punished by ten to fifteen years of the same penalty, if any act has been committed to prepare for the execution thereof; and from five to ten years' imprisonment if it does not.

**Article 126.** They shall be punished by the imprisonment of between five and ten years, those who have lifted or have enlisted, engaged or enlisted, engaged or enlisted soldiers, or provided or procured either weapons or ammunition, without any order or authorization Government.

**Article 127.** They shall be punished by imprisonment for five to ten years: Those who, without any right or legitimate reason, have taken command of a troop, post or town; Those who have retained, against the order of the Government, any military command; Commanders who have held their troops together, after the separation has been ordered.

**Article 128.** Anyone, either to seize public money or to invade areas, properties, cities, posts, stores or arsenals belonging to the state, either to attack or resist the force

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The public, acting against the perpetrators of these crimes, will be placed at the head of armed gangs, or have exercised any function or command, and shall be punished by imprisonment for fifteen to twenty years.

**Article 129.** If these bands are intended, either to plunder or share public or national property, or those of a generality of citizens, or to attack or resist the public force acting against the perpetrators of those crimes, those who Be placed at the head of these bands, or who have exercised any function or command there, shall be punished by the imprisonment of fifteen to twenty years.

**Article 130.** The penalties set out in the two previous sections will be applicable to those who have led the association, raised or raised, organized or arranged the bands.

**Article 131.** In the event that any of the crimes referred to in sections 101, 102, 103 and 104 have been committed by a band, the penalties laid by the articles shall be applied, without distinction of rank, to all individuals in the band who have been Seized at the seditious meeting place. To be punished with the same penalties, although not seized at the site, any person who has directed the sedition or exercised in the band any employment or command.

**Art. 132.** Except where the seditious meeting has been the object or result of any of the crimes listed in sections 101, 102, 103 and 104, the individuals in the bands referred to above, without any command or employment, and who Have been seized at the scene, will be punished with the penalty immediately below that which will be imposed on the directors or commanders of these bands.

**S. 133.** Those who, knowing the purpose or character of the said bands, will have provided these bands or their divisions, housing, retreats or meeting places, shall be punished, in the cases of Articles 101, 102, 103 and 129, of imprisonment for five to ten years.

**Article 134.** No punishment shall be imposed, for sedition, against those who, having been in such bands without any command and without any employment or function, have withdrawn at the first warning of the civil authorities or Military, or even since, when they have been seized outside the seditious meeting, without resistance and without arms. However, they will be punished for the other crimes or offences they have personally committed.

**Article 135.** Included in the word weapons, all machines, instruments, utensils or other sharp objects, piercing or blunt objects, which will be seized to kill, injure or strike, even if not used.

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### **Chapter III-1. - Terrorism**

Section I.-Terrorist offences (L. 27 October 2010)

**Article 135-1.** (1) (L. August 12, 2003) (L. 3 March 2020) An act of terrorism punishable by imprisonment for a maximum of at least three years or a more serious penalty which, by its nature or context, can seriously damage a country, an organisation Or an international organization and was committed intentionally in order to:



-seriously intimidate a population, - unduly constrain public authorities, an organisation or an international body to carry out

Or refrain from doing any act, or-seriously destabilising or destroying fundamental political, constitutional structures,

Economic or social of a country, an organization or an international organization.

(2) Acts of terrorism are also punishable under articles 509-1, 514, 533 and 534 of the Penal Code and in Article 61 (1) (a) of the amended Act of 19 December 2008 on water, if committed in The circumstances set out in paragraph 1.

**Article 135-2.** (L. 27 October 2010) Anyone who has committed an act of terrorism provided for in the previous article shall be punished by imprisonment for fifteen to twenty years. It is punishable by life imprisonment if the act resulted in the death of one or more persons.

**Article 135-3. (L. December 26, 2012)** (1) A terrorist group shall be the structured association of at least two persons, established over time, for the purpose of jointly committing one or more of the acts of terrorism referred to in paragraph (2) of this section. (2) The prescribed offences referred to in paragraph (1) of this section are:

-Articles 112-1, 135-1, 135-2, 135-5, 135-6, 135-9, 135-11 to 135-16 and 442-1; - Sections 31 and 31-1 of the amended Act of 31 January 1948 on the regulation of navigation

Air; - in Article 2 of the amended Act of 11 April 1985 approving the Convention on Protection

Nuclear material, opened for signature in Vienna and New York on 3 March 1980; - in Article 65-1 of the amended Act of 14 April 1992 establishing a Disciplinary and Criminal Code for the Navy.

**Art. 135-4. (L. 12 August 2003)** (1) (L. March 3, 2020) Any person who, wilfully and knowingly, is actively involved in a terrorist group, including by providing information or material means, or any other form of financing of his or her activities, knowing that This participation will contribute to the criminal activities of the terrorist group, is punishable by one to eight years' imprisonment and a fine of EUR 2,500 to 12,500 euros, or only one of those penalties, even if it does not intend to commit An offence in the context of this group, or to associate itself with it as an author or an accomplice. (2) Any person who participates in the preparation or carrying out of any lawful activity of that terrorist group, knowing that his or her participation contributes to the objectives of the terrorist group, as provided for in the foregoing Article, shall be punished One to eight years' imprisonment and a fine of EUR 2,500 to EUR 12,500, or just one of those penalties. (3) Every person who participates in any decision making in connection with the activities of a terrorist group, while knowing that his or her participation contributes to the objectives of the terrorist group, as provided for in the preceding article, shall be punished by the Imprisonment for five to ten years and a fine of 12,500 euros to 25,000 euros or one of those penalties alone.

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(4) Any leader of the terrorist group shall be punished by ten to fifteen years' imprisonment and a fine of EUR 25,000 to EUR 50,000 or just one of those penalties. (5) The conduct referred to in paragraphs 1 to 4 of this Article which have occurred in the national territory shall be prosecuted under Luxembourg law regardless of where the terrorist group is based or carries out its activities.

**Article 135-5. (L. December 26, 2012)** (1) It is an act of financing terrorism to provide or assemble by any means, directly or indirectly, illicitly and deliberately, funds, values or property of any kind, with the intention of seeing them Used or in the knowledge that they will be used, in whole or in part, for the purpose of committing or attempting to commit one or more of the offences referred to in paragraph (2) of this section, even if they were not actually used to commit or Attempt to commit any of these offences, or if they are not related to one or more terrorist acts Specific. (2) The prescribed offences referred to in paragraph (1) of this section are:

-Articles 112-1, 135-1 to 135-4, 135-9, 135-11 to 135-16 and 442-1; - to Articles 31 and 31-1 of the amended Act of 31 January 1948 on the regulation of navigation

Air; - in Article 2 of the amended Act of 11 April 1985 approving the Convention on Protection

Nuclear material, opened for signature in Vienna and New York on 3 March 1980; - in Article 65-1 of the amended Act of 14 April 1992 establishing a Disciplinary and Criminal Code for the Navy.

(3) It is also an act of financing terrorism to provide or assemble by any means, directly or indirectly, illicitly and deliberately, funds, values or property of any kind, for the purpose of To see them used or in the knowledge that they will be used, in whole or in part, by a terrorist or by a terrorist group, including in the absence of a link with one or more specific terrorist acts, even if they have not actually been Used by the terrorist or terrorist group. (4) (L. March 3, 2020) Included in the term "funds" of property of any kind, tangible or intangible, movable or immovable, acquired

by any means, and any legal documents or instruments in any form, including in electronic or digital form, which attest to a right of ownership or interest in such property and bank credits, traveller's cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters Credit, economic resources, raw materials and other natural resources, without This enumeration is not exhaustive.

**Article 135-6. (L. December 26, 2012)** (1) A person who has committed an act of financing terrorism under paragraph (1) of section 135-5 shall be subject to the same penalties as those referred to in paragraph (2) of section 135-5, and in accordance with the distinctions made in the same sections. (2) A person who has committed an act of financing terrorism under paragraph (3) of section 135-5 shall be subject to the same penalties as those referred to in section 135-2, and in accordance with the distinctions therein.

**Article 135-7. (L. 27 October 2010) (L. 26 December 2012)** Is exempted from penalties that, prior to any attempt to comply with Articles 112-1, 135-1, 135-2, 135-5, 135-6, 135-9 and 135-11 to 135-16 and before any proceedings commenced, shall have revealed to the authority the existence of acts intended for Prepare the commission of offences to the same articles or the identity of the persons who have committed these acts. (L. July 5, 2016) In the same cases, the penalty of criminal imprisonment shall be reduced to the extent determined by Article 52 and on the basis of the graduation in respect of the person who, after the commencement of the proceedings, has revealed to the authority The identity of the authors who remained unknown.

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**Article 135-8. (L. 27 October 2010)** Is exempt from punishments for participation in a terrorist group which, prior to any attempt to act as a terrorist group and before any proceedings commenced, will have revealed to the authority the existence of that group And the names of its Commanders in chief or in suborder.

Section II. -Terrorist attacks on explosives (L. 27 October 2010)

**Article 135-9. (L. 27 October 2010)** (1) Without prejudice to section 520, the person who unlawfully and intentionally delivers, poses, or detonate or detonate an explosive device or other lethal device in or against a public place, government facility or other Public installation, public transportation system or infrastructure:

1) with the intention of causing death or serious bodily injury; or 2) with the intention of causing massive destruction of this place, installation, system or

This infrastructure, where such destruction causes or is likely to cause significant economic losses, will be punished by imprisonment for five to ten years.

(2) The penalty shall be imprisonment for ten to fifteen years if the offence under subsection (1) has caused bodily harm or illness. (3) The penalty shall be that of fifteen to twenty years' imprisonment:

(1) if the offence under subsection (1) has caused either an apparently incurable illness or a permanent incapacity for personal work, or the loss of the absolute use of an organ, or a serious mutilation;

(2) if the offence under subsection (1) directly resulted in the destruction of a public place, government facility or other public facility, public transportation system or infrastructure, or Serious damage.

(4) The penalty shall be that of life imprisonment if the offence under subsection (1) has resulted in the death of a person.

**Article 135-10. (L. October 27, 2010)** For the purposes of section 135-9:

- "Government facility or other public facility" Covers any equipment or means of transport of a permanent or temporary nature which is used or occupied by representatives of a State, of the members of the Government, of the Parliament or of the Magistrature, or of the agents or staff of a State or of Any other authority or public entity, or by agents or staff of an intergovernmental organization, in the course of their official duties.

- " Infrastructure " Covers any public or private equipment providing public utilities, such as water supply, sewage disposal, energy, fuel or communications.

- " The explosive device or other lethal device " Seeks: (1) any weapon or explosive or incendiary device that is designed to cause death, damage

Serious bodily injury or significant physical damage, or capacity; or (2) any weapon or device that is designed to cause death, serious bodily injury

Significant material damage, or that has the capacity, through the emission, dissemination or impact of toxic chemicals, biological agents, toxins or similar substances or radiation or radioactive materials.

-The " Public place " Covers parts of any building, land, public highway, watercourse, and other place that is accessible or open to the public, on an ongoing, periodic or occasional basis, and includes any place for commercial, cultural, historical, educational use, Religious, official, playful, recreational or other that is thus accessible or open to the public.

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-The " Public transport system " Covers all equipment, vehicles and means, whether public or private, that are used in the transport of persons or goods which are accessible to the public.

Section III. -Offences related to terrorist activities (L. 26Dec 2012)

**Article 135-11. (L. December 18, 2015)** (1) It constitutes an act of provocation to terrorism the dissemination or any other form of making available to the public a message, including through electronic communications networks, with the intention of inciting, directly or indirectly, To the commission of one of the offences referred to in this Chapter. (2) It shall also constitute an act of provocation to terrorism by disseminating the message referred to in paragraph 1 in the presence of several individuals in a non-public place, or a virtual place constituted by means of telecommunications, but open To a number of persons who have the right to assemble or to attend.

**Article 135-12. (1)** (L. December 26, 2012) Commit an act of recruitment to terrorism any person who solicits or attempts to solicit another person:

(a) to commit or participate in the commission of any of the offences referred to in this Chapter or  
(b) to create or join a terrorist group within the meaning of section 135-3.

(2) (L. 18 December 2015) Commit also an act of recruitment to terrorism any person who, knowingly, is recruited to commit or participate in the commission of one of the terrorist offences covered by this chapter.

**Article 135-13. (1)** (L. December 26, 2012) (L. As of March 3, 2020). Every person who gives instructions for the manufacture or use of explosives, firearms or other dangerous or noxious substances or substances, or for other methods and methods, is a terrorist training act. In order to commit or contribute to the commission of any of the offences referred to in this Chapter, bearing in mind that the training provided is intended to serve the purpose of achieving such an objective. (L. 18 December 2015) (2) (L. 18 December 2015) Commit also an act of training on terrorism any person who knowingly participates in the training referred to in paragraph 1 or solicits or induces, by any means, other persons to provide such a Training.

**Article 135-14. (L. 18 December 2015)** The penalties laid down in Article 135-17 shall be punished by preparing the commission of one of the offences provided for in this Chapter, where the preparation of the offence is characterised by: (1) The fact of holding, The search, acquisition or manufacture of explosives, firearms or other weapons or other harmful or dangerous substances or the holding, searching or obtaining of information on other specific methods and techniques of a nature Contribute to the preparation or commission of a terrorist offence, and (2) at least one of the Other material facts:

1. Collect information about places or persons in order to carry out terrorist activities in such places or against such persons or to carry out surveillance on such places or persons;

2. Training in the handling of explosives, firearms or other dangerous or dangerous substances or substances or other specific methods and techniques or in any form of combat or the piloting of aircraft or the conduct of trains or ships;

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3. Usually consult one or more electronic communications services or normally attend circles within the meaning of section 135-11 (2), or hold objects or documents that cause the commission of acts of terrorism;

4. Have stayed abroad in a theatre of terrorist group operations.

**Article 135-15. (1)** (L. December 18, 2015) (L. (3 March 2020) The penalties provided for in Article 135-17 shall be punishable by any person who, from the territory of Luxembourg, surrendered or who prepared to go to another State for the purpose of committing, or to contribute to commit, Organize, prepare or participate in one or more of the terrorist offences set out in this Chapter. (2) (L. (3 March 2020) The same penalties shall be imposed on any person who intentionally commits

any act intended to organize or facilitate the travel of a person for purposes of terrorism as provided for in paragraph 1, knowing that the assistance thus provided has for the purpose of serving such an objective.

**Article 135-16.** (L. 18 December 2015) punishable by the penalties provided for in Article 135-17 of Luxembourg which:

1. Leave the national territory in breach of the ban on the exit of the territory ordered or pronounced against it, or
2. Exempt from the obligation to surrender his or her passport (s) and national identity card, or only one of those documents, to the competent authorities.

**Article 135-17. (L. December 18, 2015)** (1) Every person who commits or attempts to commit any of the offences set out in Articles 135-11 to 135-16 shall be punished by imprisonment for one to eight years and a fine of 2,500 to 12,500 euros, or only one of those penalties, even if none of these offences against which the act in question tendered was committed. (1 *Bis*) (L. (3 March 2020) Any person who commits or attempts to commit any of the offences provided for in Articles 135-12 (1) and 135-13 (1) shall be liable to imprisonment for five to ten years if they are committed against a minor. (2) In the case of a conviction of a Luxembourger for one of the offences set out in Articles 135-12 to 135-15 to a sentence other than a sentence of imprisonment, the court of judgment may impose a prohibition on the exit of the territory National for a maximum of one year. Where an exit ban has not previously been ordered by the investigating judge, the person concerned is required to submit his or her passport or identity card to the registry of the court which handed down the sentence. In exchange for the receipt referred to in Article 112-1 of the Code of Criminal Procedure.

### Common provision in this Title

**Art. 136.** They shall be exempted from the penalties laid down in this Title, and against the offences laid down in Article 111, those of the guilty who, before any attack and before any proceedings commenced, shall have given the authority knowledge of these conspiracies or offences, and of their perpetrators or accomplices.

Title Ibis. -Serious violations of international humanitarian law (L. Feb 27, 2012)

**Article 136bis.** (L. February 27, 2012) A crime of genocide is one of the following acts committed with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group, such as:

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1. Murder of group members;
2. Serious impairment of the physical or mental integrity of group members;
3. Intentional submission of the group to conditions of existence to be destroyed

Total or partial physical activity;

4. Measures to prevent births within the group;
5. Forced transfer of children from the group to another group.

The crime of genocide is punishable by life imprisonment.

**136ter.** (L. 27 February 2012) is classified as a crime against humanity as one of the following acts when committed in the context of a widespread or systematic attack against any civilian population and knowledge of the attack:

1. Murder;
2. Extermination;
3. Enslavement;
4. Deportation or forced population transfer;
5. Imprisonment or other serious deprivation of physical liberty in violation of the provisions

Fundamental international law;

6. Torture;
7. Rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or any other form of

Sexual violence of comparable severity;

8. Persecution of any identifiable group or community for political, racial, or other reasons,

National, ethnic, cultural, religious or sexist, or in accordance with other criteria universally recognized as inadmissible under international law, in connection with any act referred to in Articles 136bis, 136ter and 136quater;

9. Enforced disappearances of persons;
10. crime of apartheid;
- 11 other inhuman acts of a similar character intentionally causing great suffering or

Serious injury to physical or physical or mental health.

The crime against humanity is punishable by life imprisonment.

**136c. (L. Feb 27, 2012)** (1) Is qualified as a war crime:

1. One of the acts provided for in the Geneva International Conventions of 12 August 1949, as approved by the law of 23 May 1953: (a) intentional homicide; (b) torture or inhuman treatment, including biological experiments; (c) Intentionally causing great suffering or serious harm to the

Physical or health integrity; and (d) compelling a prisoner of war or a protected person to serve in the forces

Armed with enemy power; (e) intentionally depriving a prisoner of war or a protected person of his right

Be held regularly and impartially; (f) deportation or illegal transfer or illegal detention; (g) the taking of hostages; (h) the destruction or appropriation of property, not justified by military necessity and carried out on

A large scale in an unlawful and arbitrary manner. 2. One of the following acts, constituting serious violations of the laws and customs applicable to conflicts

International armed forces within the established framework of international law: (a) intentionally directing attacks against the civilian population as such or against

Civilians who are not directly involved in hostilities;

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(b) the intentional conduct of attacks on civilian property, that is, property that is not military objectives;

(c) intentionally directing attacks against personnel, installations, equipment, units or vehicles employed in the context of a humanitarian or peacekeeping mission in accordance with the Charter of the United Nations As long as they are entitled to the protection that the international law of armed conflict guarantees to civilians and civilian property;

(d) the intentional conduct of an attack knowing that it will incidentally cause loss of life in the civilian population, injuries to civilians, damage to property of a civilian character, or extensive damage, Sustainable and serious natural environment which would be manifestly excessive in relation to the overall expected concrete and direct military advantage;

(e) attacking or bombing, by any means, towns, villages, houses or buildings that are not defended and which are not military objectives;

(f) the killing or injury of a combatant who, having laid down the weapons or has no means to defend himself, has surrendered at the discretion of the combatant;

(g) the improper use of the parliamentary flag, the military flag or insignia and the uniform of the enemy or of the United Nations, as well as the distinctive signs provided for by the Geneva Conventions, and Causing loss of life or serious injury;

(h) the transfer, direct or indirect, by an occupying power of a part of its civilian population, in the territory it occupies, or the deportation or transfer within or outside the occupied territory of all or part of the Population of this territory;

(i) the intentional conduct of attacks on buildings devoted to religion, education, art, science or charity, historical monuments, hospitals and places where sick or injured persons are Gathered, provided they are not military objectives;

(j) the submission of persons of an adverse party who has fallen in his power to medical or scientific mutilation or experimentation, regardless of who is not motivated by medical, dental or hospital treatment, or Carried out in the interest of these persons, leading to their death or seriously endangers their health;

(k) to kill or injure individuals belonging to the enemy nation or army; (l) declare that it shall not be made of a neighbourhood; (m) the destruction or seizure of the enemy's property, except in cases where the enemy Destruction or seizure

Be imperiously commanded by the necessities of war; (n) declaring extinguished, suspended or not admissible in court the rights and actions of nationals

(o) the fact for a belligerent to compel the nationals of the opposing party to take part in the

War operations against their country, even if they were at the service of the belligerent before the

start of the war;

(p) looting of a town or locality, whether or not taking place; (q) the use of poison or poisonous weapons; (r) the use of asphyxiating, toxic or similar gases, or any liquids, materials or

Similar processes; (s) the use of bullets that flourish or flatten easily in the human body; and (t) the use of weapons, projectiles, materials and methods of warfare that cause harm

Unnecessary suffering or non-discrimination in violation of the international law of armed conflict, provided that such weapons, projectiles, materials and methods of warfare are subject to a general prohibition and that they be included in an annex to the Rome Statute;

(u) attacks on the dignity of the person, including humiliating and degrading treatment; (v) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization or all

Other forms of sexual violence constituting a serious offence under the Geneva Conventions; (w) using the presence of a civilian or other protected person to avoid certain points,

Military areas or forces are not the target of military operations; (x) intentionally directing attacks on buildings, equipment, units and

Means of transport, and personnel using, in accordance with international law, the distinctive signs provided for by the Geneva Conventions;

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(y) the deliberate starving of civilians as a method of warfare, depriving them of assets essential to their survival, including by intentionally preventing the sending of relief under the Geneva Conventions;

(z) the conscription or enlistment of children under the age of 15 years in the national armed forces or the active participation in hostilities;

(aa) (L. March 29, 2019) to use weapons that use microbial agents or other biological agents, as well as toxins, regardless of their origin or mode of production;

(ab) the use of weapons that have the primary effect of injuring by shrapnel that are not localizable in the human body;

(Ac) the use of laser weapons specifically designed in such a way that only their combat function or one of their combat functions was to cause permanent blindness in persons whose vision is unimproved, i.e. with the naked eye or with sight correction devices.

3. In the event of an armed conflict not of an international character, the serious violations of article 3 common to the four Geneva Conventions of 12 August 1949, namely one of the following acts committed against persons who do not participate directly to hostilities, including members of the armed forces who have laid down the weapons and persons who have been hors de combat by illness, injury, detention or any other cause: (a) attacks on life and bodily integrity, including murder in all its forms,

Mutilation, cruel treatment and torture; (b) attacks on the dignity of the person, including humiliating and degrading treatment; (c) the taking of hostages; (d) convictions and executions carried out without a judgment prerequisite, rendered by

A regularly constituted court, with judicial guarantees generally recognised as indispensable.

4. Other serious violations of laws and customs applicable to armed conflicts not of an international character, within the established framework of international law, namely, one of the following: (a) the intentional conduct of attacks on the civilian population as such or against

Civilians who are not directly involved in hostilities; and (b) intentionally direct attacks on buildings, equipment, units and

Means of transport, and personnel using, in accordance with international law, the distinctive signs of the Geneva Conventions;

(c) intentionally directing attacks against personnel, installations, equipment, units or vehicles employed in the context of a humanitarian or peacekeeping mission in accordance with the Charter of the United Nations as long as they are entitled to the protection that the international law of armed conflict guarantees to civilians and civilian property;

(d) the intentional conduct of attacks on buildings devoted to religion, education, art, science or charity, historical monuments, hospitals and places where sick and injured persons are gathered, provided that these buildings are not military objectives;

provided that these buildings are not military objectives,

(e) the pillaging of a town or locality, whether or not even taking place; (f) rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, or

Any other form of sexual violence constituting a serious violation of article 3 common to the Geneva Conventions;

(g) the conscription or enlistment of children under the age of 15 years in the armed forces or armed groups or actively involve them in hostilities;

(h) ordering the displacement of the civilian population for reasons relating to the conflict, except in cases where the security of civilians or military requirements requires;

(i) the killing or injury of a combatant adversary; (j) a declaration that no neighbourhood shall be made; (k) the submission of persons from another party to the conflict in his or her power

Mutilation or medical or scientific experiments which are not motivated by medical, dental or hospital treatment or carried out in the interest of such persons, and which result in the death of such persons or Seriously endanger their health;

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(l) the destruction or seizure of an adversary's property, unless such destruction or seizure is imperiously ordered by the exigencies of the conflict;

(m) the use of poison or poisonous weapons; (n) the use of asphyxiating, toxic or similar gases, as well as any liquids, materials or

Similar processes; o) the use of bullets that thrive or flatten easily in the human body; (p) (L. March 29, 2019) to use weapons that use microbial agents or other agents

Biological, as well as toxins, regardless of the origin or mode of production; q) the use of weapons that have the primary effect of injuring by shrapnel that are not

X-ray locatable in the human body; r) use laser weapons specifically designed in such a way that only their function

Or one of their combat functions was to cause permanent blindness in people whose vision is unimproved, that is, who look to the naked eye or who wear sight correction devices.

(2) 1. The offences listed in (a), (b) and (c) of point 1. Paragraph (1) shall be punishable by life imprisonment. The offences listed in (d), (e), (f), (g) and (h) of the same point are punishable by 15 to 20 years' imprisonment. They shall be punished by life imprisonment if they have resulted in the death of one or more persons, either an incurable disease or a permanent incapacity for personal work, or the loss of the absolute use of a Organ, or a serious mutilation. The offence provided for in (i) of the same paragraph shall be punishable by ten to fifteen years' imprisonment. It is punishable by 15 to 20 years' imprisonment when it has caused serious public health consequences.

2. The offences listed in (a), (c), (d), (e), (f), (h), (j), (k), (l), (v), (x) and (y) of point 2. Paragraph (1) shall be punishable by life imprisonment. The offences listed in (g), (i), (o), (p), (q), (r), (s), (t), (u), (w) and (z) of the same point are punishable by 15 to 20 years' imprisonment. They shall be punished by life imprisonment if they have resulted in the death of one or more persons, either an incurable disease or a permanent incapacity for personal work, or the loss of the absolute use of a Organ, or a serious mutilation. The offences provided for in (b), (m) and (n) of the same point shall be punishable by ten to fifteen years' imprisonment. They are punished by the imprisonment of fifteen to twenty years when they have caused serious public health consequences.

3. The offence listed in (a) of item 3. Paragraph (1) shall be punishable by life imprisonment. The offences listed in (b) and (d) of the same point are punishable by 15 to 20 years' imprisonment. They shall be punished by life imprisonment if they have resulted in the death of one or more persons, either an incurable disease or a permanent incapacity for personal work, or the loss of the absolute use of a Organ, or a serious mutilation. The offence provided for in (c) of the same point shall be punishable by ten to fifteen years' imprisonment. It is punishable by 15 to 20 years' imprisonment when it has caused serious public health consequences.

4. The offences listed in (a), (b), (c), (f), (i), (j) and (k) of item 4. Paragraph (1) shall be punishable by life imprisonment. The offences listed in (d), (e), (g), (h), (l), (m), (n) and (o) of the same point are punishable by 15 to 20 years' imprisonment. They shall be punished by life imprisonment if they have resulted in the death of one or more persons, either an incurable disease or a permanent incapacity for personal work, or the loss of the absolute use of a Organ, or a serious mutilation. The offence provided for in the same point shall be punishable by ten to fifteen years' imprisonment. It is punishable by 15 to 20 years' imprisonment when it has caused serious public health

(3) Point 3. Paragraph (1) applies to armed conflicts not of an international character and therefore does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or acts of Similar nature. (4) Item 4. Paragraph (1) applies to armed conflicts not of an international character and therefore does not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or acts of Similar nature. It applies to armed conflicts between

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On the territory of a State, the authorities of the government of that State and of organised armed groups or armed groups organised between them.

**136quinquies. (L. Feb 27, 2012)** (1) Is a crime of aggression the planning, preparation, launching or execution by a person actually capable of controlling or directing the political or military action of a State, of an act of aggression which, by its nature, It is a clear violation of the Charter of the United Nations. For the purposes of paragraph 1, "act of aggression" means the use by a State of armed force against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of United Nations. These are the following:

(a) the invasion or attack by the armed forces of a State of the territory of another State or the military occupation, even temporary, resulting from such an invasion or attack, or the annexation by force of all or part of the Territory of another State;

(b) the bombardment by the armed forces of a State of the territory of another State, or the use of any weapon by a State against the territory of another State;

(c) the blockade of the ports or coasts of one State by the armed forces of another State; (d) the attack by the armed forces of a state of land, sea or air forces, or of the fleets

(e) the employment of the armed forces of a State which are in the territory of another State with the approval

The latter in breach of the conditions laid down in the relevant agreement, or the extension of the presence of those forces in that territory after the expiry of the relevant agreement;

(f) the fact that a State allows its territory, which it has made available to another State, to be used by that other State to act as an act of aggression against a third State;

(g) the sending by a State or on behalf of a State of bands, groups, irregular troops or armed mercenaries who execute against another State acts assimilable to those of armed forces of a gravity equal to that of the acts listed above, or which Make a substantial contribution to such acts.

(2) The offences listed in subsection (1) shall be punishable by ten to fifteen years' imprisonment.

Title II. -Crimes and offences which violate the rights guaranteed by the Constitution

### **Chapter I. - Crimes relating to the exercise of political rights**

**Article 137.** Those who, by means of violence or threats, have prevented one or more citizens from exercising their political rights, will be punished by imprisonment from 15 days to one year and from a fine of 251 euros to 10,000 euros.

**Art. 138.** Will be punished by imprisonment from three months to two years and a fine of 251 euros to 5,000 euros, any citizen who, in a vote count of ballots containing votes, will be surprised by subtracting, adding or falsifying Ballot papers or fraudulently reading names other than those on the ballot papers.

**Article 139.** (L. 10 July 2011) In the case set out in Article 138, the guilty will, moreover, be sentenced to the prohibition of the right to vote for at least five years and not more than ten years.

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### **Chapter I-1. - Offences relating to the obstruction of justice** (L. July 10, 2011)

**Article 140.** (L. July 10, 2011)

1. The fact, for anyone who is aware of a crime whose effects can still be prevented or limited, or whose perpetrators are likely to commit new crimes that could be prevented, not to inform them Judicial or administrative authorities are punished with one to three years' imprisonment and a fine of between 251 and 45.000 euros.



(2) excepted from the above provisions, except for crimes committed on minors: - direct parents and their spouses, as well as brothers and sisters and their spouses, of the author

Or the accomplice of the crime; - the spouse of the perpetrator or the accomplice of the crime, or the partner within the meaning of the amended law of 9 July

2004 on the legal effects of certain partnerships; - persons subject to professional secrecy and covered by Article 458 of the Criminal Code.

**Article 141.** (L. 10 July 2011) is punished with imprisonment for a period of one month to two years and a fine of between 251 and 45,000 euros, in order to knowingly obstruct the manifestation of the truth:

1. To modify the state of the premises of a crime or an offence, either by the alteration, falsification or erasure of the traces or indicia, or by the contribution, displacement or deletion of any objects;

2. To destroy, subtract, recerect or alter a public or private document or an object of a nature to facilitate the discovery of a crime or an offence, the search for evidence or the conviction of the guilty.

Where the facts provided for in this article are committed by a person who, by virtue of his or her functions, is called to contribute to the manifestation of the truth, the penalty shall be extended to five years' imprisonment and a fine of 75,000 euros. The person who, through his or her functions, is called to contribute to the manifestation of truth and who knowingly engages in information that is likely to contribute to the manifestation of the truth, shall be punished with the same punishment. This Article shall be without prejudice to the provisions of Article 32 of the Code of Criminal Procedure.

## Chapter II. - Offences relating to the free exercise of cults

**Article 142.** Any person who, through violence or threats, has prevented or prevented one or more persons from practising a cult, attending the practice of worship, observing certain religious holidays, observing certain days of rest, and Consequently, opening or closing their shops, shops or shops, and doing or leaving certain works, will be punished by imprisonment from eight days to two months and from a fine of 251 euros to 2,000 euros.

**Article 143.** Those who, through disorder or disorder, have prevented, delayed or interrupted the exercises of a worship which is practised in a place intended or habitually used in worship or in public ceremonies of this worship shall be punished by a Imprisonment for eight days to three months and a fine of 251 euros to 5,000 euros.

**Art. 144.** Any person who, by fact, words, gestures, threats, writings or drawings, has outraged the objects of a cult, either in the places intended or habitually used in his or her exercise, or in public ceremonies

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The cult will be punished by imprisonment from 15 days to six months and a fine of 251 euros to 5,000 euros.

**Article 145.** It shall be punishable by the same penalties which, by facts, words, gestures, threats, writings or drawings, have outraged the minister of a religion in the exercise of his ministry. If he has beaten him, he will be punished by imprisonment from two months to two years and a fine of 500 euros to 5,000 euros.

**Article 146.** If the blows were the cause of bloodshed, injury or illness, the culprit will be punished by imprisonment for six months to five years and a fine of 500 euros to 10,000 euros.

## Chapter III. - Public officials' infringements of the rights guaranteed by the Constitution

**Article 147.** An official or public officer, a depositary or officer of the public authority or force, who shall have unlawfully and arbitrarily arrested or arrested, detained or held one or more persons, shall be punished by imprisonment of Three months to two years. Imprisonment will be six months to three years, if the unlawful and arbitrary detention has lasted more than ten days. If it has lasted more than a month, the offender will be sentenced to a term of imprisonment of one to five years. In addition, it will be punished by a fine of EUR 500 to EUR 10,000 and may be condemned to the prohibition of the rights set out in Articles 1, 2 and 3 of Article 11.

**Article 148.** Any officer of the administrative or judicial order, any officer of justice or police, any commander or officer of the public force who, acting in that capacity, has entered the home of a resident against the will of the person, Outside the prescribed circumstances and without the formalities prescribed by law. will be punished by imorisonment for eight days to six months and a

...shall be punished by imprisonment for eight days to six months and a fine of EUR 251 to EUR 2,000.

**Article 149.** Will be punished by imprisonment from 15 days to two months and a fine of EUR 251 to 5,000 euros, any official or official of the Government, any employee of the postal service and telegraphs, who shall have opened or deleted letters entrusted to the Position, telegraphic despatches, or that will have facilitated the opening or deletion.

**Art. 150.** Those who, in the custody of the telegraph despatches, have revealed the existence or the content, out of the case where they are called to testify in court and the person in which the law obliges them to make known the existence or the contents of such despatches, Will be sentenced to imprisonment from 15 days to six months and to a fine of 251 euros to 5,000 euros.

**Article 151.** Any other act that is arbitrary and prejudicial to the freedoms and rights guaranteed by the Constitution, ordered or executed by a public official or officer, by a depositary or agent of the public authority or force, shall be punished by a Imprisonment from 15 days to one year.

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**Article 152.** If the accused justifies that he acted in order of his superiors, for the purposes of the objects of the latter and on which he was due to obey them, the penalties laid down in the preceding articles shall be applied only to the superiors who Have given the order.

**Art. 153.** If public officials or public officers, accused of having ordered, authorised or facilitated one of the acts referred to in Articles 147 to 151, claim that their signature was a surprise, they shall be obliged, if necessary, to cease the act, of Denounce the culprit; otherwise, they will be prosecuted personally.

**Article 154.** If one of the arbitrary acts referred to in Articles 147 to 151 has been committed by means of the false signature of a public official, the perpetrators of the forgery and those who, in the wrong or fraudulently, have made use of it, shall be punished by the imprisonment of Ten to fifteen years.

**Article 155.** Public officials or public officers in charge of the administrative or judicial police, who, having the power, will have neglected or refused to stop an unlawful detention brought to their knowledge, shall be punished by imprisonment for a month to One year.

**Article 156.** Public officials or public officers in charge of the administrative or judicial police, who, having no power to stop illegal detention, will have neglected or refused to see what has been brought to their knowledge, and of the To report to the competent authority shall be punished by imprisonment from eight days to six months.

**Art. 157.** (L. 20 July 2018) Directors and staff of prison centres who have received a prisoner without a legal order or warrant or without trial. Those who have detained him or will have refused to represent him or her to the police officer or the bearer of his orders, without justifying the defence of the prosecutor or the judge. Those who have refused to export their records to the police officer. They will be punished by imprisonment from 15 days to two years and a fine of 251 euros to 2,000 euros.

**Article 158.** They will be punished by a fine of EUR 500 to € 20,000, and may be sentenced to the prohibition of the right to perform duties, jobs or public offices, all officers of the Public Prosecutor's Office or of the judicial police who, without the authorisations Prescribed by the Constitution, have caused, given, signed either a judgment against a member of the Government, or a Member of Parliament, either an order or a warrant to prosecute or charge, or who, without the same Authorizations, have given or signed the order or mandate to seize or arrest a member of the Government, Or a Member of Parliament, except in respect of the latter, the case of flagrante delicto.

**Art. 159.** They shall be punished by the same penalty, the officers of the Public Prosecutor's Office, the judges or public officers who have retained or engaged a person outside the premises determined by the Government or by the public administration.

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Title III. -Crimes and offences against the public faith

**Chapter I. - Counterfeiting, alteration or falsification of currency, instruments of tangible payment protected against imitations or fraudulent uses,**

**And securities that are representative of property rights, claims or securities** (L. July 28, 2017)

**Article 160.** (L. 28 July 2017) For the purposes of this Chapter, " Currency " Banknotes and coins which are legal tender in the Grand Duchy of Luxembourg or abroad or whose broadcast is authorized by a law of a foreign state or by virtue of a provision having the force of law. For the purposes of this Chapter, " Tangible payment instruments " Tangible payment instruments, issued by payment service providers or commercial establishments, and protected against imitations or fraudulent uses, allowing, in association, where appropriate, with another Instrument, make transfers or withdrawals of money or monetary value. For the purposes of this Chapter, " Titles " Titles representing property rights, claims or securities, which have been legally issued by a legal person governed by public or private law, Luxembourg or a foreign State, under any name, or by any An international financial institution, or a natural person.

**Article 161.** (L. 28 July 2017) Counterfeit, altering or falsifying currency, tangible payment instruments or securities, regardless of the means used to produce the result, is punishable by ten to fifteen years' imprisonment.

**Article 162.** (L. 28 July 2017) Counterfeit, tampering or falsifying currency that is no longer legal, but can still be exchanged for a legal tender, is punishable by imprisonment for three months to five years and a fine of 500 euros to 75,000 euros. An attempt to commit the offence provided for in the preceding paragraph shall be punishable by imprisonment for three months to two years and a fine of EUR 500 to EUR 25,000. Counterfeit, altered or falsified currency is confiscated.

**S. 163.** (L. 28 July 2017) Participation, in conjunction with the perpetrators of the offences set out in articles 161 or 162, on the issue of money, tangible payment instruments or securities, counterfeit, altered or falsified, or at their disposal Introduction on Luxembourg territory, is punishable by the penalties provided for in Articles 161 or 162 respectively. The attempt to participate in the issue or the introduction on the Luxembourg territory of currency referred to in Article 162 (1) shall be punishable by imprisonment from three months to two years and a fine of EUR 500 to EUR 25,000.

**Article 164.** (L. 28 July 2017) The fact of receiving, holding, transporting, importing, exporting or obtaining, with knowledge but not guilty of the participation set out in the previous article, currency, instruments of payment Or securities, counterfeits, altered or falsified, for the purpose of their release, shall be punished by imprisonment for one year to five years and a fine of EUR 500 to EUR 75,000. The same penalty shall be imposed on the circulation of currency, tangible payment instruments or securities, counterfeits, altered or falsified.

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The attempt at one of the offences provided for in the preceding paragraphs is punishable by imprisonment from three months to two years and a fine of EUR 500 to EUR 25,000. The currency, the tangible payment instruments and the securities, counterfeits, altered or falsified, are confiscated.

**Article 165.** (L. 28 July 2017) The fact of putting in circulation or attempting to redistribute money, tangible payment instruments or securities, counterfeits, altered or falsified, received for good but which have been checked or checked for Defects after reception, is punished by imprisonment from three months to one year and a fine of 500 euros to 10,000 euros or one of those penalties only. Money, tangible payment instruments and securities, counterfeits, altered or falsified are confiscated.

**Article 166.** (L. 28 July 2017) The manufacture, receipt, possession, purchase, sale or transfer to one third of the instruments, objects, programs or computer data, or any other process, for use in the infringement, to The alteration or falsification of currency, tangible payment instruments or securities shall be punishable by imprisonment for five to ten years, if committed for the purpose of counterfeiting, falsifying or altering currencies, instruments of payment Body or title. Manufacture, falsify, receive, possess, acquire, sell or assign to one third of safety devices such as holograms, watermarks or other elements used to protect the currency, the instruments of And securities against forgery, alteration or falsification, shall be subject to the same penalties, if committed for the purpose of infringing, falsifying or altering currencies, tangible payment instruments or securities. The objects and devices mentioned above are confiscated, even though the property does not belong to the convicted person.

## **Chapter II. - Infringement, alteration or falsification of seals, stamps, hallmarks and marks**

(L. July 28, 2017) **Article 167.** (L. 28 July 2017) Counterfeit, tampering or falsifying the seal of the State or making use of the forged, altered or falsified seal is punishable by ten to fifteen years' imprisonment.

**Article 168.** (L. 28 July 2017) For the purposes of Articles 169 to 176, the words " Seals ", " Stamps ", " Punches " And " Trademarks " Refer to the seals, stamps, hallmarks and marks of any Luxembourg authority, a legal person of public law or of Luxembourg private law, under any name, or of a natural person, that the seals, Stamps, hallmarks and trademarks of a foreign state, an international organization, any foreign authority or a legal person of public or private law of a

foreign state, under any name, or a natural person.

**Article 169.** (L. July 28, 2017) punishable by five to ten years' imprisonment

1. Counterfeit, alter or falsify stamps or punches used to mark gold or silver materials, or make use of such counterfeit, altered or falsified stamps or punches;

2. The manufacture, receipt, possession, purchase, sale or transfer to a third party of the instruments, objects, programs or computer data, or any other process, before

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Be used for the forgery, alteration or falsification of stamps, if committed for the purpose of infringing, falsifying or altering stamps;

3. Manufacture, falsify, receive, possess, acquire, sell or assign to one third of the security devices used to protect stamps against counterfeiting, alteration or falsification, if committed in the To counterfeit, falsify or alter stamps.

**Article 170.** (L. 28 July 2017) It is punishable by five to ten years' imprisonment for knowingly exposing papers or materials of gold or silver marked with a counterfeit, altered or falsified punch or punch.

**Article 171.** (L. 28 July 2017) If the markings affixed by the guarantee office have been fraudulently applied to other objects, or if these marks or the stamp of a stamp have been counterfeited without the use of a punch or stamp counterfeit, the guilty Are punished by imprisonment for six months to five years.

**Article 172.** (L. 28 July 2017) The receipt, possession or acquisition with knowledge of, and use of, paper or gold or silver marked with counterfeit, altered or falsified hallmarks shall be punishable by imprisonment of Three months to six months and a fine of 500 euros to 15,000 euros.

**Art. 173.** (L. 28 July 2017) punishable by imprisonment from three months to five years and a fine of 500 euros to 75,000 euros, and may be punished under article 24

1. Counterfeit, tampering or falsifying seals, stamps, hallmarks or marks, or making use of such seals, stamps, punches or counterfeits, altered or falsified;

2. Undue acquisition of genuine seals, stamps, hallmarks or marks having one of the destinations referred to in Articles 167 and 169, and of making them an application or a use prejudicial to the rights and interests of the State Luxembourg, of any Luxembourg authority, of a legal person of public law or of Luxembourg private law, under any name, or even a natural person, or of a foreign state, of an organisation Of a foreign authority or a legal person under public or private law of a State Foreign, under any name, or a natural person.

The attempt at one of these offences is punishable by imprisonment from three months to two years and a fine of 500 euros to 25,000 euros.

**Art. 174.** (L. 28 July 2017) Counterfeit, tampering or falsifying stamps or other adhesive stamps, or exposing for sale or putting into circulation stamps or other counterfeit, altered or falsified adhesives, is punished Imprisonment from three months to three years and a fine of EUR 500 to EUR 25,000, and may be punished by the prohibition in accordance with Article 24. The attempt at one of the offences provided for in the preceding paragraph shall be punishable by imprisonment from three months to one year and a fine of EUR 500 to EUR 25,000.

**Article 175.** (L. July 28, 2017) punishable by a fine of 500 euros to 25,000 euros

1. Use and make use of counterfeit, altered or falsified adhesives or postage stamps;

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2. The disappearance of either a postage stamp or other adhesive stamp, or a coupon for the transport of persons or things, the mark indicating that they have already been used, or the use of such a stamp or other adhesive stamp, or Such a coupon.

**Article 176.** (L. 28 July 2017) The affixing or placing by addition, removal or alteration of any articles manufactured, the name of a manufacturer other than that which is the author or business reason of a manufacture other than Manufacturing, is punishable by imprisonment from three months to five years and a fine of 500 euros to 75,000 euros. Any merchant, commission agent or debtor who has knowingly exposed, imported or put into circulation the objects set out in the preceding paragraph shall be subject to the same penalty.

**Chapter III. - Common provisions** (L. July 28, 2017)

**Art. 177.** (L. 28 July 2017) Persons guilty of the offences referred to in Articles 161 to 164 and 166 shall be free of penalties if, before any counterfeit, altered or falsified money is issued, or other counterfeit tangible payment instruments, Altered or falsified, or of securities that are representative of property rights, claims or securities counterfeited, altered or falsified, and before any prosecution, they have given notice of it and disclosed the authors to the authority.

**Article 178.** (L. 28 July 2017) Articles 161 to 165 also apply when the offences are committed against money manufactured using the legal facilities or equipment, in violation of the rights or conditions under which the The competent authorities authorise the issuance of the currency and without the agreement of the competent authorities.

**Article 179.** (L. 28 July 2017) Articles 161 to 166, 169 and 178 also apply when the offences are committed against the currency, which, although intended for circulation, has not yet been issued and constitutes the currency Legal.

**Article 180.** (L. July 28, 2017) The confiscations provided for in the two preceding chapters are pronounced even in the event of acquittal, exemption from punishment, extinction or limitation of public action."

**Art. 181. Art. 192-2.** Repealed (L. July 28, 2017)

**Chapter IV. - Fake clerical and telegraph dispatches**

**Article 193.** The forgery clerk or in telegraphic despatches, with fraudulent intent or intent to harm, shall be punished in accordance with the following articles.

Ire Section. -False in authentic and public writings, in commercial or bank writes and in private writings

**Article 194.** Any public official or public officer who, in the performance of his or her duties, has committed a false

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Either by false signatures, or by alteration of the acts, writes or signatures, or by supposition of persons, or by written or intercalated entries on registers or other public acts, from their making or closing, shall be punished From ten to fifteen years' imprisonment.

**Article 195.** It shall be punishable by ten to fifteen years' imprisonment, any official or public officer who, in writing the acts of his ministry, has distorted the substance or the circumstances, or by writing conventions other than those which would have been Either traced or dictated by the parties, or by finding as true facts that were not.

**Article 196.** (L. 14 August 2000) The other persons who have committed false authentic and public writings, and all persons who have committed a forgery in commercial, bank or private writes, shall be punished by imprisonment for five to ten years. By means of electronic private acts, either by false signatures, or by forgery or alteration of writings or signatures, either by the manufacture of conventions, provisions, obligations or discharges, or by their insertion after Actions, either by the addition or alteration of clauses, declarations or facts that these The purpose of the acts was to receive and observe.

**Article 197.** (L. 14 August 2000) In all the cases expressed in this section, the person who has used the forgery will be punished as if he were the author of the forgery.

Section II. -Forgeries in passports, hunting or fishing licences, booklets, roadmaps, certificates and certificates

(L. 10 May 1983)

**Article 198.** (L. January 11, 1939) Every person who has manufactured, forged, falsified or altered a passport, a passport application, a certificate of nationality, an identity card, a booklet or any other form of legitimation, a hunting or fishing permit, a Driver's licence, a port of arms, an authorisation for trade, employment or any other permit, authorisation or aggregation subject to the competence of a Luxembourg or foreign public authority, or have made use of one of those documents Manufactured, counterfeit, falsified or altered, shall be punished by imprisonment for a period of one to three years and A fine of EUR 251 to EUR 12,500 or just one of those penalties. (L. 27 October 2010)

**Article 199.** (L. 11 January 1939) Whoever in a passport, passport application, nationality certificate, identity card, booklet or other legitimation paper, hunting or fishing permit, driver's

licence, gun port, Authorisation of trade, employment or any other permit, authorisation or aggregation within the competence of a Luxembourg or foreign public authority, will have taken a presumed name or given name or a false quality or a domicile assumed or aura Raced as a witness to have these documents issued in these false prefakes, will be punished by a Imprisonment for eight days to three years and a fine of EUR 251 to EUR 12,500 or just one of those penalties. (L. 27 October 2010)

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The same penalty shall apply to any person who has made use of one of those documents issued either under a name or under a given name, or in a place other than his own.

**Article 199bis.** (L. January 11, 1939) To be punished with imprisonment from eight days to three years and a fine of EUR 251 to 12,500 euros or one of those penalties only, anyone who has bought, sold, acquired or even assigned a passport free of charge, a passport application, A certificate of nationality, an identity card or other legitimation paper, a hunting or fishing licence, a driving licence, a port of arms, a trade authorization, an employment authorization or any other permit, authorization or aggregation Subject to the competence of a Luxembourg or foreign authority, irrespective of whether the Be authentic or false. (L. 27 October 2010)

**Art. 200.** To be punished by one month to three years' imprisonment, anyone who has manufactured, counterfeited or falsified a road map or has made use of a fabricated, forged or falsified road map. (L. 27 October 2010)

**Art. 201.** Any person who has been issued a road map by the public officer under a presumed name or by taking a false quality will be punished by imprisonment from eight days to three years. (L. 27 October 2010)

**Art. 202.** A public officer who has issued a passport, a hunting or fishing permit, a booklet, a road map to a person who he or she did not know, without having his name and quality certified by two known citizens, will be fined From 251 euros to 2,000 euros. If the public officer was instructed on the assumption of name or quality, when he issued these documents, he would be punished by imprisonment for six months to three years. He will be punished by a term of imprisonment of one year to five years, if he has been driven by gifts or promises. In the latter two cases, it may, in addition, be condemned to the prohibition in accordance with Article 24.

**Article 203.** To be punished by imprisonment for eight days to one year, any person who, for the purpose of writing or clearing another of a legally required service, or any other obligation imposed by law, will have produced a certificate of illness or infirmity, or The name of a physician, surgeon or other health officer, or under any name by falsely adding one of those qualities.

**Article 204.** Any doctor, surgeon or other health officer who, in order to favour a person, will have falsely certified disease or infirmity to provide a legal service or any other obligation imposed by law, shall be punished by a Imprisonment for eight days to two years. If it has been driven by gifts or promises, it will be punished by imprisonment for a period of one to five years, and it may, in addition, be condemned to the ban, in accordance with Article 24.

**Article 205.** Any person who has manufactured, under the name of a public official or officer, a certificate attesting to the good conduct, the indigence or any other circumstance that is appropriate to call for the benevolence of the public authority or individuals on the person Designated, or to procure places, credit or relief, shall be liable to imprisonment for a period of one month to three years. (L. 27 October 2010)

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If the certificate was made under the name of an individual, the offender will be sentenced to imprisonment from eight days to three years. (L. 27 October 2010)

**Article 206.** Those who have manufactured, under the name of a public official or officer, certificates of any kind that may compromise public or private interests, shall be punished by imprisonment for six months to five years, and may, in addition, be sentenced Prohibition, in accordance with Article 24. If the certificate was made under the name of an individual, the offender will be punished by imprisonment for two months to three years. (L. 27 October 2010)

**Article 207.** Those who falsify a certificate, and the person who has used a falsified certificate, forged or manufactured in the circumstances listed in Articles 203, 204, 205 and 206, shall be punished by the penalties laid down in those articles and according to the distinctions That they establish.

**Article 208.** A public official or public officer who, in the course of his or her duties, has issued a false certificate falsified a certificate or makes use of a false or falsified certificate shall be

false certificate, falsified a certificate, or made use of a false or falsified certificate, shall be punished by imprisonment for five to ten years.

**Article 209.** Those who have conspired as witnesses to have a false certificate issued by a public authority shall be punished by imprisonment from eight days to three years. (L. 27 October 2010) The same penalty will be applied to those who have made use of the resulting certificate. If the witnesses have been bribed by gifts or promises, they will be punished by imprisonment from six months to three years and they may be sentenced to the ban, in accordance with Article 24.

**Art. 209-1.** (L. 10 May 1983) Will be punished by imprisonment for two months to three years

1. Shall have established a certificate stating materially inaccurate and intended to be used, either before a civil or administrative court in order to establish facts of which evidence by witnesses is admissible, or before a court Repressive;
2. Will have falsified or altered in any way such an original sincere certificate; 3. Have made use of such false or falsified certification.

**Art. 210.** The loggers and innkeepers who have knowingly entered their registers under false or assumed names, persons who are housed in their homes or who have falsified their registers in any other way shall be punished by imprisonment from eight days to three Years. (L. 27 October 2010)

Section II-1. -Unlawful practices in respect of travel or identity documents (L. February 28, 2018)

**Article 210-1.** Any person who obtains, procures, destroys, conceals, disappears, confuses, retains, alters, reproduces or holds a travel or identity document of another person or facilitates the fraudulent use thereof, with the intention of committing a Offence covered by Book II, Title VII, Chapter VI, VII and VI-II of the Penal Code or to facilitate the commission thereof shall be punished by imprisonment for three to five years and a fine of between 10,000 and 50,000 euros.

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Section III. -Fake clerks in telegraph despatches

**Article 211.** Employees and employees of a telegraphic service who have committed a false statement in the performance of their duties by making or falsifying telegraphic despatches shall be punished by imprisonment for a period of one year to five years.

**Article 212.** Anyone who has made use of the false report will be punished as if he were the author of the forgery.

**Provisions common to Chapters I, II and IV above** (L. July 28, 2017)

**Article 213.** (L. 28 July 2017) The application of penalties against those who have made use of counterfeit, altered or falsified money, of titles representing property rights, claims or securities, seals, stamps, hallmarks, Of trade marks, telegraphic and forged documents, altered or falsified, shall take place only as long as these persons have made use of these false statements, in a fraudulent or purposeful intention to harm.

**Article 214.** (L. 28 July 2017) In the cases provided for in Chapters I, II and IV above and for which there is no special penalty, a fine of 500 euros to 125,000 euros will be imposed.

**Chapter V. - False Testimony and False Oath**

**Article 215.** False testimony in criminal matters, either against the accused or in his favour, will be punished by imprisonment for five to ten years.

**Art. 216.** If the accused has been sentenced to 10 years'imprisonment, the false witness who has filed against him will be sentenced to ten to fifteen years' imprisonment.

**Article 217.** The penalties laid down in the two previous sections will be reduced by one degree, according to the gradation of section 52, where persons called to provide simple information have been guilty of false statements, or Against the accused, or in his favour.

**Article 218.** The guilty of false testimony in correctional matters, either against the accused or in his favour, will be punished by imprisonment for six months to five years.

**Article 219.** The guilty of false police testimony, either against the accused or in his favour, will be punished by imprisonment from three months to one year.

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**Article 220.** (L. 10 May 1983) The false testimony in civil and administrative matters will be punished by imprisonment for two months to three years.

**Article 221.** The interpreter and the expert guilty of false statements, either in criminal matters, against the accused or in his favour, either in correctional or police matters, against the accused or in his favour, or in civil matters, shall be punished as false Witnesses, pursuant to sections 215, 216, 218, 219 and 220. The expert in criminal matters who would have been heard without an oath would be punished in accordance with section 217.

**Article 221a.** (L. July 4, 1967) To be punished by imprisonment for two months to three years, anyone who makes a false statement under oath or promise or affirmation in lieu of an oath before an international court, if the declaration is made in this form under an agreement concluded by Luxembourg. The prosecution of the head of this offence may take place only on denunciation addressed to the Luxembourg authority by the international court before which the false statement was made.

**Article 222.** (L. 4 July 1967) In the cases provided for in the six preceding articles, the guilty party may, in addition, be sentenced to the prohibition in accordance with Article 24.

**Article 223.** A subornation of witnesses, experts or interpreters shall be liable to the same penalties as the false witness, in accordance with the distinctions established by sections 215 to 222.

**Article 224.** The guilty of false testimony or false statement, who has received money, any reward or promises, will be fined 500 euros to 30,000 euros. The same penalty shall be applied to the subornation, without prejudice to other penalties.

**Article 225.** The foregoing provisions relating to false statements shall not apply to children under the age of sixteen, or to persons who are heard without an oath, because of the kinship or covenant between them. Accused or defendants, when these statements have been made in favour of the accused or defendants.

**Article 226.** The person to whom the oath has been referred or referred in civil matters, and who has made a false oath, shall be punished by imprisonment from six months to three years and from a fine of EUR 251 to EUR 25,000; he may, in addition, be condemned to the ban, in accordance with Article 24.

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## **Chapter VI. - Impersonation of functions, titles or names**

**Article 227.** Anyone who has been engaged in public, civil or military functions will be punished by imprisonment for a period of one month to two years.

**Article 228.** Any person who has publicly worn a suit, uniform, decoration, ribbon or other insignia of an order that does not belong to him shall be punished by a fine of EUR 500 to 10,000 euros. (L. 14 November 1967) To be punished by the same penalty:

1. Every person who, without law, has publicly worn a badge created or recognized by a law or regulation; 2. Any person who has made use of a distinctive word, expression or sign which, unlike the

in reality, indicates or makes the belief that its activity or that of one or more other persons is established, patronized or recognized, in whole or in part, by any national or foreign authority, or by an organization between States.

**Article 229.** The Luxembourgers who have publicly worn the decoration, the ribbon or other insignia of a foreign order, before obtaining the permission of the Grand Duke, will be punished with a fine of 500 euros to 5,000 euros.

**Article 230.** It will be punished with a fine of 500 euros to 10,000 euros for anyone who has publicly attributed the titles of nobility that do not belong to him.

**Art. 231.** Anyone who has publicly taken a name that does not belong to him will be punished by imprisonment from eight days to three months, and a fine of EUR 251 to EUR 3,000, or just one of those penalties.

**Article 231bis.** (L. 18 July 2014) Whoever, for the purpose of disturbing the tranquillity of a third party, or for the purpose of harming the honour or the consideration of a third party, will have taken a name or an identifier which does not belong to him shall be punished by imprisonment of Three months to two years, and a fine of 251 euros to 3,000 euros, or just one of those penalties. The offence provided for in this Article shall be prosecuted only on the complaint of the victim, his legal



representative or his successors in title.

**Article 232.** Every public servant, any public officer who, in his actions, will assign names or titles of nobility who do not belong to them, shall be punished, in the event of connivance, from a fine of EUR 500 to EUR 10,000.

**Article 232bis.** (L. 23 June 1972) Sera shall be punished with imprisonment from eight days to three months and a fine of EUR 251 to 5,000 euros, or one of those penalties only, those who have made use of the armorial bearings of the Grand Ducal House for non-authorized purposes, of Those of the State and the municipalities, the national flag, the flag of the headgear and aviation, as well as any badges, emblems and symbols used by the authorities and by public establishments. There is unauthorized use of the Coat of Arms and symbols referred to in particular when it is made:

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(a) for fraudulent purposes, (b) for commercial, industrial, professional or advertising purposes, except in the cases provided for by the

Laws and regulations, or authorized by the Government.

Title IV. -Crimes and offences against public order, committed by officials in the performance of their duties or by ministers of cults in the exercise of their ministry

### **Chapter I. - From the coalition of officials**

**Article 233.** Where measures contrary to the laws or orders (royal) Grand Ducals have been agreed, either in a meeting of individuals or bodies that are custodians of some part of the public authority, either by deputation or correspondence between them, Guilty shall be punished by imprisonment from one month to six months.

**Article 234.** If, by one of the means expressed in the previous article, measures against the execution of a law or a Grand-Ducal Order have been agreed, the sentence shall be imprisonment for six months to five years. The guilty parties may also be sentenced to the prohibition of the rights mentioned in the first three issues of Article 11. If the concert took place between the civil authorities and the military corps or their leaders, those who caused it will be punished by ten to fifteen years'imprisonment; the others, from five to ten years' imprisonment.

**Article 235.** In cases where the civil authorities would have formed a conspiracy with the military or their leaders to ensure the security of the state, the provocateurs will be punished by the imprisonment of between fifteen and twenty years; the others, from ten to fifteen Years.

**Article 236.** They shall be punished by imprisonment from one month to two years and a fine of 500 euros to 5,000 euros for officials who, in concert, will have given their resignposts in order to prevent or suspend the administration of justice, or The performance of a legal service. They may also be condemned to the prohibition of the right to perform duties, jobs or public offices.

### **Chapter II. - The encroachment of administrative and judicial authorities**

**Article 237.** They shall be punished by imprisonment from one month to two years, a fine of 500 euros to 5,000 euros, and may be sentenced, for five years to ten years, to the prohibition of the rights mentioned in the first three issues of Article 11: Judges, Officers of the Public Prosecutor's Office and the judicial police who have become involved in the exercise of the legislative power, either by regulations containing legislative provisions or by arresting or suspending the execution of one or more laws, Deliberating as to whether such laws will be enforced; Judges, officers of the Public prosecutors and the judicial police, who have exceeded their powers by interfering in the matters attributed to the administrative authorities, either by making regulations on these matters or by defending the execution of orders from Administration.

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**Article 238.** The judges who, when the administrative authority is at issue before them, will nevertheless have made the judgment in the case, despite the conflict legally raised by that authority and before the decision of the Council of State will be punished by a fine of 251 euros to 5,000 euros. The officers of the Public Prosecutor's Office who have made requisitions or issued conclusions for that judgment shall be punished with the same penalty.

**Article 239.** (L. September 2, 2015) The mayors and members of the administrative bodies who have become involved in the exercise of the legislative power, as referred to in paragraph 2 of Article 237, or who will have interfered with the taking of orders to Orders or defenses in courts or tribunals will be punished by imprisonment for one month to two years and a fine of 500 euros to

5,000 euros. They may, in addition, be sentenced, for five years to ten years, to the prohibition of the rights mentioned in the first three issues of Article 11.

### **Chapter III. - Diversion, destruction of acts or titles, misappropriation, illegal seizure of interests, corruption, trading in influence, and acts**

#### **Intimidation of persons in a public service** (L. 15 January 2001) Diversion

**Article 240.** (L. 15 January 2001) (L. 12 March 2020) To be punished by the imprisonment of five to ten years for any person who is a depositary or agent of the public authority or force, or who is in charge of a public service mission, who has diverted, directly or indirectly, public funds, or Effects by taking place, parts, titles, acts, household effects which were in its hands, either by virtue of or because of its load or which have used them in a manner contrary to the intended purpose and in a way that infringes the Public interest.

The destruction of acts and titles

**Article 241.** (L. 15 January 2001) To be punished by the imprisonment of five to ten years for any person who is a depositary or agent of the public authority or force, or who is in charge of a public service mission, who will have meticulously or fraudulently destroyed or deleted the acts or Of the securities of which it was a depositary in that capacity, or which had been communicated to it because of its burden.

**Article 242.** Where criminal documents, documents, records, acts or effects contained in the archives, registries or public deposits, or given to a public depositary in that capacity, are removed or destroyed by criminal proceedings, the depositary shall Guilty of negligence will be punished by imprisonment from eight days to six months.

Of the concussion

**Art. 243.** (L. 15 January 2001) Any person, depositary or agent of the public authority or force, any person in charge of a public service mission, who is guilty of concussion, ordering the collection, demand or receiving of Knew not to be due or to exceed what was due for duties, taxes, taxes, contributions, money, income or interest, for wages or salaries, shall be punishable by imprisonment from six months to five years, and may also be condemned, to The prohibition of the right to perform functions, jobs or public offices.

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The penalty shall be imprisonment for five to ten years, if the offence has been committed with the help of violence or threats. It shall be punishable by the same penalties, any person, depositary or agent of the public authority or force, or in charge of a public service mission, which has granted in any form and for any reason an exemption or Rights, contributions, taxes or public taxes, in violation of legal or regulatory texts. An attempt to commit the offences set out in paragraphs 1 and 3 of this article shall be punishable by the same penalties.

**Article 244.** (L. 15 January 2001) The infringements provided for in this Chapter will also be punished by a fine of EUR 500 to EUR 125,000. These penalties shall be applied to the servants or clerks of the persons, guardians or agents of the public authority or force, or charged with a public service mission, according to the distinctions made above.

Illegal taking of interest

**Article 245.** (L. 15 January 2001) Any person, depositary or agent of the public authority or force, any person entrusted with a public service mission or entrusted with a public elective office, who either directly or by interposition of persons or by Simulated acts, shall have taken, received or retained any interest in the acts, auctions, undertakings or boards of which it had, at the time of the act, in whole or in part, the administration or the supervision or which, having mission to order The payment or liquidation of a case, of any interest, will be Punishable by imprisonment from six months to five years, and a fine of 500 euros to 125,000 euros, and may also be condemned to the prohibition of the right to perform duties, jobs or public offices. The foregoing provision shall not apply to the person who could not, by reason of the circumstances, promote by his position his private interests and who acted openly.

Corruption and influence peddl (L. Feb 13, 2011)

**Article 246.** (L. February 13, 2011) (L. From 12 March 2020) to be punished by five to ten years' imprisonment and a fine of EUR 500 to EUR 187,500, by a person, depositary or agent of the public authority or force, or charged with a public service mission, or invested A public elective office, to solicit or receive, directly or indirectly, for itself or for others, offers, promises, gifts, gifts, gifts or benefits, or to accept the offer or promise:

1. Either carry out or refrain from performing an act of its function, mission or mandate or facilitated

1. Either carry out or refrain from performing an act of its function, mission or mandate or facilitated by its function, mission or mandate;

2. Either to abuse its real or perceived influence in order to obtain a public authority or administration of distinctions, jobs, markets or any other favourable decision.

**Article 247.** (L. February 13, 2011) (L. (12 March 2020) To be punished by five to ten years' imprisonment and a fine of EUR 500 to EUR 187,500, by proposing or giving, directly or indirectly, to a person, depositary or agent of the public authority or force, or Entrusted with a public service mission, or vested with a public mandate, for itself or for a third party, offers, promises, gifts, gifts, gifts or benefits, or make the offer or promise, in order to obtain from it:

1. Either it performs or refrains from performing an act of its function, mission or mandate or facilitated by its function, mission or mandate;

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2. Either it abuses its actual or assumed influence in order to obtain a public authority or administration of distinctions, jobs, markets or any other favourable decision.

**Article 248.** (L. February 13, 2011) (L. March 12, 2020) To be punished with imprisonment from six months to five years and a fine of 500 euros to 125,000 euros, any person who solicits or receives, directly or indirectly, offers, promises, gifts, gifts or benefits Or accepts the offer or promise, for itself or for a third party, to abuse its real or perceived influence in order to obtain a public authority or administration of distinctions, jobs, markets or all Other favourable decision. (L. March 12, 2020) A person who proposes or gives to any person, directly or indirectly, offers, promises, gifts, gifts, gifts, gifts or benefits to himself or herself or a third party, or makes the offer or the offer, shall be subject to the same penalties. In order for that person to abuse his or her real or perceived influence in order to obtain a public authority or administration of distinctions, jobs, markets or any other favourable decision.

**Article 249.** (L. February 13, 2011) (L. From 12 March 2020) To be punished with imprisonment of between five and ten years and a fine of EUR 500 to 187,500 euros any person, depositary or agent of the public authority or force, any person entrusted with a public service mission or invested A public elective office, which solicits or receives, directly or indirectly, for itself or for others, offers, promises, gifts, gifts, gifts or benefits, or accepts any offer or promise as a result of The performance or failure to carry out an act of its function, mission or mandate, or facilitated by Its function, mission or mandate, of any person who has benefited from the act or forbearance from carrying out that act. To be punished by the same penalties, any person who, under the conditions of paragraph 1, proposes or gives to a person, depositary or agent of the public authority or force, or who is entrusted with a public service mission or has an elected public office, Offers, promises, gifts, gifts, gifts or benefits for oneself or for others, or in fact offer or promise.

The corruption of judges

**Article 250.** (L. February 13, 2011) (L. From 12 March 2020) To be punished with ten to fifteen years' imprisonment and a fine of EUR 2,500 to 250,000 euros, any judge or other person sitting in judicial training, any arbitrator or expert appointed by a court By the parties, who have solicited or received, directly or indirectly, offers, promises, gifts or benefits The performance or forbearance of an act of its function. (L. (12 March 2020) Whoever, under the conditions of paragraph 1, proposes or gives to a judge or other person sitting in judicial training or an arbitrator or expert appointed either by a court or by the parties, of the Offers, promises, gifts, gifts, gifts or benefits, for himself or for a third party, or in fact the offer or promise, shall be subject to the same penalties.

Acts of intimidation against persons in the public service

**Article 251.** (L. 15 January 2001) To be punished with five to ten years' imprisonment and a fine of EUR 500 to EUR 187,500, any person who uses threats or acts of violence or who commits any other act of intimidation to obtain from a person, depositary or Officer of the public authority or force, or entrusted with a public service mission or entrusted with a public mandate, whether or not it performs or refrains from carrying out an act of its function, mission or mandate, or facilitated by its Function, its mission

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Or its mandate, whether it abuses its true or supposed authority for the purpose of obtaining distinctions, jobs, contracts or other favourable decisions from a public authority or administration.

**Art. 251-1.** (L. 12 March 2020) Where the crimes or offences provided for in Articles 240 and 246

to 251 are committed within the framework of a criminal organisation as defined in Article 324a, the minimum sentence shall be doubled, in the case of imprisonment, and Two years, if it is time imprisonment.

**Article 252.** (L. 15 January 2001) (L. March 12, 2020)

1) (L. 23 May 2005) The provisions of Articles 240 and 245 to 251-1 of this Code also apply to offences involving-persons, agents or agents of the public authority or force, or with a mandate

Public service or public service mission of another State; - persons sitting in judicial training of another State, even as a member

Non-professional of a collegiate body responsible for deciding on the outcome of a dispute, or acting as an arbitrator subject to the regulation of arbitration of another State or of a public international organization;

-European officials and members of the Commission of the European Union, the European Parliament, the Court of Justice of the European Union and the Court of Auditors of the European Union, in full compliance with the relevant provisions The Treaties establishing the European Union, the Protocol on the privileges and immunities of the European Union, the Statute of the Court of Justice of the European Union, and the texts adopted for their application, with regard to the lifting of the Immunities;

-officials and agents of another international public organisation, persons who are members of a parliamentary assembly of a public international organisation and persons who carry out judicial or registry functions within the organization Of another international court whose jurisdiction is accepted by the Grand Duchy of Luxembourg, in full compliance with the relevant provisions of the statutes of these international public organisations, parliamentary assemblies International public organisations or international courts, as well as As regards the waiver of immunities.

(2) The expression " European civil servant " Used in the preceding paragraph shall mean: - any person who has the status of civil servant or agent employed by contract within the meaning of the Staff Regulations

Officials of the European Union or of the regime applicable to other servants of the European Union;

-any person made available to the European Union by the Member States or by any public or private body which performs functions equivalent to those exercised by officials or other servants of the European Union.

The members of the bodies established pursuant to the Treaties establishing the European Union and the staff of such bodies shall be assimilated to European officials where the Staff Regulations of Officials of the European Union or the Conditions of Other servants of the European Union are not applicable to them.

**Article 253.** (L. Feb 13, 2011)

(1) If the facts referred to in this Chapter are qualified to be punished only by punishment, the convicted person may, in addition, be sentenced to the prohibition in whole or in part of the exercise of the rights enumerated in the Article 11, under the conditions laid down in Article 24.

(2) In the case of offences described in this Chapter and for the facts set out in Articles 310 and 310-1, Article 24 of the Criminal Code shall apply.

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#### **Chapter IV. - Abuse of authority**

**Article 254.** It shall be punishable by a term of imprisonment of one year to five years, any public official, agent or servant of the Government, of any state or rank, which shall have required or ordered, shall require or order the action or employment of the public force against The execution of a law or order (royal) grand-ducal, or against the collection of a legally established tax, or against the execution either of an order or warrant of justice or of any other order emanated from the authority. The guilty person may also be sentenced to the prohibition of the rights mentioned in the first three issues of Article 11.

**Article 255.** If this requisition or order has been followed, the culprit will be sentenced to five to ten years' imprisonment.

**Article 256.** If orders or requisitions have been the direct cause of other crimes punishable by higher penalties than those referred to in Articles 254 and 255, these higher penalties shall be applied to officials, agents or convicted persons Have given such orders or made such requisitions.

.....

**Art. 257.** Where an official or public officer, an administrator, officer or servant of the Government or the police, an executor of the warrants of justice or of judgments, a commander in chief or in suborder of the public force, shall have, without lawful cause, Or causes violence against persons, in the exercise or in the exercise of his or her duties, the minimum sentence against those acts shall be raised in accordance with section 266.

**Article 258.** Any judge, administrator or member of an administrative body, who, under any pretext, even silence or the obscurity of the law, will have denied the justice he owes to the parties, will be punished with a fine of 500 euros to 5,000 EUR, and may be condemned to the prohibition of the right to perform functions, jobs or public offices.

**Article 259.** Every commander, any officer of the public force, who, after having been legally required by the civil authority, shall have refused to act the force placed under his or her orders, shall be liable to imprisonment from 15 days to three months.

#### **Common provision in previous chapters**

**Art. 260.** Where an official or public officer, a depositary or officer of the public force, has ordered or made an act contrary to a law or an order (royal) Grand-Ducal, if he justifies that he acted in the order of his superiors, for objects of the Under these circumstances, and upon which they were due to hierarchical obedience, it will be free of punishment, which in this case will be applied only to the superiors who gave the order.

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#### **Chapter V-1. - Acts of torture (L. 24 April 2000)**

**Art. 260-1.** (L. 24 April 2000) Any person, depositary or agent of the public authority or force, any person in charge of a public service or any person acting at the instigation or with the express or tacit consent of one of those persons, who shall have Intentionally inflicted on a person torture within the meaning of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, by causing severe pain or suffering, physical or Mental, for the purposes of obtaining from it or from a third party information or A confession, to punish it for an act which it or a third person has committed or is suspected of having committed, intimidating or pressuring it or intimidating or exerating pressure on a third party, or for any other reason based on a Any form of discrimination is punishable by a prison sentence of five to ten years.

**Art. 260-2.** (L. 24 April 2000) If the acts of torture have caused a personal illness or incapacity for work, the sentence shall be imprisonment for ten to fifteen years.

**Art. 260-3.** (L. 24 April 2000) If the acts of torture have caused an apparently incurable illness or permanent incapacity for personal work or the loss of the absolute use of a serious organ or mutilation, the penalty shall be that of 15 to 20 Years.

**Art. 260-4.** (L. 24 April 2000) If the acts of torture have, without the intention of giving it, caused death, the penalty is life imprisonment.

#### **Chapter V. - From the exercise of public authority unlawfully anticipated or extended**

**Article 261.** Any public official who has entered into office, without taking the oath prescribed by law, will be fined € 251 to 5,000 euros.

**Art. 262.** Any public official dismissed, removed, suspended or legally prohibited, who, after having had the official knowledge, shall have continued the performance of his duties, shall be liable to imprisonment from eight days to one year and a fine of 251 euros to 5,000 euros. Any elected or temporary public official who has continued to perform his or her duties after their legal termination shall be subject to the same penalties.

#### **Chapter VI. - Some offences relating to the conduct of civil status acts**

**Art. 263.** Civil officers who have recorded their acts on simple flying leaves will be punished by imprisonment for eight days to three months and a fine of 500 euros to 5,000 euros.

**Article 264.** (L. July 4, 1967) To be punished with a fine of 251 euros to 5,000 euros, the registrar who neglected to state in the act of marriage the consents prescribed by law; who carried out the solemnization of a marriage without having secured itself The existence of such consents;

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(L. August 10, 2018) Paragraph repealed

**Article 265.** (L. July 4, 1967) To be punished with imprisonment from three months to one year and a fine of 500 euros to 5,000 euros, the registrar who celebrated a marriage against the will of the persons whose consent is required.

### Special Provision

**S. 266.** Except where the law specifically regulates penalties for crimes or offences committed by public officials or public officers, those of them who have been guilty of other crimes or other offences that they were responsible for To prevent, observe, prosecute or suppress, will be sentenced to the penalties attached to these crimes or offences, the minimum of which will be doubled, if it is imprisonment, and a high of two years, if it is time imprisonment.

### Chapter VII. - Offences committed by ministers of cults in the exercise of their ministry

**Art. 267.** It will be punished with a fine of 500 euros to 5,000 euros each minister of a cult who will carry out the marriage blessing before the civil marriage is celebrated. In the case of a new offence of the same kind, he may also be sentenced to imprisonment from eight days to three months.

**Article 268.** The ministers of the cults who, in speeches delivered or by written reading, in the exercise of their ministry, and in the public assembly, or in writing containing pastoral instructions, in whatever form, shall have attacked directly The Government, a law, a grand-ducal (royal) decree or any other act of public authority, will be punished by imprisonment for eight days to three months and a fine of 251 euros to 5,000 euros. If the pastoral instruction, the speech or the writing contains a direct provocation to disobeying the laws or acts of the public authority, or tends to raise or arm some of the citizens against the others, the minister of religion who Published, pronounced or read shall be punished by imprisonment from three months to two years, if the provocation has not been followed by any effect, and imprisonment for six months to three years, if it has given rise to disobedience, other than that which Would have degenerated into sedition or revolt. The culprit will also be fined 500 euros at 10,000 euros.

Title V.-Crimes and offences against public order, committed by individuals

### Chapter I. - From Rebellion and Sediton (L. 8 June 2004)

**Art. 269.** (L. May 19, 1978) (L. 20 July 2018) (L. June 5, 2019) Qualified rebellion, attack, resistance to violence or threats to ministerial officers, field guards or foresters, agents or agents of the public force, persons participating in a Civil security mission, prison staff members, tax and contribution collection officers, constraint carriers, customs and excise officers, receivers, officers or police officers Administrative or judicial, acting for the enforcement of laws, orders or orders of the authority Public, judicial or judicial mandates.

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**Article 270.** Also known as rebellion, attack, resistance with violence or threats, or against employees or agents of the state telegraphic service and acting in the performance of their duties, or against employees and agents attached to Private telegraphic services and acting for the transmission of dispatches from the public authority.

**Article 271.** The rebellion by one person, armed with weapons, will be punished by imprisonment for three months to two years; if it has taken place without weapons, imprisonment from eight days to six months.

**Art. 272.** If the rebellion has been committed by several people, and as a result of a prior concert, the rebels, carrying weapons, will be sentenced to five to ten years' imprisonment and the others to imprisonment for a period of one to five years. If the rebellion has not been the result of a prior concert, the guilty will be punished by imprisonment for a period of one year to five years, and the others to imprisonment from three months to two years.

**Article 273.** In the case of rebellion with a band or equipment, Article 134 of this Code shall be applicable to the rebels without functions or employment in the band, who have withdrawn at the first warning of the public authority, or even since, if they have been seized Out of the place of rebellion, without new resistance and without arms.

**Article 274.** In all cases where it will be pronounced, in the case of rebellion, the penalty of imprisonment, the guilty can be sentenced, in addition, to a fine of EUR 251 to EUR 2,000. The leaders of the rebellion and those who caused it may, in addition, be condemned to the ban, in accordance with Article 24.

**Article 274-1.** (L. 8 June 2004) punished by a fine of 251 to 12,500 euros and imprisonment for eight days to six months, without prejudice to the more serious penalties that may be incurred:

1 ° all seditious calls publicly professed; 2 ° any communication to the public by means of a media of seditious texts; 3 ° the public exhibition, distribution, sale, sale or public port of all signs or symbols

To provoke rebellion or disturb public peace.

## **Chapter II. - Outrages and violence against ministers, members of the Chamber of Deputies, the custodians of the authority or the public force**

**Art. 275.** To be punished with imprisonment from 15 days to six months and a fine of EUR 500 to EUR 3,000, the person who has outraged by facts, words, gestures, threats, writings or drawings, a Member in the exercise or in the exercise of his mandate, a A member of the Government or a judge of the administrative or judicial order, in the exercise or in the exercise of their duties. If the offence took place at the sitting of the Chamber or at the hearing of a court or a court, the imprisonment will be two months to two years, and the fine of 500 euros to 10,000 euros. The outrages addressed to a Member of Parliament may, except in the case of flagrante delicto, be prosecuted only on the complaint of the outraged person or on the denunciation of the Chamber of Deputies.

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**Article 276.** Offending by words, deeds, gestures, threats, writings or drawings, directed, in the exercise or in the performance of their duties, against a departmental officer, agent of the authority or force of public authority, or against any other officer A person with a public character will be punished with imprisonment for eight days to one month and a fine of 251 euros to 2,000 euros.

**S. 277.** The outrages committed against the constituted bodies will be punished in the same way as the outrages committed against the members of these bodies, according to the distinctions made in the two preceding articles.

**Article 278.** To be punished by imprisonment from two months to two years and a fine of 500 euros to 5,000 euros, anyone who has struck a Member of Parliament in the exercise or in the exercise of his or her mandate, a member of the Government or a judge in the financial year, or The opportunity to carry out their duties. If the beating was brought to the Chamber or at the hearing of a court or court, the culprit will be punished by imprisonment for three months to three years and a fine of 500 euros to 10,000 euros.

**Art. 279.** If the beating has been the cause of bloodshed, injury or illness, the culprit will be sentenced to six months'to five years' imprisonment and a fine of 500 euros to 15,000 euros.

**Article 280.** Any person who has struck, in the exercise or in the exercise of their duties, a ministerial officer, a depositary of the public authority or force or any other person having a public character, shall be punished by imprisonment From one month to one year and a fine of 500 euros to 3,000 euros.

**Article 281.** If the blows were the cause of bloodshed, injury or illness, the sentence will be imprisonment from three months to two years and a fine of 500 euros to 5,000 euros.

**Article 282.** The penalties laid down in Articles 275, 278 and 279 shall be applicable in the event that witnesses have been outraged or beaten because of their depositions.

## **Chapter III. - Sealing breakage**

**Article 283.** When seals, affixed by order of the public authority, have been broken, the guards shall be punished, for mere negligence, from eight days to six months' imprisonment.

**Article 284.** Those who have deliberately broken seals will be punished by imprisonment for six months to two years, and if it is the guardian himself or the public official who has ordered or operated the apposition, he will be punished by imprisonment for a period of one year to three years. The attempt to commit this offence will be punished, in the first case of this article, by imprisonment from three months to one year, and, in the second case, to imprisonment from six months to two years.

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**Article 285.** If the broken seals were affixed to papers or effects of an individual charged, accused or accused of a crime taking the sentence of life imprisonment, or of an individual sentenced to one of those penalties, the negligent guardian shall be punished by three months at One year in prison.

**Article 286.** Any person who intentionally breaks seals affixed to papers or effects of the quality set out in the foregoing article shall be liable to imprisonment for a term of one year to three years, and

if the guardian himself or the public servant has ordered or The guilty party will be sentenced to imprisonment from two years to five years. The attempted offence shall be punished, in the first case provided for in this article, from six months to two years' imprisonment, and in the second case, from one year to three years of the same sentence.

**Article 287.** If the breaking of seals is committed with violence against people, the culprit will be punished by imprisonment from two years to five years. The attempt to break seals will be punished by imprisonment for six months to three years.

**Article 288.** In the cases of Articles 284, 286 and 287, the guilty party may also be fined EUR 500 to EUR 20,000.

#### **Chapter IV. - Obstacles to the implementation of public works**

**Article 289.** Whoever, by way of fact, is opposed to the execution of the work ordered or authorised by the competent authority, shall be punished by imprisonment from eight days to three months.

**Article 290.** Those who, by means of violence, assault or threats, will be opposed to the execution of this work, will be sentenced to imprisonment from three months to two years. The chiefs or engines will be punished by imprisonment from six months to three years.

**Article 291.** In the cases provided for in the two previous articles, the culprits may, in addition, be fined EUR 251 to 5,000 euros.

#### **Chapter V. - Crime and Offences of Suppliers**

**Article 292.** Persons responsible for supplies, undertakings or authorities on behalf of the armed force, who will have wilfully missed their service, shall be punished by imprisonment for five to ten years and a fine of EUR 500 to 30,000 euros. The same penalties will be applied to the suppliers' agents, if they have voluntarily missed the service.

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**Article 293.** Government officials or government employees or employees of the Government, who have caused or assisted the guilty parties, will be sentenced to imprisonment for at least seven years, and to a fine of 500 euros to 30,000 euros.

**Article 294.** Where the termination of the service is the result of negligence on the part of the suppliers, their agents, public officials or Government employees or employees, the guilty shall be punished by imprisonment for three months to Two years and a fine of 500 euros to 10,000 euros.

**Article 295.** Although the service has not been missed, if the deliveries or work have been deliberately delayed, the culprits will be punished by imprisonment for six months to two years and a fine of 500 euros to 10,000 euros. They will be punished by imprisonment for one month to one year and a fine of 500 euros to 5,000 euros, if the delay is the result of negligence.

**Article 296.** In the cases provided for in Articles 294 and 295, para. 2, the prosecution can only be carried out on the denunciation of the member of the Government that the matter concerns.

**Article 297.** If there has been fraud on the nature, quality or quantity of the work or labour, or things provided, the guilty will be punished by imprisonment for six months to three years and a fine of 500 euros to 25,000 euros. They may, in addition, be condemned to the prohibition in accordance with Article 24.

**Article 298.** Government officials or government employees, who have participated in the fraud, will be punished by imprisonment from two years to five years and a fine of 500 euros to 25,000 euros. They will, in addition, be condemned to the ban, in accordance with Article 24.

#### **Chapter VI. - Publication or distribution of writings without an indication of the name and domicile of the author or the printer**

**Article 299.** Any person who has knowingly contributed to the publication or distribution of any printed matter, in which the name and domicile of the author or the printer are not to be found, shall be punished by imprisonment for eight days. Two months and a fine of EUR 251 to EUR 2,000 or just one of those penalties. However, imprisonment may not be pronounced where the printout, published without the required indications, is part of a publication whose origin is known by its earlier appearance. The foregoing provisions shall not apply to the publication or distribution of the imprest impressions provided for in Article 20 (2) of the Law of 20 July 1869 on the press.

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**Art. 300.** They will be exempted from the sentence of the previous article: Those who have made the printer known; The criers, viewers, salespersons or distributors who have made known the person from whom they are holding the printed matter.

## **Chapter VII. - Violations of laws and regulations on lotteries, gambling houses and loan houses**

**Article 301.** Are deemed lotteries, all operations offered to the public and intended to provide a gain by way of fate.

**Article 302.** Authors, contractors, administrators, agents or agents of lotteries not legally authorized will be punished by imprisonment for eight days to three months and a fine of 500 euros to 30,000 euros. Movable objects made out of lottery and those used or intended for service will be forfeited. When a building has been put in lottery, the confiscation will not be pronounced; it will be replaced by a fine of 500 euros to 25,000 euros.

**Article 303.** Will be punished by imprisonment from eight days to one month and a fine of 251 euros to 10,000 euros, or one of those penalties only:

Those who have placed, collate or distributed lottery tickets that are not legally authorized; Those who, through notices, advertisements, posters or any other means of publication, have made known the existence of such lotteries or facilitated the issuance of Their tickets.

In all cases, tickets, as well as notices, advertisements or posters, will be seized and destroyed.

**Article 304.** They shall be exempt from the penalties laid down in the preceding article, the criers and the viewers who have made known the person from whom they hold the above-mentioned banknotes or writings.

**Article 305.** (L. April 20, 1977) Those who, without legal authorization, will have held an unauthorized gambling house, and have admitted to the public, either freely or on the presentation of the interested or affiliated persons, the bankers, servants or agents From this house, will be punished by imprisonment from eight days to six months and a fine of 251 euros to 25,000 euros or one of those penalties alone. The culprits may, in addition, be sentenced to the ban, in accordance with Article 24. In all cases, the funds or effects which will be found exposed to the game will be confiscated, as well as the furniture, instruments, utensils, appliances used or intended for the service of the games.

**Art. 306.** Those who, without legal authorization, will have held loan homes on pledge or pledge, will be punished by imprisonment for eight days to three months and a fine of 251 euros to 5,000 euros.

**Article 307.** Those who, having an authorisation, will not have kept a register in accordance with the regulations, containing, without any blank or interline, the sums or objects lent, the names, homes and professions of the borrowers, the nature, the quality, the Value of collateral, will be punished by a

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Imprisonment from eight days to one month and a fine of 251 euros to 5,000 euros or just one of those penalties.

**Article 308.** Will be punished by imprisonment from eight days to three months and a fine of 251 euros to 10,000 euros: Individuals who usually have effects at the offices of the Mont-de-piety for others and for compensation; Those who have bought Those who have disposed of or purchased the discoveries of these establishments, finding loans on new goods.

## **Chapter VIII. - Industry, trade and public auction offences**

**Article 309.** (L. 15 July 1993) A person who, being employed, employed, labourer or apprentice of a commercial or industrial undertaking, either for the purpose of competition or for the purpose of harming his boss, or to obtain an unlawful advantage, shall use Or divulge, for the duration of his or her commitment or within two years after the expiry of the period, the trade or manufacturing secrets of which he became aware as a result of his or her situation, shall be liable to imprisonment for three months to three years, and A fine of 251 euros to 12,500 euros. The same shall apply to the person who, having been informed of the trade or manufacturing secrets owned by a person, either through an employee, worker or apprentice acting in breach of the requirements of the preceding paragraph, or By an act contrary to law or morality, uses such secrets or discloses them, either for the purpose of competition or for the purpose of harming the person to whom they belong, or to obtain an unlawful advantage. The same penalty shall be imposed on the person who, either for the purpose of competition or for the purpose of harming the person to whom they belong, or to obtain an unlawful advantage, uses without having the right or communicates to

others the models, Drawings or patterns assigned to him for the execution of commercial or industrial orders. The courts may order, in the event of conviction, the posting or publication through the newspapers of the decision, at the expense of the person they designate.

**Article 310.** (L. 13 February 2011) is punishable by a term of imprisonment of one month to five years and a fine of 251 euros to 30,000 euros, the act by a person who is a director or manager of a legal person, agent or servant of a person To solicit or accept to receive, directly or through the interposition of persons, an offer, promise or benefit of any kind, for itself or for a third party, or to accept the offer or promise, to make or Refrain from doing an act of its function or facilitated by its function, without the knowledge and consent, according to the The case, the board of directors or the general meeting, the principal or the employer.

**Art. 310-1.** (L. 13 February, 2011) The same penalties shall be punishable by the fact, by any person, of proposing or giving, directly or by interposition of persons, to a person who is a director or manager of a legal person, agent or servant A legal or physical person, an offer, a promise or an advantage of any kind, for itself or for a third party, or to make it the offer or promise, to do or refrain from doing an act of its function or facilitated by its function, to Without the knowledge and authorization, as the case may be, of the board of directors or the general meeting, of the principal Or the employer.

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**Art. 311.** Persons who, by means of fraudulent means, have made an increase or decrease in the price of goods or goods or public papers, shall be punished by imprisonment for a period of one month to two years and a fine of EUR 500 to 25,000 euros.

**Article 312.** (L. 2 September 2015) Any military commander who, in the extent of his or her right to exercise his or her authority, has the right to exercise or participate in such manoeuvres, either openly or through simulated acts or by interposition of Persons, shall be liable, irrespective of the penalties imposed by the preceding Article, to prohibit the rights set out in the first three issues of Article 11.

**Article 313.** Those who, by means of violence or threats, have disturbed the public order in the markets or the halles, with the aim of provoking looting or simply forcing sellers to divest themselves of their foodstuffs at a price Less than that resulting from free competition will be punished by imprisonment from three months to two years. The chiefs or engines will be punished by imprisonment from six months to three years.

**Article 314.** Persons who, in the auctions of the ownership, usufruct or rental of movable or immovable property, of a business, of a supply, of any operation or of any service, shall have obstructed or disturbed the freedom of the Or bids, by violence or threats, either before or during bidding or bidding, will be punished by imprisonment from 15 days to six months and from a fine of 500 euros to 15,000 euros.

**Article 314-1.** (L. 21 July 1992) Will be punished by imprisonment for eight days to three years and a fine of EUR 500 to 12,500 euros or one of those penalties only those who have committed acts contrary to the prohibition imposed against them by a decision Judicial, final or enforceable in accordance with Article 444 (1) of the Commercial Code.

## **Chapter IX. - Some other offences against public order**

Ire Section. -Violations of interment laws

**Article 315.** They will be punished by eight days to two months' imprisonment or a fine of 251 euros to 3,000 euros: Those who, without the prior permission of the public officer, have made or have carried out a burial. Those who have contravened, in any way, the laws and regulations relating to burial sites and hasty burials.

Section II. -Violations of prohibited weapons laws and regulations

**Articles 316 and 317.** Repealed (L. 15 March 1983)

**Article 318.** Implicitly repealed (L. 15 March 1983)

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Section III. -False alerts

**Art. 319.** (L. May 19, 1978) To be punished with imprisonment from 8 days to 5 years and a fine of EUR 300 to 3,000 euros, or only one of those penalties, that by words, in writing, or by any other means. has made the announcement of a danger which it knows does not exist. Having directly or

indirectly involved the intervention of the public force, a public service or any other monitoring or rescue service. If this announcement had the effect of hindering the operation of a public service or of a company, even private, the minimum of the penalties provided for in the preceding paragraph shall be increased to three months and to EUR 500 respectively.

#### Articles 320 and 321. ....

Title VI. -Crimes and offences against public safety

#### Chapter I. - From the association formed for the purpose of Attempt to the persons or property and the criminal organization

(L. 11 August 1998) **Article 322.** Any association formed for the purpose of dwelling on persons or property is a crime or an offence, which exists solely by reason of the organization of the band.

**Article 323.** If the association was aimed at the commission of crimes punishable by imprisonment for more than ten years, the provocateurs of that association, the leaders of that band and those who have exercised any command there, shall be punished by the imprisonment of Five to ten years. They shall be punished by imprisonment for two to five years, if the association has been formed to commit other crimes, and to imprisonment from six months to three years, if the association has been formed to commit crimes.

**Article 324.** Any other individuals belonging to the association, and those who knowingly and voluntarily provided to the band or its divisions of arms, ammunition, instruments of crime, housing, retirement or meeting place, shall be punished: In the case of imprisonment from six months to five years; In the second case, imprisonment for two months to three years; and in the third case, imprisonment from one month to two years.

**Article 324bis.** (L. 11 August 1998) Constitutes a criminal organization, the structured association of more than two persons, established over time, with a view to the concerted commission of crimes and offences punishable by imprisonment up to at least four years Or a more serious penalty, to obtain, directly or indirectly, economic benefits.

**Article 324ter. (L. 11 August 1998)** (1) Any person who, wilfully and knowingly, is actively involved in the criminal organization referred to in the foregoing Article shall be liable to imprisonment from two years to five years and a fine of EUR 2,500 to EUR 12.500, or one of those Penalties only, even if it does not intend to commit a

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In the framework of this organisation, or to associate itself with it as an author or an accomplice. (L. 26 December 2012) (2) Any person who participates in the preparation or carrying out of any lawful activity of that criminal organisation, while knowing that his or her participation contributes to the objectives of the criminal organisation, as provided for in the The previous article is punishable by one to three years' imprisonment and a fine of EUR 2,500 to EUR 12,500, or only one of those penalties. (3) Any person who participates in any decision making in the course of the activities of the criminal organization, while knowing that his or her participation contributes to the objectives of the criminal organization, as provided for in the preceding article, shall be punished by Imprisonment for five to ten years and a fine of 12,500 euros to 25,000 euros or one of those penalties alone. (4) Any leader of the criminal organisation shall be liable to ten to fifteen years' imprisonment and a fine of EUR 25,000 to EUR 50,000 or one of those penalties only. (5) The conduct referred to in paragraphs 1 to 4 of this Article which have occurred in the national territory shall be prosecuted under Luxembourg law irrespective of where the criminal organisation is based or carries out its activities.

**Article 324c. (L. As of 1 August 2018)** Not being able to justify resources corresponding to their lifestyle or not being able to justify the origin of a property held, while being in regular contact with one or more persons who are engaged in the commission of Offences punishable by a maximum of at least four years'imprisonment and providing them with a direct or indirect pecuniary advantage, or are the victims of one of these offences, shall be punishable by one to five years' imprisonment and A fine of 10,000 to 100,000 euros, or only one of those penalties. The same penalties shall be imposed for facilitating the justification of fictitious resources for persons engaged in the commission of crimes or offences punishable by a maximum of at least four years' imprisonment and providing them with an advantage Direct or indirect heritage.

**Article 325.** (L. 13 June 1994) Convicted offenders under sections 323 and 324 to imprisonment may also be sentenced to the prohibition in accordance with section 24.

**Article 326.** They shall be exempted from the penalties imposed by this Chapter, those guilty who, before any attempt to commit crimes or offences under the association and before any proceedings commenced, shall have revealed to the authority the existence of such bands And the names of their Commanders in chief or in suborder.

## Chapter II. - Threats of attack and offers or proposals to commit certain crimes

**Article 327.** (L. 29 June 1984) Any person who has, either verbally or in writing or signed, or by any other similar process, with order or under condition, threatened with an attack on persons or property, punishable by a criminal penalty, shall be punished Imprisonment from six months to five years and a fine of 500 euros to 5,000 euros. The threat either verbal or written anonymous or signed, or by any other similar process, of an attack on persons or property, punishable by a criminal penalty, not accompanied by an order or condition, shall be punished by imprisonment From three months to two years and a fine of 500 euros to 3,000 euros. In the cases provided for in that article, the guilty party may, in addition, be sentenced to the prohibition in accordance with Article 24.

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**Article 328.** Repealed (L. 29 June 1984)

**Article 329.** (L. September 8, 2003) The threat by gestures or emblems of an attack on property, punishable by a criminal penalty, will be punished by imprisonment for eight days to three months and a fine of 251 euros to 1,000 euros. The threat by gestures or emblems of an attack against people, punishable by a criminal penalty or imprisonment of at least six months, will be punished by imprisonment from three months to one year and a fine of 251 euros to 3,000 euros.

**S. 330.** (L. 29 June 1984) The threat made either verbally or in writing or signed, with order or under condition, of an attack on persons or property, punishable by at least eight days' imprisonment, shall be punished by imprisonment of Eight days to three months and a fine of 251 euros to 1,000 euros.

**Art. 330-1.** (L. September 8, 2003) The minimum penalties under sections 327, 329 and 330 will be raised in accordance with section 266 if the offender committed the threat of attack in respect of

1 ° of the spouse or divorced spouse, of the person with whom he or she lives or habitually lived; 2 ° of a legitimate or natural ascendant or of one of his adoptive parents; 3 ° of a legitimate, natural or adoptive descendant; 4 ° of a brother or sister; 5 ° A legitimate or natural ascendant, one of the adoptive parents, a descendant, a brother or a

Sister of a person referred to sub 1 °; 6 ° of a person whose particular vulnerability, due to his or her age, illness, infirmity,

Physical or mental impairment, or a state of pregnancy, is apparent or known to the author; 7 ° of a person who is bound by a relationship of subordination.

**Article 331.** (L. June 29, 1984) Anyone who has offered or offered directly to commit a crime punishable by criminal punishment or to participate in such a crime, and anyone who has accepted a similar offer or offer, shall be punished by imprisonment for three months at Five years and a fine of 500 euros to 5,000 euros. The guilty party may, in addition, be sentenced to the prohibition in accordance with Article 24. However, it will not be possible to punish the offer or simply verbal proposal, when it is not accompanied by gifts or promises, or subordinated to gifts or promises, or the acceptance of a similar offer or offer.

## Chapter III. - From Prisoners' Escape

**S. 332.** Whenever an escape of minors placed in a state rehabilitation institution takes place, the persons responsible for their custody or conduct will be punished, in the event of connivance, from imprisonment of six months to two years (L. 12 November 1971). (L. July 20, 2018) Every time a prisoner escape occurs, the members of the prison staff and the Grand Ducal Police who are responsible for the conduct, transfer and custody of detainees shall be punished as follows.

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**Art. 333.** If the escapee was prosecuted or convicted of a crime, if he was arrested under the Extradition Act, or if he was a prisoner of war, these attendants will be imprisoned from 15 days to one year, in the event of negligence, and Imprisonment for a period of one to five years, in case of connivance.

**S. 334.** In all other cases, regardless of the cause for which the escapee was detained, the attendants will be punished, in the event of negligence, from imprisonment from eight days to three months, and, in the case of connivance, to imprisonment from six months to two years.

**Article 335.** Those who, who are not in charge of the custody or conduct of the prisoner, have provided or facilitated his escape, shall be punished, in the case of article 333, for imprisonment

from three months to two years, and, in the case of article 334, to imprisonment of fifteen Days to one year. Excluded from this provision are ascendants or descendants, even divorced spouses, brothers or sisters of escaped prisoners, or their allies to the same degree.

**Article 336.** If the escape has taken place or has been attempted with violence, threat or breakdown of imprisonment, the penalties against those who favoured it by providing instruments specific to the escape shall be: In the circumstances set out in Article 333, the imprisonment of five to Ten years against the servants, and imprisonment for six months to three years against the other persons; In the circumstances set out in section 334, imprisonment for two to five years against the servants, and three months to two years against the other persons People.

**Article 337.** If the escape has taken place or has been attempted with violence, threats or breaks in prison, the penalties against those who have favoured it by means of transmission of arms shall be: In the circumstances set out in Article 333, the imprisonment of ten to fifteen years against the Officers, imprisonment for five to ten years against other persons; In the circumstances set out in section 334, imprisonment for five to ten years against attendants, and imprisonment for two to five years against other persons.

**Article 337-1. (L. 20 July 2018)** It is presumed not to be negligence within the meaning of sections 333 and 334 in the chief of conduct, transfer and custody of inmates the fact, in the case of the extraction of an inmate, of not using means of restraint or Amend the terms of supervision of the prisoner, at the request of a magistrate or a doctor.

#### **Chapter IV. - Breaking of the ban and some recèlements**

**Article 338.** Repealed (L. 13 June 1994)

**Article 339.** Those who have refocused or reframe people whom they knew to be prosecuted or convicted of a crime, will be punished by imprisonment from eight days to two years and a fine of 251 euros to 5,000 euros.

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**Article 340.** Anyone who has reframed, concealed or concealed the corpse of a homicied or dead person from beatings or injuries, will be punished by imprisonment for three months to two years and a fine of 500 euros to 6,000 euros. To be punished by imprisonment from three months to five years, and a fine of 500 euros to 6,000 euros, anyone who has reframed, concealed or concealed, destroyed or destroys the corpse of a newborn child. However, if it is proved that the child is stillborn, the sentence will be imprisonment for eight days to three months and a fine of 251 euros to 2,000 euros.

**Article 341.** The following are excepted from the provision of Article 339 and Article 340 § 1: ascendants or descendants, even divorced spouses, brothers or sisters, and allies to the same degrees of the criminals, perpetrators or accomplices of the homicide, blows Or Injuries.

#### **Chapter V. - Crimes against public safety, committed by vagrants or beggars**

**Art. 342.** Will be punished with imprisonment of eight days to one month: Any vagabond and any person who, for begging, will be entered without the permission of the owner or persons of his or her home, either in a dwelling or in his or her outbuildings; All those Who, by begging, will feigned wounds or infirmity; All those who will lead in a meeting, unless they are the spouses, one of the parents and their young children, the blind or the disabled and their driver.

**Article 343.** Any beggar or vagabond who has been seized transvestite in any way shall be punished by eight days to two months' imprisonment.

**S. 344.** Will be punished from three months to one year in prison: Vagabonds or beggars who will be found carrying false certificates, false passports or false roadmaps; Those who will be found carrying arms; Those who will be found equipped with Limes, hooks or other instruments, either to commit theft or other crimes or offences, or to provide them with the means to enter the houses.

**Article 345.** Anyone who, by begging, has threatened to attack people or property, will be punished with imprisonment for one month to one year. He will be sentenced to six months'to three years' imprisonment, if he has engaged in violence against persons.

**Article 346.** Implicitly repealed paragraph 1 (L. 13 June 1994) If the vagabonds and beggars are sentenced to imprisonment, they may be made available to the Government for the term that the court will set, but may not exceed one year, to take place at the end of their sentence.

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Paragraph repealed (L. 29 August 2008)

**Article 347.** Vagabonds are those who have no home, no means of subsistence, and who usually do not work or profession.

Title VII. -Crimes and offences against the order of families and against public morality

**Chapter I. - Abortion** (L. 15 November 1978)

**Article 348.** (L. 15 November 1978) The person who, by food, drink, medication, violence, manoeuvring or any other means will have intentionally aborted or attempted to abort a pregnant or pregnant woman who has not consented to it shall be punished by the Imprisonment for five to ten years.

**Article 349.** (L. 15 November 1978) When abortion was caused by self-inflicted violence, but with no intention of producing the culprit, it will be punished by imprisonment from three months to two years and a fine of 251 euros to 3,000 euros. If the violence has been committed with premeditation or with knowledge of the state of the woman, the imprisonment will be six months to three years, and the fine of 500 euros to 5,000 euros.

**Art. 350.** Repealed (L. December 17, 2014)

**S. 351.** Repealed (L. December 17, 2014)

**Art. 352.** (L. 15 November 1978) When the means employed in an attempt to abort a woman have caused death, the person who has administered or indicated for this purpose will be sentenced to five to ten years' imprisonment, if the woman has consented to abortion, and to Ten to fifteen years' imprisonment, if there is no agreement.

**Article 353.** Repealed (L. December 17, 2014)

**Article 353-1.** Repealed (L. December 17, 2014)

**Chapter II. - Exposure and neglect of children**

**Art. 354.** Will be punished by imprisonment for one month to one year and a fine of EUR 251 to 1,000 euros for those who have exposed or have exposed, and those who have left or abandoned, in a non-solitary place, a child below the age of seven years Accomplished.

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**Article 355.** The offences set out in the previous article shall be punishable by imprisonment from three months to two years and a fine of EUR 251 to EUR 2,000, if committed by the legitimate or natural parents, or by the persons to whom the child was entrusted.

**Article 356.** If, as a result of neglect, the child has remained mutilated or mutilated, the culprits will be punished: in the case provided for in article 354, imprisonment from six months to two years and a fine of 251 euros to 2,000 euros; in the case of article 355, A prison term of one year to three years and a fine of 500 euros to 3,000 euros.

**Article 357.** If the neglect has caused the death of the child, the sentence shall be: In the case of Article 354, imprisonment for one year to three years and a fine of EUR 500 to 3,000; In the case of Article 355, imprisonment of two years to five years and A fine of 500 euros to 3,000 euros.

**Article 358.** They will be punished by imprisonment for six months to three years and a fine of 500 euros to 3,000 euros, for those who have abandoned or abandoned a child below the age of seven.

**Article 359.** Imprisonment will be between one year and five years and the fine of 500 euros to 5,000 euros, if the culprits of the neglect are the legitimate or natural parents or the people to whom the child was entrusted.

**Article 360.** If, as a result of the neglect provided for in the two previous articles, the child has remained mutilated or crippled, the culprits will be punished by imprisonment from five years to ten years. If abandonment has caused death, they will be sentenced to ten years' imprisonment for 15 years.

**Chapter III. - Crimes and offences tending to prevent or destroy evidence of the child's civil status**

**Article 361.** Any person who, having attended a birth, has not made the declaration prescribed by Articles 55, 56 and 57 of the Civil Code, shall be liable to imprisonment from eight days to three months and a fine of EUR 251 to EUR 2,000 or one of those Penalties only.

**Article 362.** To be punished with the penalties laid down in the previous article, any person who

**Article 362.** To be punished with the penalties laid down in the previous article, any person who, having found a new child-born, will not have given it, within three days, to the registrar, as required by article 58 of the Civil Code. This provision shall not apply to the person who would have consented to take care of the child and who would have made his or her statement in that regard before the local authority of the place where the child was found.

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**Article 363.** The sentences of five to ten years, the culprits for the suppression of a child, the substitution of one child to another, or the supposition of a child to a woman who will not be mated, will be punished. The same penalty shall be applied to those who have given the mission to commit the facts referred to in the preceding paragraph, if that mission has received its execution.

**Article 364.** Anyone who has abducted or abducted a child under the age of seven will be punished by imprisonment for five to ten years, when the child would have voluntarily followed the abductor.

**Article 365.** Anyone who has recated or recellated a child below that age will be punished with a term of imprisonment of one year to five years and a fine of 500 euros to 5,000 euros.

**Article 366.** Those who have carried or have given to a hospice a child below the age of seven years, who were entrusted to them, will be punished by imprisonment for one month to six months and a fine of 251 euros to 1,000 euros. However, no punishment shall be imposed, if they were not held or were not obliged to provide free food and maintenance for the child, and if no one had provided it.

### Special provisions

**Article 367.** Those who, being in charge of a child below seven years of age, will be punished by imprisonment from eight days to one year and a fine of 251 euros to 1,000 euros will not represent them to those who have the right to demand it.

**Article 367-1.** (L. 20 March 1990) To be punished with imprisonment from eight days to one year and a fine of 251 euros to 10,000 euros:

1 ° Whoever has, in a spirit of lucre, caused the parents or one of them to abandon their born or unborn child;

2 ° Any person who has made or attempted to have, by the prospective parents or one of them, an act under which they undertake to abandon the unborn child, who has held such an act, has made use or attempted to use it;

3 ° Any person who has, in a spirit of lucre, brought or tried to provide his or her own way of collecting or adopting a child.

**Article 367-2.** (L. 14 April 2002) Will be punished with imprisonment from eight days to one year and a fine of 251 euros to 10,000 euros or one of those penalties only: Anyone who has obtained an unfair material gain because of an intervention on the occasion of an adoption.

### Chapter IV. - The abduction of minors

**Art. 368.** (L. 29 November 1982) To be punished with a term of imprisonment of one year to five years and a fine of 251 euros to 5,000 euros, the one who by violence, threat or ruse has kidnapped or kidnapped minors.

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The guilty party may also be sentenced to the prohibition in accordance with Article 24.

**Article 369.** (L. 29 November 1982) If the abducted minor is under the age of sixteen at the time of the offence, the sentence shall be imprisonment for five to ten years.

**Article 369-1.** (L. 29 November 1982) The sentence shall be that of life imprisonment, irrespective of the age of the minor, if the minor has been abducted to account for the payment of a ransom or the execution of an order or condition. However, in the case provided for in the preceding paragraph, the penalty shall be that of 15 to 20 years' imprisonment if the minor is released voluntarily before the fifth day since the date of abduction without the ransom being paid or The order or condition was executed.

**Article 370.** (L. 29 November 1982) A person who has abducted or has abducted a minor below the age of sixteen, who has consented to his abduction or who has voluntarily followed the abductor shall be liable to imprisonment for six months to three years and to a fine From 251 euros

abductor, shall be liable to imprisonment for six months to three years and to a fine from 251 euros to 2,000 euros.

**Article 371.** (L. 29 November 1982) The abductor who has married the minor whom he has abducted or has removed, and those who have participated in the abduction, can only be prosecuted after the annulment of the marriage has been definitively declared. In this case, a new complaint is not required.

**Art. 371-1. (L. 27 June 2018)** They shall be punished by imprisonment from eight days to two years and a fine of EUR 251 to EUR 2,000 or one of those penalties only, the parents and other persons who subtract or attempt to subtract a minor from the measures that must be By virtue of the provisions of the Youth Protection Act, or by virtue of a decision, even provisional, of a judicial authority, which shall subtract it or attempt to subtract it in the custody of those to whom it has been Entrusted, who will not represent those who have the right to claim, remove or remove it, even Of his or her consent. If the culprit has incurred the total or partial withdrawal of parental authority over the child, imprisonment may be high for up to three years.

#### **Chapter V. - From the indecent assault and the rape**

**Art. 372.** (L. Feb 21, 2013)

1 ° Any indecent assault, committed without violence or threats to people of either sex, will be punished by imprisonment for one month to two years and a fine of between 251 and 10,000 euros.

2. The indecent assault, committed with violence or threats to people of either sex, will be punishable by one to five years' imprisonment and a fine of between 251 and 20,000 euros.

3. The indecent assault, committed on the person or with the help of the person of a child of either sex, under the age of sixteen, shall be punished by imprisonment for one to five years and a fine of between 251 and 50,000 euros.

The sentence will be imprisonment for five to ten years, if the attack was committed with violence or threats, or if the child was under 11 years of age.

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**Article 372bis.** Repealed (L. 10 August 1992)

**Article 373.** Repealed (L. July 16, 2011)

**Art. 374.** The attack exists as soon as it begins.

**Article 375.** (L. 16 July 2011) Any act of sexual penetration, of any nature and by any means, committed on a person who does not consent to it, in particular by means of violence or serious threats, by trick or device, or by abusing it Of a person who is out of state to give free consent or to oppose the resistance, constitutes rape and will be punished by imprisonment for five to ten years. Deemed rape by abusing a person outside the State of giving free consent any act of sexual penetration, of any kind and by any means, committed on the person of a child under the age of sixteen. In this case, the culprit will be punished with ten to fifteen years' imprisonment.

**Article 376.** (L. 16 July 2011) If the rape has resulted in a permanent illness or incapacity for work, the culprit shall be liable to imprisonment for ten to fifteen years in the case of Article 375 (1) and 15 to 20 years' imprisonment in the case of If the rape has caused the death of the person on whom it has been committed, the culprit shall be punished by imprisonment for fifteen to twenty years in the case of Article 375 (1) and the imprisonment of twenty to thirty years in The hypothesis of Article 375 paragraph 2. The murder committed to facilitate rape or to ensure its impunity shall be punished by the Life imprisonment. The sentence of the preceding paragraph shall be applied, even if the consumption of the rape has been prevented by circumstances beyond the control of the guilty party.

**Article 377.** (L. February 21, 2013) The minimum sentences of the previous articles will be high in accordance with section 266 and the maximum may be doubled:

1 ° when rape or indecent assault is committed by a legitimate, natural or adoptive ascendant, or by any other person who has authority over the victim;

2. When rape or indecent assault is committed by a person who abuses the authority conferred on him by his or her duties;

3 ° where rape or indecent assault is committed by a number of persons acting as an author or an accomplice or in the context of a criminal organization;

4 ° when rape or indecent assault is committed with the use or threat of a weapon, or is accompanied by acts of torture or has caused serious harm to the child:



accompanied by use of violence or has caused serious harm to the child,

5 ° when the victim is a person whose particular vulnerability, due to his or her age, illness, infirmity,

Physical or mental impairment or a state of pregnancy, is apparent or known to the author, - the divorced spouse or spouse, the person with whom the author lives or has habitually lived, - a legitimate, natural or adoptive ascendant of The author, - a brother or sister, - a legitimate or natural ascendant, one of the adoptive parents, a descendant, a brother or sister of a

Person referred to in indent 1.

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**Article 378.** In the cases provided for in this Chapter, the guilty shall be condemned to the prohibition of the rights set out in paragraphs 1, 3, 4, 5 and 7 of Article 11. (L. 21 February 2013) The courts will also be able to issue a prohibition either for life, or for a period of up to ten years, to engage in a professional, voluntary or social activity involving regular contact with minors. Any violation of this prohibition is punishable by imprisonment for two months to two years. (L. 10 August 1992) In the cases provided for in Articles 372 (1) and 373 (1), they may, in addition, be condemned to the prohibition of voting, election and eligibility for a term of five to ten years. (L. 9 June 1989) If the attack was committed by one of the parents, the offender will, in addition, be deprived of the rights and benefits granted to him or her on the person and on the property of the child by the Civil Code, Book 1, Title IX, " Parental authority.

**Chapter VI. - The exploitation of prostitution and prostitution** (L. 31 May 1999; L. 13 March 2009)

**Article 379.** (L. February 21, 2013) To be punished with one to five years' imprisonment and a fine of 251 to 50,000 euros:

1. Any person who has excelled, facilitated or favoured the debauchery, corruption or prostitution of a minor under the age of eighteen years;

2. Any person who has recruited, exploited, coerced, forced, threatened or had recourse to a minor under the age of eighteen for the purposes of prostitution, for the purpose of producing pornographic performances or material or for the purpose of participation Such performances have encouraged or benefited from such an action;

3 ° any person who has attended pornographic performances involving the participation of a minor under the age of eighteen;

4 ° any person who has forced or forced a minor under the age of eighteen to engage in or threaten to engage in sexual activities with a third party.

The attempt will be punishable by imprisonment from six months to three years. The offence shall be punished by imprisonment for five to ten years if committed against a minor under the age of sixteen, and from ten to fifteen years' imprisonment if committed to a minor under 11 years of age. The attempt will be punishable by imprisonment from six months to four years, if the act has been committed against a minor under 16 years of age and imprisonment for six months to five years if he or she has been committed to a minor under 11 years of age.

**Article 379bis.** (L. July 16, 2011) To be punished with one to five years' imprisonment and a fine of 251 euros to 50,000 euros:

1 ° and 2 ° repealed (L. 13 March 2009)

3 ° (L. May 31, 1999) Whoever owns, directly or interposed, who manages, directs or operates a brothage or prostitution house.

4 ° (L. 31 May 1999) Every owner, hotel owner, logger, cabaretier, in general any person who transfers, rents or makes available to others or tolerates the use of all or part of a building, knowing that the premises ceded, leased or made available Are used to exploit the prostitution of others.

5 ° (L. 31 May 1999) The pimp.

Is pimped the one or the

(a) knowingly assists, assists or protects the prostitution of another person or the racolage for prostitution;

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(b) in any form, share the proceeds of the prostitution of others or receive subsidies from a person engaged in prostitution;

(c) who hires, trains or maintains, even with his or her consent, a person who is the same major person for the purpose of prostitution or the pound for prostitution or debauchery;

(d) acting as an intermediary, in any capacity, between persons engaged in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others;

(e) who, by threat, pressure, manoeuvre or otherwise interferes with the prevention of control, assistance or re-education undertaken by qualified organizations in favour of persons engaged in prostitution.

(L. 13 March 2009) The attempt of the facts set out in 5 ° will be punished by imprisonment for three months to two years. (L. 16 July 2011) The facts set out in 3 °, 4 ° and 5 ° of this article shall each be punished by imprisonment for two to five years and a fine of between 251 and 75,000 euros if committed against a minor under the age of eighteen years, Imprisonment for three to five years, if committed to a minor under 16 years of age, and to imprisonment for five to ten years, if committed to a minor under 11 years of age. (L. 16 July 2011) The attempt will be punishable by imprisonment from six months to three years, if the act has been committed against a minor under 18 years of age, from six months to four years, if the act has been committed against a minor under the age of sixteen, Six months to five years, if the act was committed against a minor under 11 years of age.

**Article 379b.** (L. 10 November 1984) After the opening of information, the examining magistrate may order, at the request of the State Prosecutor, on a provisional basis for a period of not more than three months, the closure of any establishment or place open to the public Or used by the public, if there are serious indications that one of the offences referred to in Article 379bis was committed by the defendant who participated, either as an author or as an accomplice, in any capacity, in management, in the management or in the Funding for the institution. Such closure may, whatever the duration thereof, be renewed in the same forms for a period of not more than three months each.

**379c.** (L. 10 November 1984) Release of the closure order may be requested in any case by the accused or the public prosecutor, namely:

1) to the Board of the Board during the period of instruction; 2) Implicit Repealed (L. 17 June 1987) (3) to the Correctional Court sitting in the Board if the matter was referred to it; (4) to the Court of Appeal of the Correctional Appeals Chamber sitting in the Board of Appeal, if the appeal was

Lodged an appeal in cassation; 5) in the Criminal Division of the District Court.

**379quinquies.** (L. 10 November 1984) The application will be lodged at the Registry of the court to be decided. It will be decided on an urgent basis and no later than within three days of the filing, the public prosecutor and the accused or his/her counsel heard in their oral or duly called explanations. The accused or defender shall be notified, through the care of the clerk, of the place, day and time of the appearance. Without prejudice to the rights of the State Attorney General and the State Prosecutor, the orders of the Board of the Board may also be attacked by the accused in accordance with the provisions of article 119 of the Code of Criminal Procedure.

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**379sexies. (L. February 28, 2018)** (L. 10 November 1984) When a court of judgment is seised after the closure of the information, the closure of any establishment or place open to the public or used by the public ordered by the investigating judge may be subject to Renewals for a period of up to three months each, which shall be pronounced:

1) by the Correctional Court, sitting in the Board of the Board, if the matter was referred to it; 2) by the Court of Appeal, the Correctional Appeals Chamber sitting in the Board of Appeal, if the appeal was

Lodged an appeal in cassation; 3) by the Criminal Division of the District Court.

The release of the closure decision may, in such cases, be requested from the court which has ordered the renewal. It shall be decided in accordance with the provisions of paragraphs 1 and 2 of Article 379quinquies.

**379septies.** (L. 10 November 1984) The judge may order the temporary or permanent closure of any establishment or place open to the public or used by the public in which one of the offences referred to in Article 379a has been committed by the accused Participating either as an author or as an accomplice in any title to the management, management or funding of the institution. In the case of a conviction to a principal penalty of fine, the duration of the closure will run from the day on which the conflicting or default conviction becomes irrevocable In the event of a sentence of

on which the conflicting or default conviction becomes irrevocable in the event of a sentence of deprivation of liberty, that term shall run on the day on which the convicted person has been subjected to or prescribed his or her sentence and, if released on parole, from the day of release. In the case referred to in the preceding paragraph, the closure decision shall, in addition, produce its effects as from the day on which the conflicting or default conviction becomes irrevocable.

**Article 380.** (L. 16 July 2011) The minimum penalties laid down in Articles 379 and 379a shall be raised in accordance with Article 266 and the maximum may be doubled if: (L. Feb 21, 2013)

(1) the offence has deliberately or negligently placed the life of the victim in danger; or (2) the offence has been committed by abusing the particularly vulnerable situation in which it is located

A person, in particular because of his or her illegal or precarious administrative situation, precarious social situation, pregnancy, illness, infirmity or physical or mental infirmity; or

(3) the offence was committed by the threat of use or the use of force or other forms of coercion, by abduction, fraud, deception; or

(4) the offence was committed by offering or accepting payments or benefits in order to obtain the consent of a person who has authority over the victim; or

(5) the offence has been committed by a legitimate, natural or adoptive ascendant of the victim or by a person who has authority over the victim or is abusing the authority conferred on him by his or her functions; or

(6) the offence was committed by an officer or public official, a depositary or an officer of the public force acting on the occasion of the performance of his or her duties.

**Article 381.** (L. 1 April 1968) In the cases provided for in Articles 379 and 379a, the guilty will also be fined EUR 251 to EUR 15,000 and to the prohibition of the rights specified in Articles 1, 2, 3, 4, 5 and 7 of Article 11. The courts will be able to prohibit convicted persons with a term of imprisonment of at least one month, for a term of one year to ten years, to hold or continue as an owner or manager, a hotel, a family pension, an office of Placement, or be employed in any capacity. Any infringement

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The ban will be punished by imprisonment from eight days to one month and a fine of 251 euros to 5,000 euros or one of those penalties alone. (L. 21 February 2013) In the cases referred to in paragraph 1, as well as in the cases referred to in Articles 382-1 and 382-2, the courts may also prohibit those sentenced to life, or for a period of up to ten years, to engage in an activity Professional, voluntary or social, involving regular contact with minors. Any violation of this prohibition is punishable by imprisonment for two months to two years. If, in the cases referred to in paragraph 1, the offence was committed by one of the parents, the offender shall, in addition, be deprived of the rights and benefits granted to him on the person and property of the child by the Civil Code, Book 1, Title IX " De Parental authority ".

**S. 382.** (L. 1 April 1968) Will be punished with imprisonment from eight days to six months and a fine of EUR 251 to 5,000 euros or one of those penalties only, whoever by way of gestures, words, writings or any other means would publicly carry out the scraping of Persons of one or the other sex with a view to causing them to debauchery.

**Chapter VI-I. - Trafficking in human beings** (L. 13 March 2009)

**Art. 382-1. (L. April 9, 2014)** (1) It is the offence of trafficking in human beings to recruit, transport, transfer, host, transfer or transfer control over the person, in order to:

1) of the commission against that person for the offence of procuring, assaulting or sexually assaulting;

(2) the exploitation of the work or services of that person in the form of forced or compulsory labour or services, servitude, slavery or similar practices and in general in conditions contrary to human dignity;

3) to give it to begging, to exploit its begging or to make it available to a beggar for use in order to arouse public commiseration;

(4) the removal of organs or tissues in violation of the relevant legislation; (5) the commission of a crime or an offence by that person against his or her will.

(2) The offence provided for in paragraph 1 shall be punishable by a term of imprisonment of three years to five years and a fine of between 10,000 and 50,000 euros. (3) An attempt to commit the offence referred to in paragraph 1 shall be punishable by a term of imprisonment of one year to three years and a fine of between 5 000 and 10 000 euros. (4) It is the offence of selling children

three years and a fine of between 5,000 and 10,000 euros. (7) It is the offence of selling children, any act or transaction under which a child is given by any person or group of persons to another person or group of persons against remuneration or any other benefit. The penalties under section 382-2 (2) apply.

**Article 382-2. (L. 13 March 2009)** (1) The offence provided for in Article 382-1 (1) shall be punishable by imprisonment for five years to ten years and a fine of EUR 50,000 to EUR 100,000 in the following cases:

(1) the offence has deliberately or negligently placed the life of the victim in danger; or (2) the offence has been committed by abusing the particularly vulnerable situation in which it is located

A person, in particular because of his or her illegal or precarious administrative situation, precarious social situation, pregnancy, illness, infirmity or physical or mental infirmity; or

(3) the offence was committed by the threat of use or the use of force or other forms of coercion, by abduction, fraud, deception; or

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(4) the offence was committed by offering or accepting payments or benefits in order to obtain the consent of a person who has authority over the victim; or

(5) the offence has been committed by a legitimate, natural or adoptive ascendant of the victim or by a person who has authority over the victim or is abusing the authority conferred on him by his or her functions; or

(6) the offence was committed by an officer or public official, a depositary or an officer of the public force acting on the occasion of the performance of his or her duties.

(2) The offence provided for in Article 382-1 (1) shall be punishable by ten years' imprisonment for 15 years and a fine of between EUR 100,000 and 150,000 in the following cases:

(1) the offence was committed by means of violence; or (2) the offence was committed in connection with a criminal association or criminal organization

In the meaning of articles 322 to 326 of the Penal Code; or (3) the offence was committed against a minor; or (4) the offence was committed through the use of torture; or (5) the offence caused the death of the victim without any intention to give it.

(3) The consent of a victim of trafficking in human beings shall not exonerate the perpetrator or the accomplice of criminal liability in any of the offences or attempted offences referred to in Articles 382-1 and 382-2. (4) The consent of a victim of trafficking in human beings shall not be the same as in any of the offences or attempted offences referred to in Articles 382-1 and 382-2 a mitigating circumstance.

**Art. 382-3.** (L. 13 March 2009) Articles 379ter, 379c, 379quinquies, 379sexies and 379septies apply by analogy to the offences defined in this Chapter.

**Chapter VI-II. - Illicit trafficking in migrants** (L. July 21, 2012)

**Article 382-4.** (L. 21 July 2012) Any person who, by direct or indirect aid, knowingly facilitated or attempted to facilitate irregular entry, irregular transit or, for profit, the irregular stay of a third-country national on or by the territory of a Member State of the European Union or of a State Party to the Convention signed at Schengen on 19 June 1990, or the territory of a State Party to the Protocol against the Smuggable Traffic of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, signed in Palermo, on 12 December 2000, is punished by imprisonment for three to five years and a fine of between 10,000 and 50,000 euros or just one of those penalties.

**Article 382-5.** (L. 21 July 2012) The offence provided for in Article 382-4 shall be punishable by five to ten years' imprisonment and a fine of EUR 50,000 to EUR 100,000 in the following cases:

1 ° when it has been committed by a person who has authority over the victim, or by a person who has abused the authority or facilities conferred upon him by his or her duties;

2. When it was committed by an officer or public official, a depositary or an officer of the public force acting on the occasion of the performance of his or her duties;

3 ° when committed to a minor; 4 ° when it was committed by abusing the particularly vulnerable situation in which it is located

A person because of his or her illegal or precarious administrative situation, precarious social status, pregnancy, illness, infirmity or physical or mental impairment, in such a way that the person

did not Other real and acceptable alternatives to this abuse;

5 ° when it was committed by using, directly or indirectly, fraud, violence, threats or any form of coercion;

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6 ° when the life of the victim was deliberately or grossly endangered; 7 ° when the offence caused an apparently incurable disease, a permanent physical disability or

The complete loss of an organ or the use of a body, or a serious mutilation; 8 ° where the activity concerned constitutes a habitual activity; 9 ° when it constitutes an act of participation in the main or accessory activity of a Association, and

Whether or not the offender is a leader.

### **Chapter VI-III. - The use of prostitution (L. February 28, 2018)**

**Article 382-6.** Seek, accept or obtain, in exchange for remuneration or a promise of remuneration, sexual relations on the part of a victim of one or more of the offences referred to in Articles 379, 379a, 380, 382-1 and 382-2 of the Penal Code, is punishable by imprisonment from eight days to six months and a fine of EUR 251 to EUR 50,000 or just one of those penalties.

**Article 382-7.** (1) The fact of soliciting, accepting or obtaining, in exchange for remuneration or a promise of remuneration, sexual relations of a minor who engages in prostitution, including occasionally, is Punished by imprisonment for one year to five years and a fine of 251 to 50,000 euros. (2) The same penalties shall apply to soliciting, accepting or obtaining, in exchange for remuneration or a promise of remuneration, sexual relations on the part of a person engaged in prostitution, including in such a manner as to Occasional, when this person presents a particular vulnerability, apparent or known to the author, because of his illegal or precarious administrative situation, his precarious social situation, a state of pregnancy, an illness, a Infirmary or physical or mental impairment.

**Article 382-8.** Public action shall not be exercised in respect of the person against whom minutes have been drawn for an offence under articles 382-6 and 382-7 of the Penal Code which, heard as a witness in accordance with the respective provisions of Article 48 and 48-1, 69 to 71, 154 and 155, 189, 190-1 and 211 of the Code of Criminal Procedure, will reveal to the competent authority, in relation to its use of the prostitution of others, facts likely to constitute an offence under Book II, Title VII, Chapters VI and VI-I of the Penal Code.

### **Chapter VII. - Public outrages on morality and special provisions to protect young people**

(L. July 16, 2011) **Article 383.** (L. 16 July 2011) The act of making, transporting, transmitting by any means whatsoever and in any medium a message of a violent or pornographic nature or of such a nature as to be seriously prejudicial to human dignity, or To trade such a message, is punished with imprisonment for a period of one month to three years and a fine of 251 to 50,000 euros where this message is likely to be seen or perceived by a minor.

**Article 383a.** (L. 16 July 2011) The facts set out in Article 383 shall be punishable by one to five years' imprisonment and a fine of EUR 251 to 75,000, if they involve or present minors or a particularly vulnerable person, in particular by reason of his Illegal or precarious administrative situation, pregnancy, illness, infirmity or physical or mental infirmity.

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The confiscation of the objects provided for in Article 383 shall always be pronounced in case of conviction, even if the property does not belong to the convicted person or if the conviction is pronounced by the police judge by the admission of extenuating circumstances.

**Article 383ter.** (L. 16 July 2011) The fact, with a view to its dissemination, to fix, record or transmit the image or the representation of a minor when this image or representation is pornographic is punishable by one month's imprisonment To three years and a fine of 251 to 50,000 euros. Offering, making available or distributing such an image or representation, by any means, to import or export it, to import it or to export it, shall be subject to the same penalties. The facts will be punished by imprisonment for one to five years and a fine of 251 to 100,000 euros when it has been used, for the dissemination of the image or the representation of the minor to an unspecified audience, a communications network Electronic. An attempt to commit the offences set out in the preceding paragraphs shall be punishable by the same penalties.

**Art. 384.** (L. 21 February 2013) To be punished with imprisonment for a period of one month to three years and a fine of between 251 and 50 000 euros anyone who has knowingly acquired

three years and a fine of between 251 and 50,000 euros; anyone who has knowingly acquired, detained or consulted written, printed, images, photographs, films or other pornographic articles involving or presenting minors. (L. 16 July 2011) The confiscation of these objects will always be pronounced in case of conviction, even if the property does not belong to the convicted person or if the conviction is pronounced by the police judge by the admission of extenuating circumstances.

**Article 385.** (L. May 31, 1999) Whoever publicly outrages morals with actions that hurt modesty, will be punished with imprisonment for eight days to three years and a fine of 251 euros to 25,000 euros.

**Article 385-1.** (L. 8 June 2004) Whoever has publicly outraged the mores with songs, pamphlets, figures, writing, prints, drawings, prints, paintings, emblems, images or any other medium in writing, sound, speech or image communicated to the Public through the media channel, will be punished by imprisonment for eight days to one year and a fine of 251 to 12,500 euros.

**Article 385-2.** (L. 16 July 2011) The fact that a major person makes sexual propositions to a minor under the age of sixteen or to a person presenting himself as such by using an electronic means of communication shall be punished with imprisonment for one month to three And a fine of 251 to 50,000 euros. He will be punished with one to five years' imprisonment and a fine of 251 to 75,000 euros when the proposals were followed by a meeting.

**Article 385bis.** (L. May 31, 1999) A fine of 251 euros to 25,000 euros will be imposed on anyone who sells or distributes indecent writings, images, figures or objects to children under the age of sixteen. The same penalty shall be imposed on anyone who publicly states in the vicinity of an educational or educational institution frequented by children under the age of sixteen years of writing, images, figures or indecent objects of such a nature as to disturb their Imagination.

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The confiscation of the indecent writings, figures or objects exposed, put for sale or in distribution will always be pronounced in the case of conviction, even if the property does not belong to the convicted person or if the conviction is pronounced by the police judge By admission of extenuating circumstances.

**Art. 385 Ter .** (L. 16 April 2021) The use of any means to catch a glimpse of the intimate parts or underwear of a person that the person, because of his or her clothing or presence in a closed place, has concealed from the sight of third parties, when he is committed without the knowledge Or without the consent of the person, shall be punished by imprisonment for two months to one year and a fine of EUR 251 to 15 000. The facts referred to in the first subparagraph shall be punished by imprisonment from six months to two years and from a fine of 251 to 30 000 euros:

1 ° when committed by a person who abuses the authority conferred on him by his or her duties; 2 ° when committed on a minor; 3 ° when committed on a person whose particular vulnerability, due to his age, illness,

An infirmity, a physical or mental impairment, or a state of pregnancy, is apparent or known to the author;

4 ° when committed by a number of persons acting as an author or an accomplice; 5 ° when committed in a collective means of transport of persons or in a place intended for access

To such collective means of transport of persons; 6 ° when images have been fixed, recorded, broadcast or transmitted.

**Art. 386.** In the cases provided for in this Chapter, the guilty may, in addition, be sentenced to the prohibition of the rights set out in paragraphs 1, 3, 4, 5 and 7 of Article 11. (L. 21 February 2013) They may also be sentenced to the prohibition for a period of up to ten years, to engage in professional, voluntary or social activity involving habitual contact with minors. Any violation of this prohibition is punishable by imprisonment for two months to two years.

**Chapter VII-1. - Forced marriages and partnerships or complacency** (L. July 4, 2014, *Effective January 1, 2015* )

**Article 387.** (L. July 4, 2014) A person who has entered into a marriage or partnership for the sole purpose of obtaining or obtaining an advantage in respect of the residence permit shall be liable to imprisonment for six months to two years and to a fine of € 10,000 to EUR 20,000, or just one of those penalties. The attempted crime is punishable by imprisonment from six months to one year and a fine of 5,000 euros to 10,000 euros, or only one of those penalties.

**S. 388.** (L. July 4, 2014) A person who has received a sum of money to pay for the conclusion of a marriage or partnership for the sole purpose of obtaining or obtaining an advantage in terms of the residence permit shall be punished by imprisonment From one year to three years and a fine of 10,000 euros to 30,000 euros, or just one of those penalties. The attempted crime is punishable by

imprisonment from six months to two years and a fine of 5,000 euros to 15,000 euros, or only one of those penalties.

**Article 389.** (L. 4 July 2014) Anyone who, through violence or threats, has forced someone to enter into a marriage or partnership, is punished with imprisonment for one year to four years and a fine of 20,000 euros to 40,000 euros, or one of those penalties Only.

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The offence is punishable by a term of imprisonment of one year to two years and a fine of 10,000 euros to 20,000 euros, or only one of those penalties.

**Chapter VIII. - From bigamy** (L. 11 November 1974)

**S. 390.** Repealed (L. 11 November 1974)

**Art.** Any person who, being engaged in the marriage bond, will have contracted another before the dissolution of the previous marriage, shall be punished by imprisonment for five to ten years.

**Chapter IX. - Abandonment of family and fraudulent insolvency** (L. 25 November 1977; L. 12 March 1984)

**Article 391a. (L. 27 June 2018)** Will be punished by imprisonment for one month to one year and a fine of EUR 251 to EUR 2,500 or one of those penalties only one of the parents who subtracts from their children, all or part of the maintenance obligations, to which it is held Under the law, that he refused to fulfil these obligations when he was in a position to do so, or because he was unable to fulfil them. The same shall apply to the obligations of the spouses between them, as well as those of the adopter in respect of the adopted. In the same circumstances, such penalties shall be imposed against any other person who is in default of supplying food to which it was required either by way of an irrevocable or enforceable judicial decision, or by virtue of a Agreement between spouses on divorce by mutual consent. The prosecution of the offences will be preceded by an arrest, recorded in the minutes, of the food debtor by a police officer of the Grand Ducal Police. If the debtor of food does not have a known residence, the inquiry is not required.

**Article 391ter. (L. 27 June 2018)** Will be punished by imprisonment from six months to three years and a fine of 500 euros to 12,500 euros or one of those penalties only any debtor who, even before the court decision, has organised or aggravated his insolvency, or by increasing the Liabilities or by reducing the assets of its assets, or by concealing certain of its assets, in order to avoid the execution of a pecuniary penalty imposed by a criminal court or, in matters relating to tort, delict or quasi-delict, or Of food, by a civil court. The officer of law or de facto of a legal person who has organized or aggravated the insolvency of the legal person under the conditions laid down in the preceding paragraph shall be liable to the same penalties where that legal person is liable to Monetary penalties resulting from a criminal or quasi-delict criminal conviction. The requirement of public action shall only run on the basis of the judgment in respect of which the debtor sought to evade or, if he is later, the last act to organize or aggravate the insolvency of the debtor. Debtor. For the purposes of this Article, the convictions for the payment of food shall be treated as judicial decisions and the judicially registered agreements requiring the payment of benefits, subsidies or contributions to the expenses of the Marriage and the provisions of food contained in the conventions prior to divorce by mutual consent provided for in Article 230 of the Civil Code.

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Title VIII. -Crimes and offences against persons

**Chapter I. - Homicide and intentional bodily harm**

**Article 392.** The following are considered to be voluntary, homicide and injury with the purpose of Attempt to the person of a particular individual, or of the person who will be found or encountered, even if that design is dependent on any circumstance or Condition, and even if the perpetrator was wrong in the person who was the victim of the attack.

Ire Section. -Murder and its various species

**Article 393.** Homicide with intent to give death is described as murder. He will be punished with life imprisonment.

**S. 394.** The premeditated murder is described as murder. He will be punished with life imprisonment.

**Art. 395.** Is qualified parricide and will be punished with life imprisonment, the murder of parents or other legitimate ascendants, as well as the murder of one of the natural parents.

**Art. 396.** Is classified as infanticide, the murder committed on a child at the time of birth or immediately afterwards. Infanticide will be punished, depending on the circumstances, as murder or murder. However, the mother who committed this crime on her illegitimate child will be punished by ten to fifteen years' imprisonment. If it has committed this premeditated crime, it will be punished with 15 to 20 years' imprisonment.

**Art. 397.** The murder committed by means of substances that can cause death more or less promptly, in any way that these substances have been used or administered, is referred to as poisoning. He will be punished with life imprisonment.

**Article 397-1.** (L. 16 March 2009) Does not fall within the scope of this section the fact by a doctor to respond to a request for euthanasia or assisted suicide in accordance with the substantive conditions laid down in the Act of 16 March 2009 on euthanasia And assisted suicide

Section II. -Unqualified murder and intentional bodily harm

**Article 398.** Anyone who has willfully injured or beaten will be punished by imprisonment for eight days to six months and a fine of 251 euros to 1,000 euros, or only one of those penalties. In case of premeditation, the culprit will be sentenced to one month's imprisonment and a fine of 500 euros to 2,000 euros.

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**S. 399.** If the beating or injury caused a personal illness or incapacity for work, the culprit will be punished by imprisonment from two months to two years and a fine of 500 euros to 2,000 euros. The culprit will be punished by imprisonment for six months to three years and a fine of 500 euros to 10,000 euros, if he acted with premeditation.

**Article 400.** The penalties will be imprisonment from two years to five years and a fine of 500 euros to 5,000 euros, if the result of the beating or injury, which is an apparently incurable disease, is a permanent incapacity for work, or the loss of The absolute use of a body, or a serious mutilation. The sentence will be the sentence of five to ten years, if premeditated.

**Article 401.** When the beatings or the intentional injury, but without the intention of giving death, have caused it, the culprit shall be punished by imprisonment for five to ten years. He will be punished by ten to fifteen years' imprisonment, if he has committed these acts of premeditated violence.

**Art. 401a.** (L. 12 November 1971) Every person who wilfully has caused injury or beatings to a child below the age of fourteen years, or who has voluntarily deprived him or her of food or care to the extent that his or her health is impaired or will have Committed to all other violence or de facto, excluding minor violence, will be punished by imprisonment for one year to three years and a fine of EUR 251 to EUR 2,500. If it has resulted from the various kinds of violence or deprivation above a personal illness or incapacity for work, or if there has been premeditation, the penalty will be three to five years' imprisonment and a fine of 251 euros to 5,000 euros. If the guilty parties are the legitimate, natural or adoptive parents, or other legitimate ascedents, or other persons having authority over the child or who have custody of the child, the penalties shall be those laid down in the preceding paragraph, if there has not been Sickness or incapacity for personal work, or premeditation, and imprisonment for five to ten years if not. If the violence or deprivation has been followed, either a seemingly incurable disease or a permanent incapacity for personal work, or the loss of the absolute use of an organ, or of serious mutilation or if they have caused death No intention to give it, the penalty shall be that of ten to fifteen years' imprisonment, and if the guilty persons are the persons referred to in the preceding paragraph, that of life imprisonment. If violence or deprivation has been practised with the intention of causing death, the perpetrators will be punished as guilty of murder or attempted murder. If the usual violence or deprivation has led to death, even without the intention of giving it, the perpetrators will be punished by life imprisonment.

**Article 402.** To be punished by imprisonment from three months to five years and a fine of 500 euros to 5,000 euros, anyone who has caused another person to have a personal illness or incapacity for work, by administering it voluntarily, but without intent to kill, Substances which may give death, or substances which, without being of a nature to be fatal, can, however, seriously impair health.

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**Article 403.** The penalty shall be imprisonment for five to ten years, when these substances have caused, either an apparently incurable disease, or a permanent incapacity for personal work, or the loss of the absolute use of a body.

**Article 404.** If the substances administered voluntarily. but without the intention of giving death.



have caused it, the culprit will be punished by the imprisonment of fifteen to twenty years.

**Article 405.** The attempt to give to others, with no intention of giving death, substances of the nature of those mentioned in Article 402, will be punished by imprisonment from one month to three years and a fine of 251 euros to 3,000 euros.

**Article 406.** The person who wilfully obstructs the movement of a convoy on a railway, depositing objects of any kind, disturbing the rails or their supports, removing the ankles or harpsichettes, shall be punished by imprisonment for five to ten years; Using any other means to stop the convoy or get it out of the rails.

**Article 407.** If the fact has caused injury to the nature of those provided for in Article 399, the guilty shall be sentenced to ten years' imprisonment for 15 years. He shall be sentenced to 15 to 20 years' imprisonment, if the injuries are of the nature of those provided for in Article 400.

**Article 408.** If the act caused the death of a person, the culprit will be punished with life imprisonment.

**Article 409.** (L. 8 September 2003) To be punished with imprisonment from six months to five years and a fine of 251 euros to 5,000 euros, anyone who has intentionally sustained injuries or has been beaten

1 ° to a spouse or divorced spouse, to the person with whom he or she lives or has habitually lived; 2 ° to a legitimate or natural ascendant or to one of his adoptive parents; 3 ° to a legitimate, natural or adoptive descendant of fourteen or more years; 4 ° to a Brother or sister; 5 ° to a legitimate or natural ascendant, to one of the adoptive parents, to a descendant of fourteen years

To a brother or sister of a person referred to in sub 1 °; 6 ° to a person whose particular vulnerability, due to his or her age, illness, infirmity,

Physical or mental impairment, or a state of pregnancy, is apparent or known to the author; 7 ° to a person who is bound by a relationship of subordination.

When the blows or injuries have been premeditated, the penalties will be imprisonment for one year to five years and a fine of 501 euros to 5,000 euros. If the result of the voluntary blows or injuries referred to in paragraph 1 is a personal illness or incapacity, the penalties will be imprisonment from 1 year to 5 years and a fine of 501 euros to 25,000 euros in the absence of premeditation and, In the opposite case, the 10-year prison term at 10 years and a fine of 1,000 euros to 30,000 euros. If the result of the intentional blows or injuries referred to in paragraph 1 is an incurable disease, or a permanent incapacity for personal work, or the loss of the absolute use of a body, or a serious mutilation, the penalties shall be 10 years to 15 years and a fine of 2,500 euros to 50,000

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Euros in the absence of premeditation and, if not, the 15-year prison term at 20 years and a fine of 3,000 euros to 50,000 euros. If the intentional beating or injury referred to in paragraph 1 has caused the death, without intending to give it, the culprit shall be liable to imprisonment from 20 years to 30 years, in the absence of premeditation of such acts of violence, and to life imprisonment in the The opposite case. If the intentional blows or injuries referred to in this section have been committed against a person with whom the guilty party is cohabing, the court may also rule against the convicted person as a whole or part of the following prohibitions:

-prohibition of approaching the dwelling of the victim more than a distance to be determined; - prohibition of contact with the victim; - prohibition of approaching the victim of more than one distance to be determined.

**Art. 409 Bis . (L. 20 July 2018)** (1) Any person who has practised, facilitated or promoted circumcision, infibulation or other mutilation of all or any part of the labia majora, labia minora or clitoris of a woman, with or without the consent of a woman, shall be punished by a Imprisonment for three to five years and a fine of EUR 500 to EUR 10 000. (2) An attempt to commit the offence referred to in paragraph 1 shall be punishable by imprisonment from eight days to one year and a fine of EUR 251 to EUR 5 000. (3) If the genital mutilation of a female person has resulted in an apparently incurable disease or permanent incapacity for personal work, the penalties shall be imprisonment for five to seven years and a fine of EUR 1 000 to 25 000 euros. If the genital mutilation of a female person has been committed by a legitimate, natural or adoptive ascendant of the victim or by a person who has authority over it or is abusing the authority conferred on it by its functions or if it has The penalties will be imprisonment for seven to ten years and a fine of EUR 2 500 to EUR 30 000, even without the intention of giving it. (4) The offence provided for in paragraph 1 shall be punishable by ten to fifteen years' imprisonment and a fine of EUR 1 000 to EUR 25 000:

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1. If the offence was committed against a minor; 2. If the offence was committed against a person whose particular vulnerability, due to his or her situation

Illegal or precarious administrative, age, illness, infirmity, physical or mental disability, or pregnancy, is apparent or known to the author;

3. If the offence was committed by the threat of use or the use of force or other forms of coercion, by abduction, fraud, deception.

(5) The offences referred to in paragraph 4 shall be punishable by 15 to 20 years' imprisonment and a fine of EUR 3 000 to EUR 50 000 if they have caused an apparently incurable disease or permanent incapacity for work. They are punished by life imprisonment and a fine of EUR 5 000 to EUR 75 000 if the offence was committed by a legitimate, natural or adoptive ascendant of the victim, by a person who has authority over it or abuses the authority of the victim. Confer its duties, or if the offence has caused the death, even if it is not intended to give it.

**Art. 410.** In the cases referred to in Articles 398 to 405, if the perpetrator has committed the crime or the offence against his legitimate, natural or adoptive parents, or to his lawful ascendants, the minimum of the penalties laid down in those Articles shall be high in accordance with Section 266.

## Section II-1. -Abstentions guilty (L. 13 December 1985)

**Article 410-1.** (L. 13 December 1985) To be punished with imprisonment from eight days to five years and a fine of EUR 251 to EUR 10,000, or only one of those penalties, which, without serious danger to himself or others, wilfully forbears from coming to Assistance or assistance to a person exposed to a serious risk, whether or not he or she has ascertained the situation of that person, or that this situation has been described to him by those who are seeking his or her intervention. There is no offence when the requested person has made every effort to provide relief through specialized services.

**Article 410-2.** (L. 13 December 1985) To be punished with the penalties provided for in the preceding article which, without serious danger to himself or another person, refuses or neglects to bring to a person at risk the relief that is required; the person who, without any Serious danger to himself or others, refuses or neglects to do the work, the service, or to lend the relief that it has been required in the circumstances of accidents, shipwrecks, floods, fire or other calamities, as well as in the case of brigandings, looting, flagrant offence, public clamour or judicial execution.

## Section III. -Murder, Injuries and excusable Blows

**Art. 411.** Murder, injuries and beatings are excusable, if they were immediately provoked by serious violence against the people.

**Art. 412.** The crimes and offences referred to in the previous article are also excusable, if they were committed by repelling, during the day, the escalation or burglary of fences, walls or entrances to a house or apartment or to their Dependencies, unless it is established that the agent could not believe in an attack on persons, either as a direct goal of the person who attempts to escalate or break-in, or as a result of the resistance that the designs of This one.

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**Article 414.** If the excuse is proven: If it is a crime that carries the penalty of life imprisonment, the penalty will be reduced to five years' imprisonment and a fine of EUR 500 to 5,000; If this is any other crime, it will be Reduced to imprisonment from six months to two years and a fine of EUR 500 to EUR 2,000; If it is a crime, the penalty will be reduced to imprisonment from eight days to three months and to a fine of 251 euros to 1,000 euros.

**Article 415.** The apologies listed in this section are not eligible, if the offender committed the crime or offence to his or her parents or other lawful relatives, or to his or her natural parents.

## Section IV. -Justified homicide, injury and blows

**Article 416.** There is no crime, no crime, where homicide, injury and blows were ordered by the current need for self-defence of oneself or others.

**417.** The following two cases are included in the current defence cases:

If the homicide was committed, if the injuries were carried out, if the blows were carried by repelling, during the night, the escalation or break-in of fences, walls or entrances to a house or apartment or their dependencies, unless it is established that the agent was not able to believe in

apartment or their appurtenances, unless it is established that the agent was not able to believe in an attack against the persons, either as a direct goal of the person attempting the escalation or the break-in, or as a consequence of the resistance that would be encountered by the designs of the person; Instead of defending against the perpetrators of theft or looting, executed with violence against the people.

## Chapter II. - Homicide and unintentional bodily harm

**Article 418.** A person guilty of manslaughter or involuntary injury, the person who caused the harm by default of foresight or precaution, but without intent to work with the person of another person.

**419.** Anyone who has unwittingly caused the death of a person will be punished by imprisonment from three months to two years and a fine of 500 euros to 10,000 euros. If this person is a newborn child, imprisonment may be increased to five years.

**Article 420.** If the lack of foresight or precaution has resulted in blows or injuries, the culprit will be punished by imprisonment from eight days to two months and a fine of 500 euros to 5,000 euros, or only one of those penalties.

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**Article 421.** Will be punished by imprisonment from eight days to one year and a fine of EUR 251 to EUR 2,000, or one of those penalties only, that which unwittingly caused to others a personal illness or incapacity for work, by administering them Substances that are likely to result in death or serious health effects.

**Art. 422.** When a railway convoy has had an accident that could endanger the people who were in it, the person who has been involuntarily involved will be punished by imprisonment from eight days to two months and a fine of 251 euros to 2,000 euros, or just one of those penalties. If it is the result of the accident of bodily harm, the culprit will be punished with imprisonment for one month to three years and a fine of 500 euros to 3,000 euros. If the accident resulted in the death of a person, imprisonment would be six months to five years and the fine of 500 euros to 6,000 euros.

## Chapter III. - From duel

**Article 423.** The duel provocation and the acceptance of this provocation will be punished by imprisonment from 15 days to three months and a fine of 500 euros to 5,000 euros.

**Article 424.** Those who have publicly or insulted a person for refusing a duel shall be punished by the same penalties.

**Art. 425.** Anyone who, by any insult, has given rise to provocation, will be punished with imprisonment for a period of one month to six months and a fine of EUR 500 to EUR 10,000.

**Article 426.** He who, in a duel, has made use of his arms against his opponent, without the result of the fight or the murder or injury, will be punished with imprisonment for a month to six months and a fine of 500 euros to 10,000 euros. Those who have not made use of their weapons shall be punished in accordance with Article 423. A combatant who has been injured shall be liable to the penalties imposed by the 1st or 2nd paragraph of this Article, depending on whether he or she has used or has not used his weapons against his opponent.

**Article 427.** He who, in a duel, will have injured his opponent, will be punished with imprisonment from two months to one year and a fine of 500 euros to 15,000 euros.

**Article 428.** If the injuries resulted in a personal illness or incapacity for work, the culprit will be punished by imprisonment from three months to two years and a fine of 500 euros to 20,000 euros.

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**Article 429.** Imprisonment will be from six months to three years and the fine of 500 euros to 30,000 euros, if the injuries resulting from the duel have caused, or an apparently incurable disease, permanent incapacity for personal work, or the loss of use Absolute of a body, or a serious mutilation.

**Art. 430.** Whoever, in a duel, has given death to his opponent, will be punished by imprisonment for one year to five years and a fine of 500 euros to 25,000 euros.

**Article 431.** Those who, in any way, have excelled at the duel, will be punished with the same penalties as the authors. In cases where the duel has not taken place, they will be liable to imprisonment for one month to one year and a fine of 500 euros to 10,000 euros.

**Article 432** In the cases provided for in Articles 427 428 429 and 430 witnesses shall be

**Article 432.** In the cases provided for in Articles 427, 428, 429 and 430, witnesses shall be punished by imprisonment for one month to one year and a fine of EUR 500 to EUR 10,000 or one of those penalties only.

**Article 433.** Those convicted under Article 423 and the following shall, in the case of new offences of the same nature committed within the time limit laid down in Article 56, be sentenced to the maximum of the penalties laid down in those articles, and such penalties may be extended to Double.

#### **Chapter IV. - Attacks on individual liberty and the inviolability of the home, committed by individuals**

**Article 434.** They will be punished by imprisonment from three months to two years and a fine of 251 euros to 2,000 euros, those who, without the orders of the established authorities and in cases where the law permits or orders the arrest or detention of individuals, will have arrested Detaining, detaining or detaining any person.

**Article 435.** Imprisonment will be six months to three years and a fine of 500 euros to 3,000 euros if the illegal and arbitrary detention lasted more than 10 days.

**Article 436.** If the illegal and arbitrary detention lasted more than a month, the guilty party will be sentenced to a term of imprisonment of one year to five years and a fine of 500 euros to 5,000 euros.

**Article 437.** The sentence of five to ten years shall be imposed, if the arrest has been carried out, or on a false order of the public authority, either with the suit or under the name of one of its agents, or if the person arrested or detained has been threatened with death.

**438.** When the person arrested or detained has been subjected to torture, the perpetrator shall be punished by ten to fifteen years' imprisonment.

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The penalty shall be that of 15 to 20 years' imprisonment, if the result of torture is an incurable disease, or a permanent incapacity for personal work, or the loss of the absolute use of a body, or a serious mutilation. If the torture has caused death, the culprit will be sentenced to life imprisonment.

**Art. 438-1.** (L. 8 September 2003) In the cases referred to in Articles 434 to 438, the minimum of the penalties laid down by such articles shall be raised in accordance with section 266, where the perpetrator has committed the crime or the offence against

1 ° his spouse or divorced spouse, the person with whom he or she lives or habitually lived; 2 ° a legitimate or natural ascendant or one of his adoptive parents; 3 ° a legitimate, natural or adoptive descendant; 4 ° a brother or sister; 5 ° ascendant Legitimate or natural, one of the adoptive parents, a descendant, a brother or sister of a

Person under 1 °; 6 ° a person whose particular vulnerability, due to his or her age, illness, infirmity,

Physical or mental impairment or a state of pregnancy, is apparent or known to the author; 7 ° a person who is bound by a relationship of subordination.

**Article 439.** Will be punished by imprisonment from 15 days to two years and a fine of EUR 251 to 3,000 euros, the one who, without the order of the authority and out of cases where the law allows entry into the home of individuals against their will, will be introduced In a house, an apartment, a bedroom or living quarters, or their outbuildings, either by means of threats or violence against persons, or by means of burglary, escalation or false keys. (L. 30 July 2013) To be punished with imprisonment from six months to two years and a fine of EUR 251 to EUR 3,000, or one of those penalties only, the one who has introduced or will have tried to enter a house, an apartment, a room Or a dwelling inhabited by a person with whom he has cohabited, or their dependencies, in violation of an expulsion order governed by Article I of the amended Act of 8 September 2003 on domestic violence, of an interim order Temporarily attributing the joint housing to the spouse or an order prohibiting the return to the In accordance with Article 1017-1 or 1017-7 of the New Civil Procedure Code. (L. 30 July 2013) If the introduction or attempted introduction has been made either by means of threats or violence against persons, or by means of burglary, escalation or false keys, or even by means of keys or other devices Designed for the opening of the doors which he had to furnish, the maximum fine is increased to 5,000 euros and the maximum penalty of imprisonment is increased to five years. (L. 30 July 2013) Will be punished with imprisonment from 15 days to two years and a fine of EUR 251 to EUR 3,000, or one of those penalties only, the person who acted intentionally in breach of a ban on approaching the Protected person, a prohibition arising from the expulsion measure governed by Article I of the amended Act of 8 September 2003 on domestic violence. (L. 30 July 2013) To be punished with imprisonment from 15 days to two years and a fine of between 251 and 3,000 euros, or just one of those penalties,

anyone who will act in violation of the prohibitions or injunctions imposed by the President of the District Court pursuant to Article 1017-8 of the New Civil Procedure Code. The offences provided for in this paragraph shall only be prosecuted on the basis of a complaint by the victim or his legal representative.

**Art. 440.** The imprisonment will be from six months to five years and the fine of 500 euros to 5,000 euros, if the act was committed, either on a false order of the public authority, either with the suit or under the name of one of its agents, or with the meeting of the three The following circumstances: If the act was performed at night, if it was executed by two or more persons;

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If the guilty or one of them were carrying weapons. The guilty parties may, in addition, be sentenced to the prohibition, in accordance with Article 24.

**Article 441.** The attempt to commit the crime under the previous article will be punished with imprisonment for one month to one year and a fine of 500 euros to 3,000 euros.

**Article 442.** Will be punished by imprisonment from 15 days to two years and from a fine of 251 euros to 3,000 euros, the one that will be introduced, without the consent of the owner or the tenant, in the places designated in article 439, and will have been found at night.

#### **Chapter IV-1. - The Taking of Hostages (L. 29 November 1982)**

**Article 442-1.** (L. 29 November 1982) The person who has abducted, arrested, detained or imprisoned or kidnapped, arrested, arrested, detained or kidnapped a person, regardless of his or her age, shall be punished by imprisonment for fifteen to twenty years. A crime or an offence, either to promote the escape or to ensure the impunity of the perpetrators or accomplices in a crime or crime, or to have the person removed, arrested, detained or imprisoned for the execution of an order or condition. However, the penalty shall be that of ten to fifteen years' imprisonment if the person kidnapped, arrested, detained or detained in response to the execution of an order or condition is voluntarily released before the fifth day of the sentence The removal, arrest, detention or sequestration without the order or condition being executed. The sentence will be life imprisonment, if the abduction, arrest, detention or sequestration has been followed by the death of the abducted, arrested, detained or detained person.

#### **Chapter IV-2. - Obsessive Harassment (L. 5 June 2009)**

**Article 442-2.** (L. June 5, 2009) Anyone who has repeatedly harassed a person when he or she knew or should have known that he or she would be seriously affected by this behaviour will be punished by imprisonment from 15 days to two And a fine of between 251 and 3,000 euros, or just one of those penalties. The offence provided for in this Article may only be prosecuted on the basis of a complaint by the victim, his legal representative or his successors in title.

#### **Chapter V. - Breaches of honour or consideration of persons**

**S. 443.** The person who, in the following cases, has failed to impugely imputed to a person a specific fact which is liable to prejudice the honour of that person or to expose him to public contempt, shall be guilty of libel, if, in cases where the law admits Legal proof of fact, this evidence is not reported. He is guilty of libel, if the law does not admit this evidence. (L. 8 June 2004) The person responsible within the meaning of Article 21 of the Act of 8 June 2004 on freedom of expression in the media is also not guilty of libel or defamation

(1) where, in cases where the law admits the legal evidence of fact, that evidence is not adduced, but that the person responsible within the meaning of Article 21, provided that he has carried out the necessary diligence, proves by all means of Right that she had sufficient grounds to conclude

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The truthfulness of the facts reported and the existence of a preponderant public interest in knowing the information at issue;

(2) in the case of a communication to the public on-line, provided that: (a) all due diligence has been taken and all precautions taken to avoid an infringement of

The reputation or honour, and (b) that the statement of the author's identity is accompanied by the information provided;

(3) in the case of the faithful quotation of a third party provided: (a) that the quotation is clearly identified as such, and (b) that the indication of the author's identity is accompanied by the information communicated, and (c) that the communication To the public of that quotation is

justified by the existence of a paramount interest

The public to know what was quoted.

**Art. 444.** (1) The guilty shall be liable to imprisonment from eight days to one year and a fine of EUR 251 to EUR 2,000, when the imputations have been made: either in meetings or public places; or in the presence of several individuals, in a place not Public, but open to a number of persons who have the right to assemble or to attend; Either in any place, in the presence of the person who is offended and before witnesses; (L. 8 June 2004) Either by printed or non-printed material, images or emblems displayed, distributed or communicated to the public by any means, including by means of a medium, sold, put on sale or exposed to the public's eyes; (L. 8 June 2004) Finally, by writing, images or emblems not made public, but addressed or communicated by any means, including by means of a medium, to several persons. (2) (L. 19 July 1997) The culprit shall be liable to imprisonment for one month to one year and a fine of EUR 251 to EUR 25,000, where the charges, made in the conditions of advertising set out in paragraph (1) of this Article, have been punished by reason of One of the elements referred to in Article 454 of this Code.

**Article 445.** To be punished by imprisonment from 15 days to six months and a fine of 251 euros to 10,000 euros: The one who has written to the authority a slanderous or defamatory denunciation; The one who has written to a person in writing Slanderous or defamatory against the subordinate of this person.

**Article 446.** Calumnia and libel against any formed body will be punished in the same way as slander or libel directed against individuals.

**Article 447.** The accused of an offence of calumny for imputations directed by reason of the facts relating to their functions, either against the agents or agents of the authority or against any person having a public character, or against any constituted body, shall be Admitted to do, by all ordinary channels, evidence of the imputed facts, except the evidence to the contrary by the same channels. In the case of a fact that is in private life, the author of the charge will not be able to prove, for his defence, any evidence other than that which is the result of a judgment or any other authentic act. If the imputed fact is the subject of a repressive prosecution or a denunciation on which it has not been decided, the action in slander shall be suspended until the final judgment, or until the final decision of the competent authority.

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**Article 448.** Any person who insults a person or body constituted by facts or by writing, images or emblems, in any of the circumstances specified in Article 444, shall be liable to imprisonment for eight days to two months and to a fine of 251 EUR 5,000 or one of these penalties only. Offences against the constituted bodies will be prosecuted ex officio. (L. September 8, 2003) Where the offender committed the offence against

1 ° his spouse or divorced spouse or the person with whom he or she lives or has habitually lived; 2 ° a legitimate or natural ascendant or one of his adoptive parents; 3 ° a legitimate, natural or adoptive descendant; 4 ° a brother or sister; 5 ° ascendant Legitimate or natural, one of the adoptive parents, a descendant, a brother or sister of a

Person under 1 °; 6 ° a person whose particular vulnerability, due to his or her age, illness, infirmity,

Physical or mental impairment or a state of pregnancy, is apparent or known to the author; 7 ° a person who is bound by a relationship of subordination

The minimum penalties laid down in the first subparagraph shall be raised in accordance with Article 266.

**Article 449.** Where, at the time of the offence, there is legal proof of the imputed facts, if it is established that the accused has made the charge without any public or private interest, and for the sole purpose of harm, he shall be punished as guilty of wrongdoing, of a Imprisonment from eight days to two months and a fine of 251 euros to 4,000 euros, or only one of those penalties.

**Article 450.** (L. 19 July 1997) The offences set out in this chapter, committed against individuals, except for the slanderous denunciation and the offences provided for in Article 444 (2), can be prosecuted only on the complaint of the person who Offended. If the person has died without a complaint or has not given up, or if slander or libel has been directed against a person after his or her death, the prosecution may take place only on the complaint of his or her spouse, descendants Or legal heirs up to and including the third degree. (L. 8 June 2004) In the event that the proceedings have been commenced on the complaint of the party claiming to be aggrieved, the party will be able to arrest them by way of withdrawal.

**Article 451.** No one shall be able to allege as a cause of justification or excuse that the writings, prints, images or emblems that are the subject of the prosecution are merely the reproduction of publications made in the Grand Duchy or in foreign countries

publications made in the Grand Duchy or in foreign countries.

**Article 452.** Will not give rise to any repressive prosecution, speeches or writings produced in the courts, where such speeches or writings relate to the cause or the parties. Nevertheless, the judges may, either ex officio or at the request of one of the parties, declare the deletion of the libellous, offensive or defamatory writings. The judges may also, in the same case, make injunctions to lawyers and ministerial officers, or even order disciplinary proceedings. Imputations or insults to the cause or parties may give rise to either the public action or the civil action of the parties or third parties.

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### Special Provision

**Article 453.** (L. 19 July 1997) Any attack on the integrity of the body, by any means, is punishable by imprisonment from one month to two years and a fine of 251 euros to 25,000 euros. The violation or desecration, by any means, of tombs, burials or monuments erected in memory of the dead, is punishable by imprisonment from one month to two years and a fine of 251 euros to 25,000 euros. The penalty shall be extended to three years imprisonment and a fine of 37,500 euros where the offences defined in the preceding paragraph have been accompanied by a violation of the integrity of the corpse.

### Chapter VI. - Racism, revisionism and other forms of discrimination (L. 19 July 1997)

**S. 454.** (L. June 3, 2016) (L. 20 July 2018) Discrimination any distinction made between natural persons because of their origin, skin colour, sex, sexual orientation, sex change, gender identity, Their family status, their age, their health status, their disability, their morals, their political or philosophical opinions, their union activities, their belonging or non-belonging, true or assumed, to a Ethnicity, nation, race or religion. (L. Of 20 July 2018) It is also discrimination any distinction made between legal persons, groups or communities of persons, because of the origin, colour, sex, sexual orientation, change in Gender, gender identity, family status, age, health status, disability, morals, political or philosophical opinions, union activities, membership or non-belonging, true or assumed, to An ethnic group, a nation, a race, or a particular religion, members or members of Such corporations, groups or communities.

**Article 455.** (L. 19 July 1997) Discrimination referred to in Article 454, committed in respect of a natural or legal person, a group or a community of persons, is punishable by imprisonment from eight days to two years and a fine of 251 euros to 25,000 Euro or one of these penalties only, when it consists of:

1) (L. 21 December 2007) to refuse the supply or enjoyment of a property and/or access to a property; (2) (L. 21 December 2007) to refuse the provision of a service and/or access to a service; 3) (L. 21 December 2007) to subordinate the supply of a good or service and/or access to a property or

A service on a condition based on one of the elements referred to in Article 454 or to make any other discrimination in that supply, on the basis of one of the elements referred to in Article 454;

(4) to indicate in an advertisement the intention to refuse a good or service or to discriminate in the supply of a good or service, on the basis of one of the elements referred to in Article 454;

(5) to hinder the normal exercise of any economic activity, (6) to refuse to hire, sanction or dismiss a person; (7) (L. 28 November 2006) to make access to work subject to all types of vocational training,

As well as the working conditions, membership and commitment in an organisation of workers or employers to one of the elements referred to in Article 454 of the Criminal Code.

**S. 456.** (L. 19 July 1997) Discrimination referred to in Article 454, committed in respect of a natural or legal person, a group or a community of persons by a person who is the depositary of the public authority or responsible for a public service mission, In the exercise or in the performance of his or her duties or

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Is liable to imprisonment for a period of one month to three years and to a fine of EUR 251 to EUR 37.500 or one of those penalties only, when it consists of:

(1) to refuse the benefit of a right granted by law; (2) to hinder the normal exercise of any economic activity.

**Article 457.** (L. 19 July 1997) The provisions of Articles 455 and 456 shall not apply:

**Article 457.** (L. 19 July 1997) The provisions of Articles 453 and 456 shall not apply.

- 1) treatment differentiations based on health status, where they consist of operations designed to prevent and cover the risk of death, risks to the physical integrity of the person or risks Incapacity for work or disability;
- 2) treatment differentiations based on health status or disability, where they consist of a refusal of employment or dismissal based on the medically unfitness of the person concerned;
- 3) differentiations based on employment, on nationality, where the membership of a specified nationality is, in accordance with the statutory provisions relating to the civil service, the regulations Relating to the exercise of certain professions and the provisions on labour law, the determining factor in the exercise of employment or professional activity;
- (4) differentiations of treatment based, in matters of entry, residence and right to vote in the country, on nationality, where membership of a specified nationality constitutes, in accordance with the relevant legal and regulatory provisions The entry, residence and voting rights of the country, the determining condition for the entry, residence and exercise of the right to vote in the country;
- 5) repealed (L. 28 November 2006)

**Article 457-1.** (L. 19 July 1997) sentenced to imprisonment from eight days to two years and a fine of 251 euros to 25,000 euros or one of those penalties only:

(1) any person, whether by speech, shouting or threatening in public places or meetings, or by written, printed, drawings, engravings, paintings, emblems, images or any other medium of the writing, speech or image sold or Distributed, offered for sale or displayed in public places or meetings, by placards or posters displayed in the eyes of the public, or by any means of audiovisual communication, incites to the acts provided for in Article 455, to hatred or to the Violence against a person, a physical or legal person, a group or a community based on one of the Elements referred to in Article 454;

(2) any person who belongs to an organization whose objectives or activities are to commit one of the acts referred to in paragraph (1) of this Article;

(3) any person prints or prints, manufactures, owns, transports, imports, exports, manufactures, imports, exports or transport, puts into circulation on the territory of Luxembourg, sends from the territory of Luxembourg, returns to the post Or another professional who is responsible for the distribution of mail on the territory of Luxembourg, transits by the territory of Luxembourg, written, printed, drawings, engravings, paintings, posters, photographs, cinematographic films, Emblems, images or any other medium of writing, speech or image, of Of an individual, physical or legal person, group or community, on the basis of any of the elements referred to in section 454, in order to encourage the actions provided for in section 455.

Confiscation of the objects listed above will be pronounced in all cases.

**Article 457-2.** (L. 19 July 1997) Where the offences defined in section 453 have been committed on the basis of belonging or non-belonging, true or assumed, persons who have died from an ethnic, nation, race or religion, the penalties Are from six months to three years and a fine of EUR 251 to EUR 37.500 or one of these penalties only.

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**Article 457-3. (L. Feb 13, 2011)** (1) It shall be punishable by imprisonment from eight days to two years and a fine of EUR 251 to 25,000 euros or one of those penalties only, either through speeches, calls or threats made in public places or meetings, or by writing, Prints, drawings, engravings, paintings, emblems, images or any other medium of the writing, speech or image sold or distributed, offered for sale or display in public places or meetings, or by placards or posters displayed in the gaze Of the public, or by any means of audiovisual communication, challenged, minimised, justified or denied The existence of one or more crimes against humanity or war crimes as defined by Article 6 of the Statute of the International Military Tribunal annexed to the London Agreement of 8 August 1945 and which were committed by the members An organisation declared criminal under Article 9 of that Statute or by a person convicted of such crimes by a Luxembourg, foreign or international court. (2) (L. 27 February 2012) shall be punished with the same penalties or penalties only that which, by one of the means set out in the preceding paragraph, has challenged, minimised, justified or denied the existence of one or more genocides as defined by Article 136bis of the Penal Code, as well as crimes against humanity and war crimes, as defined in articles 136ter to 136quinquies of the Penal Code and recognized by a Luxembourg or international court.

**Article 457-4.** (L. 19 July 1997) In the cases provided for in Articles 455, 456, 457-1, 457-2 and 457-3, the guilty may also be sentenced to the prohibition of rights in accordance with Article 24.



**Chapter VI bis. - A few other crimes against people** (L. 19 July 1997)

**S. 458.** Physicians, surgeons, health officers, pharmacists, midwives and all other persons who are custodians, by state or profession, of the secrets entrusted to them, which, if they are called to testify in court and where the Law obliges them to make known these secrets, will have revealed them, will be punished by imprisonment from eight days to six months and a fine of 500 euros to 5,000 euros.

**Article 458-1.** (L. 3 December 2009) Those who have revealed, even in court, the identity of a judicial police officer or a foreign agent carrying out or having carried out an infiltration pursuant to Articles 48-17 to 48-23 of the Code of Criminal Procedure shall be Punished by imprisonment for six months to five years and a fine of 2,500 to 75,000 euros. If this revelation has caused threats, violence, blows or injuries to these people or third parties, the penalties will be imprisonment for five years to ten years' imprisonment and a fine of between 5,000 and 100,000 euros. If this revelation has caused the deaths of these people or third parties, the penalties will be extended to 15 to 20 years' imprisonment and a fine of 10,000 to 150,000 euros.

**Article 459.** Employees or officers of the Mont-de-Piety shall be subject to the same penalties, which shall have revealed to others than to police officers or to the judicial authority the names of persons who have deposited or cause objects to be deposited at the institution.

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**Art. 460.** Anyone who is convinced that he has deleted a letter entrusted to the post, or that he has opened it for breach of secrecy, will be punished by imprisonment for eight days to one month and a fine of EUR 251 to EUR 2,000, or only one of those penalties.

Title IX. -Crimes against property

**Chapter I. - Theft and extortion**

**Article 461.** (L. July 18, 2014) Anyone who fraudulently subtracts one thing or an electronic key that does not belong to him is guilty of theft. (L. 7 July 1977) Is assimilated to theft, fraudulently subtracting a self-propelled vehicle or a cycle belonging to another for a momentary use and with the intention of returning it.

**Article 462.** Will only give rise to civil remedies, flights by spouses to the detriment of their spouses, by the surviving spouse, in respect of things that had belonged to the deceased spouse; by descendants to the detriment of their ancestors; By ascendants to the detriment of their descendants, or by allies to the same degree. Any other person who has participated in such flights or recreates all or part of the stolen objects shall be punished as if the preceding provision did not exist.

Ire Section. -Flights committed without violence or threats

**Article 463.** Flights not specified in this Chapter shall be punished by imprisonment for a period of one month to five years and a fine of 251 euros to 5,000 euros.

**Art. 464.** Imprisonment shall be at least three months, if the thief is a servant or a man of contract service, even when he or she has committed the theft to persons whom he did not serve, but who were either in the house of the master or in that person's house. Where he accompanied him, or if he was a journeyman, journeyman or apprentice, in the house, shop or shop of his master, or an individual usually working in the house where he stole.

**Art. 465.** In the case of the previous articles, the culprits may, in addition, be sentenced to the prohibition in accordance with Article 24.

**Article 466.** The flights mentioned in the previous articles will be punished by imprisonment for eight days to three years and a fine of 251 euros to 3,000 euros. The provision of the foregoing Article shall also apply to such attempts.

**Article 467.** The theft will be punished by imprisonment for five to ten years: if it has been committed with the help of break-ins, escalation or false keys; if it has been committed by a public official using his or her duties;

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If the guilty parties, or one of them, have taken the title or insignia of a public official or have alleged a false order of public authority.

Section II. -Thefts committed using violence or threats and extortion

**Article 468.** Anyone who has committed a robbery using violence or threats will be punished by imprisonment for five to ten years.

**Article 469.** It is equated with theft committed with the help of violence or threats in the event that the thief is caught in the act of committing an offence, has engaged in violence or threats, or is in possession of the evaded objects, or in order to escape.

**Article 470.** (L. 18 July 2014) Anyone who has extorted, through violence or threats, the handing over of funds, values, movable objects or electronic keys, or the signature or delivery of a writing, an act, of any part containing or obliging, Provision or discharge shall be subject to the penalties laid down in Articles 468, 471, 472, 473, 474 and 475, according to the distinctions established therein. (L. 18 July 2014) Whoever, using the written or verbal threat of libellous or defamatory revelations or charges, will have extorted, either the handing over of funds, values, movable objects or electronic keys, either the signature or the surrender Of the writings listed above, will be punished with a term of imprisonment of one year to five years and a fine of 500 euros to 30,000 euros. The attempted crime will be punishable by imprisonment from six months to three years and a fine of 251 euros to 10,000 euros.

**Article 471.** The theft committed by violence or threats in a dwelling house or its appurtenances shall be punishable by imprisonment of between ten and fifteen years: if committed with a break-in, escalation or false keys; If committed by a public official at The aid of its functions; If the guilty, or one of them, have taken the title or insignia of a public official or have alleged a false order of the public authority; If it has been committed at night by two or more persons; If weapons have been Used or shown. It shall be punishable by fifteen to twenty years' imprisonment, if committed with two of the circumstances mentioned above.

**S. 472.** Theft of violence or threats on public roads will carry the penalty of ten to fifteen years' imprisonment. It shall be punishable by 15 to 20 years' imprisonment, if it has been committed with one of the circumstances of the preceding article.

**Article 473.** In the cases provided for in art. 468, 469, 470, 471 and 472, the penalty shall be that of 15 to 20 years' imprisonment, if the violence or threats have caused, either an apparently incurable disease, or a permanent incapacity for personal work, or the loss of absolute use Of a body, or a serious mutilation.

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The same penalty will be applied if the perpetrators have subjected the persons to torture.

**Article 474.** If the violence or threats without intent to give death have caused it, the culprits will be sentenced to life imprisonment. The same penalty will be applied if the violence or threats were committed at night by several individuals in a house or on a public road.

**Article 475.** The murder committed to facilitate the theft or extortion, or to ensure impunity, will be punished with life imprisonment

**Art. 476.** (L. 7 July 2003) The penalties laid down in Articles 473, 474 and 475 shall be applied, even if the consumption of the theft or extortion has been prevented by circumstances beyond the control of the guilty parties.

Section III. -The meaning of the terms used in this chapter

**Article 477.** Public roads are those whose use is public. However, this name does not include the space of roads that are lined with houses or the railways.

**Art. 478.** The flight committed during the night is the theft committed more than one hour before sunrise and more than an hour after sunset.

**Article 479.** It is deemed to be an inhabited house, any building, any apartment, any lodging, any lodge, any cabin, whether or not movable, or any other place used for habitation.

**Art. 480.** The following shall be deemed to be the outbuildings of a dwelling house, the courts, courses, gardens and any other enclosed grounds, as well as the barns, stables and any other buildings which are enclosed in them, whatever their use, even if they form a closed door In the general enclosure.

**Article 481.** Mobile parks intended to contain livestock in the countryside, in any way they are made, are deemed to be home-lived when they are established on the same piece of land, with mobile cabins or other shelters intended for use by the Guards.

**Article 482.** The objects referred to in Article 135 of this Code shall be included in the word weapons.

**Article 483.** By violence the law hears acts of physical restraint exercised over persons.

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By threats, the law hears all means of moral restraint by the fear of an imminent evil.

**Article 484.** The break and enter consists of forcing, breaking, degrading, demolishing or removing any kind of outer or inner fence of a house, building, any construction or its dependencies, a boat, a car, a car; to force racks or Closed furniture, intended to remain in place and to protect the effects they contain.

**Article 485.** The following is a break-in flight:

The removal of the furniture referred to in the previous article; The theft committed with a break of seals.

**Article 486.** Qualified climbing: Any entry into the houses, buildings, courts, basements, buildings, gardens, parks, pens, carried out over the walls, doors, roofs or any other kind of fencing; Entry through an underground opening Other than the one that was established to serve as input.

**Article 487.** (L. 14 August 2000) Are qualified as false keys: all hooks, rosignols, passes-everywhere, clefs-imitated, counterfeited or altered, including electronic; The keys not intended by the owner, tenant, innkeeper or logger, Any locks, locks or closings to which the guilty person will have used them; and The keys lost, lost or subtracted that have been used to commit the flight. However, the use of false keys will only constitute an aggravating circumstance if it has taken place in order to open objects whose break-in has led to a worsening of the penalty.

### Special Provision

**Article 488.** (L. 14 August 2000) Anyone who fraudulently counterfeits or alters keys, including electronic, will be sentenced to imprisonment for four months to five years and to a fine of EUR 1,250 to 30,000 euros. (L. July 18, 2014)

### Chapter II. - Fraud

Ire Section. -The bankruptcy

**Article 489.** Those who, in the cases provided for by the Code of Commerce, will be convicted of bankruptcy will be sentenced:

The simple banquerels, to imprisonment from one month to two years. Fraudulent bankruptcies, five to ten years' imprisonment.

(L. 9 June 1989) The simple banquerels may, in addition, be condemned to the ban, in accordance with Article 24.

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**Article 490.** They will be sentenced to two years' imprisonment and a fine of EUR 500 to EUR 30,000: Those who, in the interests of the bankrupt, have subtracted, concealed or re-covered all or part of his property, furniture and buildings; Those who will have fraudulently presented in the bankruptcy and affirmed, either on their behalf or by the interposition of persons, alleged or exaggerated claims; The creditor who has stipulated, either with the bankrupt or with all other persons, benefits Individuals because of their vote in the proceedings relating to the bankruptcy, or who will have made a treaty In his favour, which would result in a benefit to the estate of the bankrupt; The trustee who has been guilty of wrongdoing in his management.

Section II. -Abuse of trust

**Article 491.** (L. 5 July 2016) Whoever will fraudulently be diverted or dispelled to the prejudice of others, the effects, money, goods, posts, electronic keys, writings of any kind containing or operating obligation or discharge and who Had been given the condition of making them or making use of them or a specified use, would be punished by imprisonment for a period of one month to five years and a fine of 251 euros to 5,000 euros. (L. March 17, 2016) Any person who, in a fraudulent intention, will have served beverages or food that he or she will have consumed on-site in whole or in part, or will have been given shelter in the premises for that purpose, or will have been Carriage on public roads by a valet who transports people his profession and without having paid the price, will be punished by imprisonment for eight days to six months and a fine of 251 euros to 5,000 euros. The offences provided for in this paragraph shall be prosecuted only on the complaint of the injured person. (L. 17 March 2016) The guilty party may, in addition, be sentenced

to the prohibition in accordance with Article 24.

**Article 492.** The provision of Article 462 shall apply to the offence provided for in the preceding Article.

**Article 493.** (L. 21 February 2013) A prison sentence of three months to three years and a fine of between 251 and 50,000 euros for the fraudulent abuse of the state of ignorance or the weakness of a minor, or of a person whose particular vulnerability, due to its age, illness, infirmity, physical or mental impairment, is apparent or known to its author, or to a person in a psychological or physical condition resulting from the exercise of severe pressure or Repeated or technical to alter its judgment, to drive this minor or person to a An act or forbearance that is seriously prejudicial to it. Where the offence is committed by the de facto leader or the right of a group which pursues activities which have the purpose or effect of creating, maintaining or exploiting the psychological or physical subjection of the persons participating in those activities Activities, the penalties are brought to five years' imprisonment and a fine of 250,000 euros.

**494.** Anyone who has usually provided values, in any way, at a rate exceeding the legal interest and by abusing the borrower's weaknesses or passions, will be sentenced to one month's imprisonment and a fine of 500 EUR 25.000, or only one of these penalties.

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**Article 495.** Anyone who, after having produced, in a court challenge any title, piece or memory, will have misused or fraudulently hijacked it, in any way, will be punished by a fine of EUR 251 to EUR 3,000. This sentence will be handed down by the court hearing the dispute.

Section III. -Scams and deceit

**Article 496.** (L. 18 July 2014) Whoever, in order to appropriate one thing belonging to another, has been given or granted or will have attempted to obtain or issue funds, furniture, bonds, discharge, landfills, electronic keys, or Using false names or false qualities, either by using fraudulent schemes to persuade the existence of false enterprises, power or an imaginary credit, to give rise to the hope or fear of success, of a Accident or any other chemical event, or otherwise to abuse the trust or the Credulity will be punished by imprisonment from four months to five years and from a fine of 251 euros to 30,000 euros. In addition, the offender may be sentenced to the prohibition in accordance with article 24.

**Article 496-1.** (L. 15 July 1993) A person who knowingly makes a false or incomplete declaration for the purpose of obtaining or maintaining a grant, allowance or other allowance that is, in whole or in part, liable for the State, shall be punished by the penalties provided for in Article 496. Another legal entity under public law or an international institution.

**Article 496-2.** (L. 15 July 1993) The penalties provided for in Article 496 shall be punished, following a declaration as referred to in the foregoing Article, receiving a grant, compensation or other allowance to which he is not entitled or to which he is entitled only Partially. (L. 30 March 2001) The same penalties shall be imposed on those who have knowingly used a grant, allowance or allowance as referred to in the foregoing Article for purposes other than those for which it was originally granted.

**Article 496-3.** (L. 30 March 2001) Section 508 punishments the person who accepts or retains a grant, allowance or other allowance, or part of a grant, allowance or other allowance, knowing that there is no right.

**Article 496-4.** (L. 30 March 2001) Punishing penalties under section 496, knowingly making a false or incomplete statement, or failing to disclose information in violation of a specific obligation, in order to avoid or reduce its contribution Legal to the resources of an international institution's budget. The same penalties shall be imposed on the person who knowingly circumvents a legally obtained advantage and realizes an unlawful decrease in the resources of the budget of an international institution.

**Article 496-5.** (L. 8 March 2017) Is punished with the penalties provided for in Article 496, which, by knowingly believing, contrary to the truth, that he does not speak or understands the language of the case, shall cause the decision to be granted free assistance of a Interpreter or translator under Articles 3-2 to 3-5 of the Code of Criminal Procedure.

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The convicted person shall be subject to interpretation or translation costs.

**Article 496-6.** (L. March 12, 2020) The attempted offences set out in Articles 496-1 to 496-4 shall be punishable by the same penalties.

**Article 497.** Will be punished by imprisonment from eight days to three years and a fine of 500 euros to 5,000 euros: Those who have issued or tried to issue gold or silver coins of lesser currencies to which the appearance of gold was given, or Money; Those who have issued or attempted to issue coins for pieces of metal that bear no monetary imprint.

**Article 498.** (L. 14 August 2000) To be punished with imprisonment from one month to one year and a fine of 500 euros to 10,000 euros, or only one of those penalties, the person who deceived the purchaser: On the identity of the sold property, by fraudulently delivering a property other than The specified object on which the transaction has been carried out; or On the nature or origin of the property sold, by selling or delivering a similar good in appearance to the goods purchased or believed to be purchased. The above provisions apply to movable property including intangibles and real property.

**Art. 499.** They will be sentenced to imprisonment from eight days to one year and a fine of 251 euros to 5,000 euros, or to one of those penalties alone, those who, through fraudulent manoeuvres, will have misled the buyer on the quantity of things sold.

**Article 500.** (L. 13 January 2002) The provision of Article 462 shall apply to the offences set out in Articles 496, 498 and 499.

**Article 501.** (L. July 28, 2017) Sera will be punished by imprisonment from eight days to one year and a fine of 251 euros to 10,000 euros or one of those penalties only, those who, even without fraudulent intention, will have manufactured, sold, glued or distributed all objects, Instruments, printed matter or formulae obtained by any process which, by their external form, would present with the currency, the titles of pensions and stamps of posts or telegraphs, the representative titles of property rights, of claims Or securities, other than monetary signs in the form of notes or generally With the fiduciary values issued in the Grand Duchy or abroad, a resemblance to facilitate the acceptance of the said objects, instruments, printed matter or formulas instead of the imitated values. (L. 13 January 2002) In addition, the objects, instruments, prints or forms and the plates or dies used in their manufacture are confiscated, even though the property does not belong to the convicted person.

**Articles 502 and 503.** Repealed (L. 6 April 1881)

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**Article 504.** Repealed (L. 13 January 2002)

Section IV. -Harassment of the objects obtained by means of a crime or an offence

**Article 505.** (L. 14 August 2000) Those who have received, in whole or in part, the things or intangible property seized, embezzled or obtained using a crime or a crime, shall be punished by imprisonment from 15 days to five years and a fine of 251 euros to 5,000 euros. They may, in addition, be condemned to the prohibition in accordance with Article 24. It is also a recel to knowingly benefit from the proceeds of a crime or a crime.

**Article 506.** In the event that the penalty applicable to the perpetrators of the crime is that of life imprisonment, the rector designated in the previous article shall be sentenced to five to ten years' imprisonment, if they are satisfied that they had, at the time of the recel, knowledge of The circumstances to which the law attaches the penalty of life imprisonment.

Section V.-The money laundering offence (L. 11 August 1998)

**Art. 506-1.** (L. 12 August 2003) sentenced to one to five years' imprisonment and a fine of EUR 1,250 to EUR 1.250.000, or one of these penalties only:

1) (L. July 18, 2014) (L. By 1 August 2018) those who have knowingly facilitated, by any means, the false justification of the nature, origin, location, disposition, movement or ownership of the goods referred to in Article 31 (2), point 1 °, Forming the object or product, direct or indirect, - of an infringement of Articles 112-1, 135-1 to 135-6, 135-9 and 135-11 to 135-16 of the Penal Code; - crimes or offences in the framework or in relation to an association within the meaning of Article 322

324ter of the Penal Code; - an offence under articles 368 to 370, 379, 379bis, 382-1, 382-2, 382-4 and 382-5 of the Penal Code; - an offence under articles 383, 383bis, 383ter and 384 of the Penal Code; - an offence under Articles 496-1 to 496-4 of the Code Criminal; - an offence of corruption; ... -an infringement of the law on arms and ammunition; - an infringement of Articles 173, 176 and 309 of the Penal Code; (L. 28 July 2017) - an offence under articles 463 and 464 of the Penal Code; - an offence under articles 489 to 496 of the Penal Code; - an offence under articles 509-1 to 509-7 of the Penal Code; - an offence under section 48 of the Act of 14 August 2000 Relating to electronic commerce; - an infringement of Article 11 of the Act of 30 May 2005 on specific provisions for protection

prosecution;

The person with regard to the processing of personal data in the electronic communications sector;

-an infringement of Article 10 of the Act of 21 March 1966 concerning (a) excavations of historical, prehistoric, palaeontological or otherwise scientific interest; (b) the safeguarding of the movable cultural heritage;

-an infringement of Article 5 of the Act of 11 January 1989 regulating the marketing of chemicals for therapeutic purposes;

-an infringement of Article 18 of the Act of 25 November 1982 regulating the collection of substances of human origin;

-an infringement of Articles 82 to 85 of the Act of 18 April 2001 on copyright;

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-an infringement of Article 64 of the amended Act of 19 January 2004 on the protection of nature and natural resources;

-an infringement of Article 9 of the amended Act of 21 June 1976 on combating air pollution;

-an infringement of Article 25 of the amended Act of 10 June 1999 on classified establishments; - an infringement of Article 26 of the Law of 29 July 1993 on the protection and management of water; - an infringement of Article 35 of the The amended Act of 17 June 1994 on prevention and management

Waste; - an infringement of Articles 220 and 231 of the General Customs and Excise Act; - an infringement of Article 32 of the Act of 9 May 2006 on market abuse;-(L. December 23, 2016) of aggravated tax fraud or a tax scam within the meaning of paragraphs

(5) and (6) of paragraph 396 and 397 of the General Income Tax Act;-(L. December 23, 2016) of aggravated tax fraud or a tax scam within the meaning of paragraphs

1 and 2 of article 29 of the amended Act of 28 January 1948 to ensure the fair and accurate collection of registration and inheritance rights;

- (L. 23 December 2016) of aggravated tax fraud or tax fraud within the meaning of paragraph 1 of Article 80 of the amended Act of 12 February 1979 on value added tax;

-any other offence punishable by deprivation of liberty of a minimum of more than 6 months; or constituting any heritage advantage derived from one or more of these offences;

2) (L. 27 October 2010) (L. On 1 August 2018) those who have knowingly given their aid to an operation of placement, concealment, disguise, transfer or conversion of the goods referred to in Article 31 (2) (1), forming the object or product, direct or Any of the offences listed in point (1) of or constituting any heritage advantage derived from one or more of these offences;

3) (L. March 13, 2009) (L. On 1 August 2018) those who have acquired, detained or used goods referred to in Article 31 (2), point 1 °, forming the object or product, direct or indirect, of the offences listed in point (1) of that article or constituting an advantage Any of these offences, knowing, at the time they were receiving them, that they were from one or more of the offences referred to in point (1) or the participation in one or more of them Offences. (L. 27 October 2010)

(4) The attempt to commit the offences set out in paragraphs 1 to 3 above shall be punishable by the same penalties.

**Art. 506-2.** (L. 11 August 1998) The authors of the offences set out in Article 506 (1) may, in addition, be sentenced to the prohibition in accordance with Article 24.

**Art. 506-3.** (L. August 11, 1998) The offences under Article 506-1 are also punishable when the primary offence has been committed abroad. However, with the exception of offences for which the law allows the prosecution even if they are not punishable in the State in which they were committed, this offence must be punishable in the State in which it was committed.

**Art. 506-4.** (L. 11 August 1998) The offences referred to in Article 506-1 are also punishable, when the perpetrator is also the perpetrator or accomplice of the primary offence.

**Art. 506-5.** (L. 11 August 1998) The offences referred to in Article 506-1 shall be punishable by imprisonment of between fifteen and twenty years and a fine of EUR 1,250 to EUR 1.250.000 or one of those penalties only, if they constitute acts of participation in The principal or accessory activity of an association or organization.

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**Art. 506-6.** (L. August 11, 1998) The association or agreement to commit the offences set out in Article 506-1 is punishable by the same penalty as the offence consumed.

**Art. 506-7.** (L. August 11, 1998) In the case of a repeat offence within five years of a conviction of the head of an offence under section 506-1, the penalties may be doubled. Final convictions handed down abroad shall be taken into account for the purpose of establishing recidivism, provided that the offences which gave rise to these convictions are also punishable under Article 506-1.

**Art. 506-8.** (L. 27 October 2010) The offences referred to in Article 506-1 shall be punishable independently of any prosecution or conviction for one of the primary infringements of Article 506-1.

Section VI. -A few other frauds (L. 11 August 1998)

**Article 507.** They will be punished by imprisonment for a period of one year to five years and a fine of 500 euros to 10,000 euros, the seizure and all those who fraudulently have destroyed or embezzled movable objects, overthrown, degraded or destroyed real property seized upon him. These penalties will also apply to any debtor, borrower or third party donor who degrades, destroys or misappropriated the objects by him or her as a pledge. (L. 12 December 1972) The same provision shall apply to the spouse and to those who, in his interest, have degraded, destroyed or embezzled furniture which has been the subject of one of the measures provided for in Articles 864-1 and 864-4 of the Code of Civil Procedure. The attempted crimes will be punished by imprisonment from two months to two years and a fine of 500 euros to 10,000 euros. All without prejudice to the application of the provisions contained in Chapters I and III of Title IX of this book.

**Article 508.** They will be punished by imprisonment from eight days to two years and a fine of 500 euros to 5,000 euros:

Those who, having found a security belonging to others or having obtained possession by chance, fraudulently will have fraudulently Celtic or delivered them to third parties; Those who, having discovered a treasure, will be appropriate for the harm of the persons To which the law assigns a part.

**Art. 509.** Will be punished with imprisonment from one month to two years and a fine of 251 euros to 30,000 euros, the one who fraudulently obtained funds, values or rubbish by means of an effect on a person who does not exist or knows he does not know Being a debtor or not having to be a debtor by the deadline, and who had not allowed her to shoot at her. However, the prosecution may not take place, or cease, if the effect has been paid, or if the funds were made at the time the fraud was discovered, unless the complaint was filed. In this case, the guilty party will be sentenced to imprisonment from 15 days to three months and to a fine of 251 euros to 3,000 euros, or to one of those penalties alone.

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Section VII. -Certain computer offences (L. 15 July 1993)

**Article 509-1.** (L. 14 August 2000) Anyone who, fraudulently, will have accessed or will be maintained in all or part of a system of automatic data processing or transmission will be punished by imprisonment for two months to two years and a fine of 500 euros to 25,000 Or both of these penalties. When the result is the deletion or modification of data contained in the system, or an alteration in the operation of the system, imprisonment will be between four months and two years and the fine of 1,250 euros to 25,000 euros.

**509-2.** (L. 15 July 1993) Whoever will, intentionally and in contempt of the rights of others, obstruct or distort the operation of an automated data processing or transmission system shall be liable to imprisonment for three months to three years and to A fine of 1,250 euros to 12,500 euros or one of those penalties.

**Article 509-3.** (L. 14 August 2000) Whoever has, intentionally and in contempt of the rights of others, directly or indirectly, introduced data into an automated processing or transmission system or deleted or modified the data contained therein or their Methods of treatment or transmission, will be punished by imprisonment for three months to three years and a fine of EUR 1,250 to EUR 12,500 or both. (L. July 18, 2014) Will be punished with the same penalties that intentionally and in contempt of the rights of others, intercepted data during non-public transmissions to, from or within a treatment system or Automated data transmission.

**Article 509-4.** (L. November 10, 2006) Where in the cases referred to in sections 509-1 to 509-3, there has been a transfer of money or monetary value, resulting in a loss of property to a third party for the purpose of providing an economic benefit to the person who commits The offence or to a

for the purpose of providing an economic benefit to the person who commits the offence or to a third person, the penalty shall be imprisonment from four months to five years and a fine of EUR 1,250 to EUR 30,000. Paragraph repealed (L. July 18, 2014)

**Article 509-5.** (L. July 18, 2014) Will be punished from 4 months to five years' imprisonment and a fine of EUR 1,250 to EUR 30,000 who will have, in fraudulent intention, produced, sold, obtained, detained, imported, distributed or made available,

-a computer device intended to commit one of the offences referred to in Articles 509-1 to 509-4; or-any electronic key enabling access, in contempt of the rights of others, to all or part of a system

Processing or automated data transmission.

**Article 509-6.** (L. 15 July 1993) The attempt to commit offences under Articles 509-1 to 509-5 is punishable by the same penalties as the offence itself.

**Article 509-7.** (L. 15 July 1993) Every person who has participated in an association formed or an agreement established for the purpose of preparing, by one or more material facts, one or more of the offences set out in the

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Sections 509-1 to 509-5 will be subject to penalties for the offence itself or for the most severely penalized offence.

### **Chapter III. - Destruction, damage, damage**

Ire Section. -Fire

**Article 510.** They shall be punished by the imprisonment of fifteen to twenty years, those who have set fire: to buildings, ships, boats, shops, yards or any other place used in the dwelling and containing one or more persons at the time of the fire; In buildings used for meetings of citizens, during the time of such meetings; At any place, whether or not uninhabited, if, according to the circumstances, the author had to presume that there was one or more persons at the time of the crime.

**Article 511.** They shall be punished by imprisonment for ten to fifteen years, those who have set fire to the objects referred to in Article 510, but out of the cases provided for in that article, namely forests, thickets or harvests on foot. However, if these objects belong exclusively to those who burned them, and the fire has been put in the wrong or fraudulent intention, the guilty will be punished by imprisonment for a period of one year to five years and a fine of 500 euros to \$10,000.

**S. 512.** The five to ten years' imprisonment will be punished by those who have set fire to cut crops or to downed and stung wood. If the felled timber has not been collected, the penalty will be one year to five years and a fine of 500 euros to 5,000 euros. If these crops or timber belong exclusively to those who burned them and the fire was put in a bad or fraudulent way, the penalties will be:

In the first case provided for in this article, imprisonment for six months to three years and a fine of 500 euros to 5,000 euros. In the second case, a prison term of three months to two years and a fine of 251 euros to 2,000 euros.

**Article 513.** When the fire has been placed during the night, the penalties laid down in art. 510, 511 and 512 shall be replaced: 15 to 20 years' imprisonment; imprisonment for ten to fifteen years, by imprisonment from fifteen to twenty years; imprisonment for five to ten years, by imprisonment from ten to fifteen years; The imprisonment and the fine referred to in article 511, paragraph 2, by imprisonment for five to ten years; imprisonment and the fine referred to in article 512, paragraph 3: In the first case of this paragraph, by imprisonment from one year to four years And a fine of EUR 500 to EUR 10,000; In the second case, by imprisonment from six months to three years and a fine of 500 EUR 5,000.

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**Article 514.** When the fire carries the penalty of imprisonment, the attempted fire will be punished with imprisonment for two months to two years and a fine of 251 euros to 2,000 euros.

**Article 515.** In the cases provided for in the preceding Articles, the guilty person sentenced to imprisonment may, in addition, be sentenced to the prohibition in accordance with Article 24.

**Article 516.** The person who, with the intention of committing one of the facts set out in s. 510, 511 and 512, will have set fire to any objects, placed so as to communicate it to the thing that it wanted to destroy will be punished as if it had directly put or attempted to set fire to that last thing



to destroy, shall be punished as if it had already put or attempted to put into effect that destruction.

**Article 517.** When the fire broke out of the object that the culprit wanted to burn to another object whose destruction carries a stronger penalty, the latter will be pronounced, if the two things were placed in such a way that the fire had to Necessarily communicate from one another to another.

**Article 518.** Where the fire caused injury to one or more persons who, to the knowledge of the perpetrator, were in the burned area at the time of the crime or the offence, the offender shall be sentenced as if the injury had been made with Premeditation, and the penalty that the law attached to it will be applied to the culprit, if the penalty is stronger than the one he incurred because of the fire. Otherwise, the maximum penalty shall be two years above the maximum, if it consists of imprisonment on time. If the fact has caused death, the penalty will be life imprisonment.

**Article 519.** Will be punished by imprisonment from eight days to three months and a fine of 251 euros to 5,000 euros, or only one of those penalties, the fire of the property or real estate of others which has been caused either by the dilapidated or the default of Repair or cleaning of furnaces, chimneys, forges, homes or next plants, or by burning fires in the fields, less than 100 metres from houses, buildings, forests, heather, wood, orchards, plantations, hedges, millstones, grain piles, Straws, hay, fodder or any other deposit of combustible materials, either by lights or lights Worn or left, or by fireworks lit or taken without sufficient precautions.

**Article 520.** Those who have destroyed or attempted to destroy, by the effect of an explosion, buildings, ships, boats, cars, carriages, shops, yards, shall be punished by the penalties laid down in the preceding articles. Or other constructs.

Section II. -Destruction of buildings, steam engines and telegraphic devices

**Article 521.** Any person who destroys or overthrew, by any means, in whole or in part, buildings, bridges, dikes, roads, railways or other constructions belonging to another person shall be punished by imprisonment for five to ten years.

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**Article 522.** The provision of Article 518 shall be applicable to the case provided for in the preceding Article.

**Article 523.** Anyone who destroys a steam engine belonging to another person will be sentenced to imprisonment from 15 days to three years and to a fine of 500 euros to 5,000 euros. It shall be destroyed as soon as the effects of the machine are prevented in whole or in part from the fact that the act relates to the engines, or that it relates to the apparatus put on motion.

**Article 524.** Those who, by any means, have prevented the correspondence on a telegraph line, will be punished by imprisonment for one month to three years and a fine of 500 euros to 5,000 euros.

**Article 525.** Where the facts provided for in the two previous articles have been committed in a meeting or in the band and with the help of violence, assault or threats, the guilty shall be punished by imprisonment for five to ten years. The leaders and provocateurs will be sentenced to 10 to 15 years' imprisonment and a fine of 500 euros to 12,500 euros.

Section III. -The destruction or degradation of tombs, monuments, works of art, titles, documents or other papers

**Article 526.** Will be punished by imprisonment from eight days to one year and a fine of 251 euros to 5,000 euros, anyone who destroys, kills, mutilated or degrades: tombs, memorials or grave stones; Monuments, statues or other objects intended for use To the utility or the public decoration and raised by or with the authority of the competent authority; Monuments, statues, paintings or objects of any kind, placed in churches, temples or other public buildings.

**Article 527.** Any person who improperly or fraudulently destroys in any manner any of the original records, minutes or acts of the public authority, of the titles, notes, bills of exchange, trade or bank effects containing or obliging, Provision or discharge, shall be punished as if it had subtracted the same parts and from the distinctions established in the first chapter of this Title.

Section IV. -The destruction or deterioration of goods, goods or other securities

**Article 528.** (L. 15 July 1993) Those who wilfully have damaged, destroyed or damaged the moveable assets of others will be punished by imprisonment for a period of one month to three years and a fine of 251 euros to 10,000 euros or one of those penalties alone. Any destruction, deterioration and damage to property of others executed by means of violence or threats shall be punished by imprisonment for three months to five years and a fine of EUR 500 to EUR 25,000, or one of those Penalties only.

**Article 529.** If the act was committed in a meeting or in band, the sentence will be imprisonment for

**Article 529.** If the act was committed in a meeting or in band, the sentence will be imprisonment for five to ten years.

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The leaders and provocateurs will be punished by ten to fifteen years' imprisonment.

**S. 530.** The destruction or damage to property of others, operated by violence or threats, in a dwelling house or its outbuildings, and with one of the circumstances set out in Article 471, shall be punishable by ten to fifteen years' imprisonment. The penalty shall not be less than twelve years if the crime was committed in a meeting or in band. The leaders and provocateurs will be punished by the imprisonment of fifteen to twenty years.

**Article 531.** If the violence or threats to which the destruction or damage has been committed have caused illness or a bodily injury of the nature of those provided for in Article 400, the guilty shall be punished immediately Greater than the one they have incurred under the two preceding articles.

**Article 532.** The murder committed, either to facilitate the destruction or damage, or to ensure impunity, will be punished with life imprisonment.

**Article 533.** Anyone who has meekly or fraudulently altered or damaged goods or materials used in manufacturing, will be punished with imprisonment for one month to one year and a fine of 251 euros to 3,000 euros. Imprisonment will be six months to three years and the fine of 500 euros to 5,000 euros if the crime was committed by a person employed in the factory, shop or house of commerce.

**Article 534.** Anyone who has failed to remove, cut or destroy the links or obstacles holding a boat, wagon or car will be punished by imprisonment for eight days to two years.

Section V.-Harvesting and destruction of crops, plants, trees, grafts, grains and forages, destruction of agricultural implements

**Article 535.** Will be punished by a prison term of one month to three years and a fine of 251 euros to 5,000 euros, whoever will have meticulously cut or devastated crops on foot or plants that come naturally or made from human hands.

**Article 536.** Will be punished by imprisonment from one month to two years and a fine of EUR 251 to EUR 2,000, anyone who has meticulously ravaged a field sown, spilled in a field of the seed of ivraie or any other weed or plant, broken or set off Service of agricultural instruments, livestock parks or guardian cabins.

**Article 537.** Any person who meticulously kills one or more trees, cut, mutilated or bark these trees to perish them, or destroys one or more grafts, shall be punished: For each tree, imprisonment from eight days to three months, and A fine of EUR 251 to EUR 1,000;

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For each transplant, imprisonment from eight days to 15 days and a fine of 251 euros to 500 euros or only one of those penalties. Under no circumstances will the entire sentence exceed three years for imprisonment, or 5,000 euros for the fine.

Section VI. -The destruction of animals

**Article 538.** Anyone who has poisoned horses or other car or load animals, horned cattle, sheep, goats or hogs, will be punished by imprisonment for three months to two years and a fine of 251 euros to 3,000 euros.

**Article 539.** Repealed (L. 21 March 1947)

**Article 540.** Those who, without necessity, have killed one of the animals referred to in section 538, or have caused a serious injury, shall be punished as follows: If the offence was committed in the buildings, enclosures and outbuildings, or on the lands of which the owner of the The animal killed or injured was the owner, tenant, settler or farmer, the sentence will be imprisonment from one month to six months and a fine of 500 euros to 2,000 euros. If it was committed in the premises where the culprit was the owner, tenant, settler or farmer, the sentence will be imprisonment from eight days to two months and a fine of 251 euros to 1,000 euros. If it has been committed in any other place, imprisonment will be between 15 days and three months and the fine of EUR 500 to EUR 2,000.

**Article 541.** Any person who has, without necessity, killed a domestic animal other than those mentioned in section 538, or has caused a serious injury, in a place to which that animal belongs, owner usufructuary user tenant settler Or farmer, will be punished with imprisonment for eight

owner, usufructuary, user, tenant, holder or farmer, will be punished with imprisonment for eight days to three months and a fine of 251 euros to 2,000 euros. The same penalties will be laid if these facts have been committed in the same way on an apprivoised animal or on an animal maintained in captivity, in the places where they are kept, or on a domestic animal at the time when it was employed in the service to which it was intended and in a place where his master had the right to be.

**Article 542.** In the cases provided for in the preceding Articles, if there has been a breach of closure, the minimum sentence shall be raised in accordance with Article 266.

Section VII. -Provisions common to previous sections

**Article 543.** If the facts set out in Sections V and VI of this Chapter have been committed either in hatred of a public official and because of his or her duties or during the night, the minimum sentence shall be raised in accordance with section 266.

**Article 544.** Implicit derogations (L. 13 June 1994)

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Section VIII. -The destruction of fences, the displacement or the removal of the posts and feet

**S. 545.** Will be punished by imprisonment from eight days to six months and from a fine of 251 euros to 2,000 euros, or just one of those penalties, anyone who, in whole or in part, will have filled in ditches, cut off or ripped off sharp or dry hedges, destroyed fences Rural or urban, of a few materials that they are made; moved or removed from the boundaries, toe or other planted or recognized trees to establish the boundaries between different heritages.

**Article 546.** Where the facts set out in the previous article have been carried out in order to commit a usurpation of land, the penalty shall be imprisonment from one month to one year and a fine of EUR 500 to EUR 20,000.

Section IX. -Destruction and damage caused by floods

**Article 547.** Those who have meticulously or fraudulently flooded all or part of the work of a mine shall be punished by ten to fifteen years' imprisonment. If, according to the circumstances, the offender had to assume that he was in the mine one or more persons at the time of the flood, he would be sentenced to 15 to 20 years' imprisonment.

**Article 548.** The provision of Article 518 shall be applicable to the fact provided for in the foregoing Article.

**Article 549.** Anyone who meticulously or fraudulently floods the inheritance of others, or has transmitted the waters in a harmful way, will be fined EUR 251 to EUR 3,000.

**Article 550.** They shall be punished by a fine of EUR 500 to 10,000 euros, all owners, farmers or any other person who has mills, factories or ponds, which by, the elevation of the weir of their waters above the height determined by The competent authority will have flooded the roads or the properties of others. If these facts have resulted in some deterioration, the penalty will, in addition to the fine, be imprisonment for eight days to one month.

Title X. -Contraventions

**Chapter I. - First Class Contraventions**

**Article 551.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° Those who fail to maintain, repair or clean ovens, chimneys or factories where fire is used;

2 ° Those who, forced to the lighting, have neglected it; 3 ° Those who have neglected to clean the streets or passages, in the communes where this care is put to the

Inhabitants; 4 ° Those who, without necessity, or without permission of the competent authority, will have embarrassed the streets, the

Places or any other part of the public road, either by leaving materials, scaffolding or other objects of any kind, or by excavating excavations thereof;

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5 ° Those who, in contravention of the laws and regulations, have failed to illuminate any materials, scaffolding or other objects that they have deposited or left in the streets, places or other parts of

the public highway, or the excavations They have dug in;

6 ° Those who have neglected or refused to enforce laws, orders or regulations concerning the little roads; 7 ° Those who have neglected or refused to obey the summons made by the administrative authority to repair or

Demolishing buildings that threaten ruin.

**Article 552.** They will also be punished by a fine of 25 euros to 250 euros:

1 ° Those who have thrown, exposed or abandoned on the public road things that could be harmful to them by their downfall or by unhealthy exhaults;

2 ° Those who have left in the streets, roads, squares, public places or in the fields, ploughs, forceps, bars, bars, ladders or other machines, instruments or weapons that may be abused by thieves or other criminals. Also seized and confiscated the above mentioned objects;

3 ° Repealed (L. 15 March 1892) 4 ° Those who, without any other circumstance provided for by the laws, have gathered and ate, on the very place, fruit

Belonging to others; 5 ° Those who, recklessly, will have thrown on a person anything that could be inconvenient

Or brooding; 6 ° Those who, without having the right, will have entered, or have passed, or have carried animals on the ground

Of others, if prepared or seeded; 7 ° Those who have missed their livestock or their beasts of tow, load or mount on the

Grasslands or the land of others, prior to harvest removal.

**Article 553.** Will be punished by a fine of EUR 25 to EUR 250:

1. Those who have violated the defence to fire, in certain places, any firearms or any fireworks. In addition, confiscated firearms and fireworks seized;

2 ° Those who, without any other circumstance provided for in the laws, will have glanked, grated or grappled in the fields not yet completely stripped and emptied of their crops, or before the time of sunrise or after sunset.

**Article 554.** Implicit derogations (L. 13 June 1994)

## Chapter II. - Second Class Contraventions

**S. 555.** Repealed (L. 28 May 1968)

**Article 556.** They will also be punished by a fine of 25 euros to 250 euros:

1 ° Those who have made or allowed to run horses, beasts, loads or mounts in the interior of a inhabited place;

2. Those who have let go of mad or furious being in their custody, or evil or ferocious animals;

3 ° Those who have excelled or have not retained their dogs, when they attack or prosecute bystanders, even if they did not result in any harm or damage;

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4 ° (L. 28 July 2017) Those who, in the absence of an agreement to the contrary, will have refused to receive a currency that is not false or altered, depending on the value for which it is legal tender in the Grand Duchy;

5 ° Repealed (L. December 13, 1985) 6 ° Those who, without having the right, will enter or have passed on the grounds of others

Animals in time when the land was loaded with grains of pipes, grapes or other mature or mature products;

7 ° Those who have made or allowed to pass on livestock, animals, loads or mounts, on the grounds of others, in the time when the land was loaded with harvests;

8. Those who have violated the bans on the harvest.

**Article 557.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° Drivers of any car or of load beasts which shall not be kept constantly within the reach of their horses, beasts or loads or their cars, and in a condition to guide them or drive; who will occupy the middle of the streets, Roads or public roads, when other cars or load-beasts will travel around them; who will neglect to take away or store in front of all other cars or loads and their approach, and leave them free at least half of the Or who would violate the regulations on these objects;

2. Those who have contravened the regulations which have as their object the speed, the wrong direction or the loading of cars or animals, namely the solidity of public cars, the mode of their loading, the number and safety of passengers.

3 ° Those who have established or held in the streets, roads, squares or public places, lottery games or other games of chance. Also seized and confiscated, the tables, instruments, apparatus of games or lotteries, as well as the stakes, funds, commodities, objects or lots proposed to the players;

4 ° Those who have thrown stones or other hard bodies, or other objects that can soothe or degrade, against the hanging cars, the houses, buildings and fences of others, or in the gardens and paddock.

5 ° Those who, in the premises of which they are owners, tenants, settlers, farmers, usufructuaries or users, will have meticulously killed or seriously injured, to the detriment of others, a domestic animal other than those referred to in Article 538;

6 ° Those who have stolen crops or other useful crops from the land, which have not yet been detached from the ground.

If the act was committed either during the night or by means of an escalation or break-in, either by means of vehicles or animals, or by two or more persons, the guilty shall be punished in accordance with Article 463.

**Article 558.** Implicit derogations (L. 13 June 1994)

### **Chapter III. - Third-class ticketing**

**Article 559.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° Repealed (L. 15 July 1993) 2 ° Those who have caused the death or serious injury of animals or livestock belonging to others,

By the effect of the divagation of the mad or furious, the evil or ferocious animals, or by the speed, the wrong direction or the excessive loading of the cars, horses, beasts of line, load or mount;

3 ° Those who, by recklessness or lack of precaution, involuntarily caused the same damage by the use or use of weapons, or by the jet of hard bodies or any substances;

4 ° Those who have caused the same accidents, by age, degradation, lack of repair or maintenance of houses or buildings, or by congesting or excavation, or such other works in

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Or near streets, roads, squares or public roads, without the precautions or signals ordered or used.

**Article 560.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° Those who have strikingly removed or torn up the placards legitimately affixed; 2 ° Those who, in the public domain of the State or the municipalities, have removed

Turf, land, stones or materials, without being duly authorized; 3 ° Those who conduct on the grounds of others livestock, of any kind, and of any kind

Time, in the natural or artificial grasslands, in the vines, reeds, hops, and in the plants or nurseries of fruit trees or other, made from human hands;

4. Those who have spread land, stones or rubble on the grounds of others.

**Article 561.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° Those who have been guilty of nocturnal noises or tapages in order to disturb the tranquility of the inhabitants; 2 ° Repealed (L. 6 April 1881) 3 ° Repealed (L. April 6, 1881) 4 ° Those who will have false weight, false measurement or weighing instruments in their stores, shops or workshops, or in the halls, fairs or markets. The weights, measures and false instruments will be confiscated; 5 ° and 6 ° Repealed (L. 26 February 1965 and L. 15 March 1983) 7 ° Those who have directed, against incorporated bodies or individuals, insults other than those laid down in Title VIII Chapter V

against incorporated bodies or individuals, insults other than those laid down in Title VIII Chapter V of Book II of this Code; 8 ° Those who will use weights or measures Different from those established by the laws in force.

Weights and measures will be confiscated.

**Article 562.** Implicitly repealed paragraph 1 (L. 13 June 1994) As regards the contraventions provided for in the previous article, the judge may, in the event of a repeat offence, pronounce, in addition to the fine, imprisonment of not more than nine days.

#### Chapter IV. - Fourth Class Contraventions

**Article 563.** Will be punished by a fine of EUR 25 to EUR 250:

1 ° People who are skilled in guessing and prognosting or explaining their dreams. Seized and confiscated instruments, utensils and costumes used and intended for the exercise of the guessing profession, prognosticist or interpreter of the dreams;

2. Those who have deliberately degraded urban or rural fences, some materials that they are made;

3 ° The authors of assault or light violence, provided that they have not injured or struck anyone, and that the assaults do not fall into the class of insults; particularly those who will voluntarily, but without the intention of insulting, Launched on a person any object that is of a nature to be inconvenient or to be bridled;

4 ° The person who voluntarily and unconditionally shall be killed or seriously injured, or a domestic animal other than those referred to in Article 538, or an apprivoised animal, in a place other than that of which the owner of the animal or the culprit is Owner, tenant, farmer, usufructuary or user;

5 ° Those who, by default of precaution, will have involuntarily destroyed or degraded wires, poles or telegraphic devices;

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6 ° (1) Vagabonds and those who have been found beggars. Paragraph repealed (L. 29 August 2008)

7 ° Those without the right to carry out works of art, culture or other works on the ground of others.

8 ° Those without the right to enter a house, an apartment, a room or a dwelling,

Or their dependencies, and remain in spite of the invitation or the order to move away from them. 9 ° (L. 1 April 1968) Those whose attitude on the public road is such as to provoke debauchery. 10 ° (L. Of 23 May 2018) Those who in any collective means of transport of persons within the

Educational establishments of all types of education, as well as in their premises, in premises intended for the reception or housing of minors under the age of sixteen years of age, within and within the premises of hospitals, In the premises for the collective use of the institutions hosting elderly persons for the purpose of accommodation, including in lifts and corridors, in buildings under the jurisdiction of the judicial authorities, in the premises of public administrations Accessible to the public, hide all or part of the face, in such a way that they do not Be unidentifiable. The prohibition laid down in paragraph 1 shall not apply if the concealments of all or part of the face are prescribed or permitted by legislation, if it is justified for health reasons duly certified by a certificate Medical or professional reasons and limited to the purpose pursued, or if it is part of sporting practices, parties or artistic or traditional events where it is customary to conceal all or part of the face.

**Article 564.** In the case of a repeat offence, the court is authorized to issue, independently of the fine, imprisonment for up to 12 days.

#### Provisions common to the previous four chapters

**Article 565.** Recidivism, in the cases provided for in the preceding four chapters, where the offender has already been convicted in the preceding twelve months for the same contravention.

**S. 566.** (L. 1 August 2001) Where, in the cases provided for in the preceding four chapters, there are extenuating circumstances, the fine may be reduced, without, under any circumstances, less than EUR 25.

#### Transitional Provision

**Article 567.** A Grand Ducal (Royal) Order will determine the timing of the implementation of this Code.

(1) Act of 29 August 2008: In Article 563 of the Penal Code, bridge 6 of the second paragraph shall be deleted." This is likely to be a formulation error because there has never been a paragraph 2 in section 563. It is clear from the travaux préparatoires of the law that the legislator actually wanted not to abolish point 6 of paragraph 2, but paragraph 2 of paragraph 6. The judicial authorities consider that point 6 has been repealed in its entirety.



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