Josef Bergt

Collection of Laws of Liechtenstein

Constitutional Law I

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I. National Constitution (LV)

Constitution of the Principality of Liechtenstein of October 5, 1921

We, John II, by the Grace of God Sovereign Prince of Liechtenstein, Duke of Troppau, Count of Rietberg, etc., etc., hereby announce that the Constitution of September 26, 1862, has been amended by Us with the consent of Our Diet in the following manner:

I. Main part

The principality

Art. 1

1) The Principality of Liechtenstein is a state federation of two landscapes with eleven municipalities. The Principality of Liechtenstein shall serve the people living within its borders to be able to live together in freedom and peace. The Vaduz Landscape (Oberland) consists of the municipalities of Vaduz, Balzers, Planken, Schaan, Triesen and Triesenberg, while the Schellenberg Landscape (Unterland) consists of the municipalities of Eschen, Gamprin, Mauren, Ruggell and Schellenberg.

2) Vaduz is the capital and the seat of the provincial parliament and government.

Art. 2

The Principality is a constitutional hereditary monarchy on a democratic and parliamentary basis (Arts. 79 and 80).

shall be vested in the Prince and the people and shall be exercised by both in accordance with the provisions of this Constitution.

Art. 3

The hereditary succession to the throne in the Princely House of Liechtenstein, the age of majority of the Prince Regnant and the Hereditary Prince as well as, if necessary, the guardianship are regulated by the Princely House in the form of a house law.

Art. 4

1) The borders of the national territory may be changed only by a law. Changes in the boundaries between municipalities, the creation of new municipalities and the merger of existing municipalities shall also require a majority vote of the nationals residing there who are entitled to vote.

2) Individual municipalities shall have the right to withdraw from the State Union. The decision to initiate the withdrawal procedure shall be taken by the majority of

the municipalities.

resident nationals entitled to vote. The withdrawal shall be regulated by law or, on a case-by-case basis, by an international treaty. In the case of an interstate treaty, a second vote shall be held in the municipality after the conclusion of the treaty negotiations.

Art. 5

The national coat of arms is that of the Princely House of Liechtenstein; the national colors are blue-red.

Art. 6

The German language is the state and official language.

II. Main Part

From the Prince Regnant

Art. 7

1) The Prince Regnant shall be the head of the State and shall exercise his right to state power in accordance with the provisions of this Constitution and the other laws.

2) The person of the Reigning Prince is not subject to jurisdiction and is not legally responsible. The same applies to the member of the Princely House who exercises the function of Head of State on behalf of the Reigning Prince in accordance with Art. 13bis.

Art. 8

1) The Prince Regnant shall represent the State in all its relations with foreign states, without prejudice to the necessary cooperation of the responsible government.

2) State treaties by which state territory is ceded or state property is alienated, state sovereignty or state sovereignty rights are disposed of, a new burden is assumed by the Princely State or its citizens, or an obligation is entered into which would infringe the rights of the citizens, shall require the consent of Parliament in order to be valid.

Art. 9

Every law requires the sanction of the Prince Regnant in order to be valid.

Art. 10

1) The Reigning Prince shall, through the Government, without the participation of Parliament, make the arrangements necessary for the execution and implementation of the laws, as well as those arising from the right of administration and supervision, and shall establish and maintain the institutions necessary for the execution and implementation of the laws.

The President shall issue the relevant ordinances (Art. 92). In urgent cases, it shall do what is necessary for the security and welfare of the state.

2) Emergency decrees may not abrogate the Constitution as a whole or individual provisions thereof, but may only restrict the applicability of individual provisions of the Constitution. Emergency decrees may not limit the right of every human being to life, the prohibition of torture and inhuman treatment, the prohibition of slavery and forced labor, nor the rule of "no punishment without law". Moreover, emergency ordinances cannot limit the provisions of this Article, Articles 3, 13ter, and 113, as well as the House Bill.

shall be issued. Emergency ordinances shall cease to have effect no later than six months after their enactment.

Art. 11

The Prince Regnant shall appoint judges in accordance with the provisions of the Constitution (Art. 96).

Art. 12

1) The Prince Regnant shall have the right to pardon, mitigate and commute sentences that have been finally awarded and to quash investigations that have been initiated.

2) The Prince shall exercise the right to pardon or mitigate the sentence of a member of the Government who has been convicted of his official acts only at the request of the Diet.

Art. 13

Before receiving the hereditary homage, each heir to the throne shall declare in a written document, with reference to the princely honors and dignities, that he will govern the Principality of Liechtenstein in accordance with the Constitution and the other laws, maintain its integrity and observe the princely rights inseparably and in the same manner.

Art. 13bis

The Prince Regnant may entrust the exercise of his sovereign rights to the next prince of full age of his house as his deputy due to temporary prevention or in preparation for the succession to the throne.

Art. 13ter

At least 1,500 citizens shall have the right to table a reasoned motion of no confidence in the Reigning Prince. Parliament shall make a recommendation on this motion at its next session and order a referendum (Article 66(6)). If the motion of censure is adopted in the referendum, it shall be communicated to the Reigning Prince for consideration in accordance with the House Law. The votes cast in accordance with the House

The Reigning Prince shall notify the Diet of the decision taken by the Reigning Prince within six months.

III. Main Part Of the

State Duties

Art. 14

The supreme task of the state is to promote the overall welfare of the people. In this sense, the State shall provide for the establishment and maintenance of law and for the protection of the religious, moral and economic interests of the people.

Art. 15

The state shall devote special care to education. This is to be set up and administered in such a way that, through the interaction of family, school and church, the growing youth will acquire a religious and moral education, a patriotic attitude and future professional competence.

Art. 16

1) The entire educational system shall be under the supervision of the State, without prejudice to the sanctity of church doctrine.

2) There is general compulsory education.

3) The State shall ensure that sufficient compulsory education in elementary subjects is provided free of charge in public schools.

4) Religious education is provided by the church bodies.

5) No person shall leave the youth under his supervision without the degree of instruction prescribed for public elementary schools.

6) Retrieved

7) Retrieved

8) Private education is permitted, provided that it complies with the legal provisions on school hours, teaching objectives and facilities in public schools.

Art. 17

1) The state supports and promotes the teaching and education system.

2) It will help impecunious students of good ability to attend higher schools by granting appropriate scholarships.

Art. 18

The state provides public health care, supports nursing care, and strives by law to combat drunkenness and to improve the condition of drunkards and work-shy persons.

Art. 19

1) The State shall protect the right to work and the labor force, especially those of women and youth employed in trade and industry.

2) Sundays and state-recognized public holidays are public days of rest, without prejudice to statutory regulations on rest on Sundays and public holidays.

Art. 20

1) In order to increase the earning capacity and to cultivate its economic interests, the state promotes and supports agriculture and alpine farming, trade and industry; in particular, it promotes insurance against damage that threatens work and goods and takes measures to combat such damage.

2) He pays special attention to the development of the transport system in accordance with modern needs.

3) It supports the reforestation and drainage of the ridge and will pay attention to and promote all efforts to develop new sources of income.

Art. 21

The State shall have sovereignty over the waters in accordance with the laws existing and to be enacted in this respect. The use, management and defense of the waters shall be governed by law, taking into account the

The development of the technology must be regulated and promoted. Electricity law must be regulated by law.

Art. 22

The state exercises sovereignty over hunting, fishing and mining and protects the interests of agriculture and municipal finances when enacting laws in this regard.

Art. 23

The regulation of coinage and public credit is the responsibility of the state.

Art. 24

1) The State shall, by means of laws to be enacted, provide for fair taxation, leaving free a subsistence minimum and making greater use of higher assets or incomes.

2) The financial situation of the state shall be improved as far as possible, and special attention shall be paid to the development of new sources of revenue to meet public needs.

Art. 25

The public poor relief system is a matter for the municipalities in accordance with special laws. The State, however, shall exercise supreme supervision over it. It may provide suitable aid to the municipalities, in particular for the appropriate care of orphans, the mentally ill, the incurable and the aged.

Art. 26

The state supports and promotes health, old-age, disability and fire insurance.

Art. 27

1) The State shall provide for a speedy trial and enforcement procedure that protects the substantive law, as well as for an administrative justice system adapted to the same principles.

2) The professional exercise of party representation shall be regulated by law.

IV. Main section

Of the general rights and obligations of nationals Art. 27bis

1) Human dignity must be respected and protected.

2) No one shall be subjected to inhuman or degrading treatment or punishment.

Art. 27ter

1) Every human being has the right to life.

2) The death penalty is prohibited.

Art. 28

1) Every citizen shall have the right to settle freely in any place within the territory of the State and to acquire property of any kind, subject to the detailed provisions of the law.

2) Entry and exit, residence and settlement of foreigners are regulated by state treaties and law.

3) Residence within the borders of the Principality obligates to observe the laws of the same and establishes protection under the Constitution and other laws.

Art. 29

1) Every citizen shall have the rights of citizenship in accordance with the provisions of this Constitution.

2) In matters concerning the country, political rights are granted to all citizens of the country who have reached the age of 18, are ordinarily resident in the country and are not entitled to vote.

Art. 30

The acquisition and loss of citizenship shall be determined by law.

Art. 31

1) All citizens shall be equal before the law. Public offices shall be equally accessible to them, subject to compliance with the provisions of the law.

2) Man and woman are equal.

3) The rights of foreigners are initially determined by the state treaties and, in the absence of such treaties, by the counter-law.

Art. 32

1) The freedom of the person, the right of domicile and the secrecy of correspondence and writings are guaranteed.

2) Except in the cases and in the manner determined by law, no person shall be arrested or detained, nor shall any house, letter or writing be searched or seized.

3) Those arrested illegally or proven innocent and those convicted innocent are entitled to full compensation to be paid by the state and determined by the court. Whether and to what extent the state has a right of recourse against third parties is determined by law.

Art. 33

1) No one may be deprived of his ordinary judge; courts of exception may not be introduced.

2) Penalties may only be threatened or imposed in accordance with the law.

3) In all criminal cases, the accused shall have the right of defense.

Art. 34

1) The inviolability of private property is guaranteed; confiscations take place only in cases determined by law.

2) Copyright is to be regulated by law.

Art. 35

1) Where the public good so requires, the assignment or encumbrance of any kind of property may be ordered in return for appropriate indemnification, to be determined by the judge if necessary.

2) The expropriation procedure is determined by the law.

Art. 36

Trade and commerce are free within the limits of the law; the admissibility of exclusive trade and commerce privileges for a certain period of time is regulated by law.

Art. 37

1) Freedom of belief and conscience is guaranteed to everyone.

2) The Roman Catholic Church is the national church and as such enjoys the full protection of the State; other denominations are guaranteed the practice of their confession and the holding of their worship within the limits of morality and public order.

Art. 38

The ownership and all other property rights of religious societies and associations in their institutions, foundations and other assets intended for religious, educational and charitable purposes shall be guaranteed. The administration of church property in the parishes shall be regulated by a special law; prior to its enactment, agreement shall be reached with the church authorities.

Art. 39

The enjoyment of civic and political rights is independent of religious belief; civic duties may not be impaired by it.

Art. 40

Everyone shall have the right freely to express his opinion and to communicate his thoughts by word, writing, printing or pictorial representation within the limits of the law and morality; censorship shall be exercised only with respect to public performances and exhibitions.

Art. 41

The right of free association and assembly is guaranteed within the limits of the law.

Art. 42

The right to petition the Diet and the Dietary Committee is guaranteed, and not only individuals whose rights or interests are affected, but also municipalities and corporations, are entitled to have their wishes and requests presented there by a member of the Diet.

Art. 43

The right of appeal is guaranteed. Every citizen shall have the right to lodge a complaint with the authority directly superior to him against the conduct or procedure of an authority which infringes his rights or interests by violating the Constitution, laws or ordinances, and, if necessary, to pursue the complaint to the highest authority, unless there is a statutory restriction on the right of appeal. If the complaint is rejected by the superior authority, the latter shall be obliged to inform the complainant of the reasons for its decision.

Art. 44

1) Every person capable of bearing arms is obliged to defend the fatherland in case of need until the age of 60.

2) Apart from this, armed formations may be formed and maintained only to the extent deemed necessary for the performance of police duties and for the maintenance of domestic order. The detailed provisions in this respect shall be determined by legislation.

V. Main part

From the Diet

Art. 45

1) The Diet shall be the lawful organ of the entirety of the citizens of the Land and as such shall be called upon to represent, in accordance with the provisions of this Constitution, the rights and interests of the people in relation to the Government.

The Princely House and the country with loyal adherence to the principles laid down in this Constitution.

2) The rights of the Diet may be exercised only in the legally constituted assembly of the Diet.

Art. 46

1) The Diet consists of 25 deputies elected by the people by universal, equal, secret and direct suffrage according to the system of proportional representation. The Upper Country and the Lower Country each form an electoral district. Of the 25 deputies, 15 are from the Oberland and 10 from the Unterland.

2) Together with the 25 deputies, deputy deputies shall also be elected in each constituency. For every three deputies in a constituency, each electoral group is entitled to one deputy deputy, but at least one if an electoral group obtains a mandate in a constituency.

3) Mandates shall be allocated among the electoral groups that have obtained at least eight percent of the valid votes cast throughout the country.

4) The members of the Government and the courts cannot be members of the Diet at the same time.

5) Details on the conduct of the election shall be regulated by a special law.

Art. 47

1) The term of office in the Diet shall be four years, provided that the ordinary elections to the Diet shall be held in February or March of the calendar year in which the end of the fourth year falls. Re-election is permitted.

2) Retrieved

Art. 48

1) The Reigning Prince shall have the right, with the exception provided for in the following paragraph, to convene Parliament, to close it, and to adjourn it for a period of three months or to dissolve it for serious reasons, which shall be communicated to the Assembly on each occasion. An adjournment, closure or

Dissolution can only be pronounced before the assembled Diet.

2) Parliament shall be convened upon the justified written request of at least 1,000 citizens entitled to vote or upon the resolution of a municipal assembly of at least three municipalities.

3) Under the same conditions as in the preceding paragraph, 1,500 citizens of the Land entitled to vote or four municipalities may demand a referendum on the dissolution of the Diet by resolutions of municipal assemblies.

Art. 49

1) The regular convocation of the Diet shall take place at the beginning of each year by means of a decree of the Prince Regnant, specifying the place, day and hour of the meeting.

2) Within the year, the President orders the meetings.

3) After the expiration of an adjournment period, the reconvening must take place within one month by princely decree.

4) In the event of the incapacity of a member of their electoral group, the deputies shall take part in one or more successive sittings as substitutes for the incapacitated member, with a seat and a vote.

Art. 50

If Parliament is dissolved, a new election must be held within six weeks. The newly elected deputies shall then be convened within 14 days.

Art. 51

1) In the case of succession to the throne, Parliament shall be convened within 30 days for an extraordinary session for the purpose of receiving the declaration of the Prince Regnant provided for in Article 13 and paying homage to the hereditary succession.

2) If a dissolution has preceded, the new elections shall be expedited so that they may be called not later than the fortieth day after the succession to the throne has occurred.

Art. 52

1) At its first session convened in accordance with the law, the Diet shall elect from among its members a president and a deputy president under the chairmanship of a chairman for the current year to manage its business.

2) Retrieved

Art. 53

The deputies shall appear in person at the seat of the Government when summoned. If a deputy is prevented from appearing, he shall notify the Government at the time of the first convocation and thereafter the President in due time, stating the reason for the impediment. If the impediment remains, a by-election shall be held if no replacement can be found under the replacement system.

Art. 54

1) Parliament shall be opened by the Reigning Prince in person or by proxy with appropriate solemnity. All new members shall take the following oath in the hands of the Reigning Prince or his representative:

"I vow to uphold the state constitution and the existing laws and to promote the welfare of the fatherland in the Diet without secondary considerations to the best of my knowledge and conscience, so help me God!"

2) Members joining later shall take this oath into the hands of the President. Art.

55

The Diet shall be concluded by the Prince in his own person or by proxy.

Art. 56

1) No deputy may be arrested during the session without the consent of the Diet, except in the case of being caught in the act.

2) In the latter case, the arrest, stating its reason, shall be immediately brought to the attention of the Diet, which shall decide on the imposition of the arrest.

The court shall decide whether or not to retain the person in custody. At his request, the files relating to the case shall be made available to him immediately.

3) If a deputy is arrested at a time when Parliament is not in session, the Provincial Committee shall be notified thereof without delay and shall state the reason.

Art. 57

1) The members of the Diet shall vote solely according to their oath and conviction.

sion. They shall never be responsible for their votes, but shall only be responsible to the Diet for their statements made in the sessions of the Diet or its commissions, and may never be prosecuted for such statements.

2) The regulation of disciplinary authority is reserved for the rules of procedure to be issued.

Art. 58

1) A valid resolution of Parliament shall require the presence of at least two-thirds of the statutory number of Deputies and an absolute majority of the votes of the members present, unless otherwise provided in this Constitution or in the Rules of Procedure. The same shall apply to elections to be held by Parliament.

2) In the event of a tie, the Chairman shall cast the deciding vote, after three votes in the case of elections and after one vote in all other matters.

Art. 59

1) The State Court shall decide on election complaints.

2) The Diet shall verify the validity of the election of its members and of the election as such on the basis of the election records and on the basis of any decision of the State Court (validation).

Art. 60

The Diet shall establish its Rules of Procedure by resolution, observing the provisions of this Constitution.

Art. 61

Deputies shall receive from the national treasury the allowances and travel allowances to be determined by law.

Art. 62

The effectiveness of the Diet shall preferably include the following items:

a) constitutional participation in legislation;

b) participation in the conclusion of state treaties (Art. 8);

c) setting the annual budget and approving taxes and other public charges;

d) the passing of resolutions on loans, bonds and guarantees to the detriment of the State and on the acquisition and disposal of real estate belonging to the administrative and financial assets of the State, subject to Art. 63ter and Art. 63b.

93;

e) adopting resolutions on the annual accountability report to be submitted by the government on the entire state administration;

f) the filing of applications, complaints and inspections concerning the administration of the State (Art. 63);

g) bringing charges against members of the government for violating the Constitution or other laws before the State Court;

h) passing a resolution on a vote of no confidence in the government or one of its members.

Art. 63

1) Parliament shall have the right to control the entire state administration, including the administration of justice. Parliament shall exercise this right, inter alia, through an audit commission to be elected by it. Parliament's right of control does not extend to the jurisdiction of the courts or to the activities assigned to the Prince Regnant.

2) He shall at all times be at liberty to bring to the attention of the Reigning Prince or the Government any deficiencies or abuses in the administration of the State which he may perceive, by way of presentation or complaint, and to request that they be remedied. The result of the investigation to be instituted in this respect and the order made on the basis thereof shall be submitted to Parliament.

3) Retrieved

4) The government representative must be heard and is obliged to answer interpellatio- ns of deputies.

Art. 63bis

Parliament shall have the right to appoint commissions of inquiry. It shall be obliged to do so if at least one quarter of the statutory number of deputies so request.

Art. 63ter

The Diet shall appoint a Finance Commission, which may also be entrusted by law with the decision-making on the acquisition and disposal of real estate belonging to the administrative and financial assets, as well as with the participation in the administration of the financial assets.

Art. 64

1) The right of initiative in legislation, i.e. to introduce legislative proposals, shall be vested in the President:

a) to the sovereign in the form of government bills;

b) the Diet itself;

c) the citizens of the country entitled to vote, in accordance with the following provisions.

2) If at least 1,000 citizens entitled to vote, whose signatures and voting rights are certified by the municipal authorities of their place of residence, submit a request in writing, or at least three municipalities submit a request in the form of concurring municipal assembly resolutions, for the enactment, amendment or repeal of a law, this request shall be discussed at the next session of Parliament.

3) If the request of one of the organs mentioned under a to c is directed to the enactment of a law not already provided for by this Constitution, the implementation of which would result in a one-time burden for the Land not already provided for in the Finance Act or in a burden of longer duration, the request shall be considered by the Diet only if it is also accompanied by a proposal for coverage.

4) An initiative petition concerning the Constitution may be submitted only by at least 1,500 citizens or at least four municipalities entitled to vote.

5) The detailed provisions concerning this popular initiative shall be made by a law.

Art. 65

1) No law may be passed, amended or declared null and void without the participation of Parliament. In addition to the assent of Parliament, the sanction of the Reigning Prince, the countersignature of the responsible head of government or his deputy, and publication in the official gazette are required for the validity of any law. If the sanction of the Reigning Prince is not given within six months, it shall be deemed to have been refused.

2) Moreover, a referendum shall be held in accordance with the provisions of the following article.

Art. 66

1) Any law passed by Parliament which it has not declared to be urgent, as well as any financial resolution which it has not declared to be urgent, provided that it involves a one-time new expenditure of at least 500,000 francs or an annual recurring expenditure of at least 500,000 francs.

A new expenditure of 250,000 francs is subject to a referendum if Parliament so decides or if, within 30 days of the official publication of Parliament's decision, at least 1,000 citizens entitled to vote or at least three municipalities submit a request to that effect in the manner provided for in Art. 64.

2) If the constitution as a whole or individual parts thereof are concerned, the request of at least 1,500 citizens entitled to vote or of at least four municipalities shall be required.

3) Parliament shall have the power to initiate a referendum on the inclusion of individual principles in a law to be enacted.

4) The referendum shall be held on a municipality-by-municipality basis; the absolute majority of the votes validly cast in the whole country shall decide on the acceptance or rejection of the legislative resolution.

5) Legislative resolutions subject to a referendum shall be adopted only after the referendum has been held or after the referendum has failed.

The request for a referendum shall be submitted to the Reigning Prince for sanction after the expiry of the standard thirty-day period for submitting the request.

6) If Parliament has adopted a bill submitted to it by means of a popular initiative (Art. 64 Bst.

(c) If a bill which has been drafted and, if necessary, accompanied by a proposal for its enactment is rejected by the Diet, it shall be submitted to a referendum. In this case, the acceptance of the bill by the citizens of the Land entitled to vote shall replace the resolution of Parliament otherwise required for the adoption of a law.

7) More detailed provisions on the referendum shall be made by means of a law.

Art. 66bis

1) Any resolution of Parliament concerning the approval of an international treaty (Art. 8) shall be subject to a referendum if Parliament so resolves or if, within 30 days of the official publication of the resolution of Parliament, at least 1,500 citizens entitled to vote or at least four municipalities submit a request to that effect in the manner provided for in Art. 64.

2) In the referendum, the absolute majority of the votes validly cast in the whole country decides on the acceptance or rejection of the Landtag resolution.

3) The detailed provisions on this referendum shall be established by a law

hit.

Art. 67

1) Unless otherwise provided for in a law, it shall enter into force eight days after its promulgation in the National Law Gazette.

2) The type and scope of the promulgation of laws, financial resolutions, treaties, ordinances, resolutions of international organizations and legal provisions applicable on the basis of treaties shall be regulated by legislation. For the legal provisions applicable in the Principality of Liechtenstein on the basis of international treaties, a publication in a simplified form, such as in particular a reference publication to foreign law collections, may be established.

3) Retrieved

Art. 68

1) No direct or indirect tax, nor any other provincial tax or general benefit, whatever its name, may be tendered or levied without the authorization of the Diet. The authorization granted shall be expressly mentioned when the tax is tendered.

2) The manner of apportioning and distributing all public charges and services among persons and objects, as well as their method of collection, shall also require the consent of the Diet.

3) Taxes and duties are usually approved for one administrative year.

Art. 69

1) With regard to the administration of the Land, the Government shall submit to Parliament for the next administrative year an estimate of all expenditures and revenues for its consideration and approval, together with a proposal for the taxes to be levied.

2) For each past administrative year, the Government shall, in the first half of the following administrative year, submit to Parliament a detailed statement of the use made of the revenues appropriated and collected in accordance with the budget, subject to the approval of justified overruns and the responsibility of the Government in the event of unjustified overruns.

3) Subject to the same reservation, the Government shall be entitled to make urgent expenditures not provided for in the budget.

4) Any savings in the individual items of the estimate may not be used to cover the additional expenditure in other items.

Art. 70

The Government shall manage the financial assets of the Land in accordance with principles which it shall lay down in agreement with Parliament. It shall report to Parliament together with the statement of accounts (Art. 69(2)).

VI. Main section

From the National Committee

Art. 71

For the period between the adjournment, closure or dissolution of Parliament and its reconvening, the National Committee shall exist in place of Parliament to deal with the business requiring its cooperation or that of its commissions, without prejudice to the provisions of Arts. 48 to 51 on the periods for reconvening or reelection.

Art. 72

1) The Land Committee shall consist of the President of the Landtag, who shall be replaced by his deputy if he is prevented from attending, and of four other members to be elected by the Landtag from among its members, taking equal account of the Upper Land and the Lower Land.

2) The Diet shall be given the opportunity to make this election under all circumstances at the session in which its adjournment, closure or dissolution is pronounced.

Art. 73

The term of office of the National Committee shall expire upon the reconvening of the Diet.

Art. 74

In particular, the National Committee is authorized and obligated to:

a) to see to it that the Constitution is upheld, that the execution of the Diet's resolutions is taken care of, and that, in the event of previous dissolution or adjournment, the Diet is reconvened in a timely manner;

b) to audit the state treasury accounts and to forward the same, together with its report and proposals, to the Diet;

c) to co-sign the bonds and pledges to be issued to the State Treasury with reference to a previous resolution of the Diet;

d) fulfill the special assignments received from the Diet in preparation for future Diet hearings;

e) to report to the Reigning Prince or the Government in urgent cases and to issue orders, detentions and complaints in the event of threats or violations of constitutional rights;

f) according to the necessity of the circumstances, to request the convocation of

the Diet. Art. 75

The Land Committee cannot enter into any lasting commitment on behalf of the Land and is responsible to the Land Parliament for its management.

Art. 76

1) The meetings of the National Committee shall be held at the seat of the Government as required upon convocation by the President.

2) For its resolutions to be valid, at least three members must be present.

Art. 77

During their meetings, the members of the National Committee shall receive the same per diems and travel allowances as the Members of Parliament.

VII. Main part

From the

government

Art. 78

1) Subject to the following provisions of this Article, the entire national administration shall be administered by the collegial government responsible to the Reigning Prince and the Diet in accordance with the provisions of this Constitution and the other laws.

2) By law or by virtue of statutory authorization, certain business may be delegated to individual officers, offices or special commissions for independent performance, subject to recourse to the collegial government.

3) Special commissions may be established by law to decide on complaints in place of the collegial government.

4) Special corporations, institutions and foundations under public law may be established by law to perform economic, social and cultural functions, and shall be subject to the supervision of the Government.

Art. 79

1) The collegial government consists of the head of government and four councillors.

2) The Head of Government and the members of the Government Council shall be appointed by the Reigning Prince in agreement with the Diet on its proposal. In the same way, a deputy shall be appointed for the head of the Government and for each of the members of the Government, who shall represent the member of the Government concerned in the meetings of the collegial Government if he is prevented from attending.

3) One of the Government Councillors is appointed by the Reigning Prince as Deputy Head of Government on the proposal of the Diet.

4) The members of the Government must be Liechtensteiners and eligible for election to Parliament.

5) When appointing the collegial government, care shall be taken to ensure that each of the two regions has at least two members. Their deputies shall be drawn from the same region.

6) The term of office of the collegial government shall be four years. Until a new government is appointed, the existing members of the government shall continue to conduct business responsibly, unless Art. 80 applies.

Art. 80

1) If the Government loses the confidence of the Reigning Prince or the Diet, its authority to hold office shall cease. For the period until the new Government takes office, the Reigning Prince shall appoint a transitional Government, applying the provisions of Art. 79 paras. 1 and 4, to occupy the entire national administration on an interim basis (Art. 78 para. 1). The Reigning Prince may also appoint members of the old Government to the transitional government. Before the expiry of four months, the transitional government must submit to a vote of confidence in Parliament, unless the Reigning Prince has previously agreed to the appointment.

The new government was appointed by the Diet on its proposal (Art. 79 para. 2).

2) If an individual member of the Government loses the confidence of the Reigning Prince or the Diet, the decision on the loss of the authority to exercise his office shall be taken by mutual agreement between the Reigning Prince and the Diet. Until the appointment of the new member of the Government, the deputy shall continue in office.

Art. 81

A valid decision of the collegial government requires the presence of at least four members and a majority of votes among the members present. In the event of a tie, the chairperson shall cast the deciding vote. Voting is compulsory.

Art. 82

Legislation shall determine the grounds on which a member of the Government is excluded or may be refused from performing an official act.

Art. 83

The government's handling of business is partly collegial and partly res- ponsible.

Art. 84

The collegial government shall issue its rules of procedure by ordinance.

Art. 85

The Head of the Government shall preside over the Government. He shall attend to the business directly entrusted to him by the Reigning Prince and countersign the laws and the decrees and ordinances issued by the Reigning Prince or a regency, and shall enjoy the privileges accorded to the representative of the Reigning Prince at public ceremonies in accordance with the regulations.

Art. 86

1) The head of the government shall report to the sovereign on the matters under the sovereign's jurisdiction.

2) The copies of the sovereign resolutions issued on his application shall bear the personal signature of the sovereign and, moreover, the countersignature of the head of government.

Art. 87

The Head of Government shall take the oath of office at the hands of the Prince Regnant or the Regent; the other members of the Government and the state employees shall be sworn in and bound by the Head of Government.

Art. 88

If the head of government is prevented from attending, the deputy head of government shall take the place of the head of government.

The constitution expressly assigns these functions to the head of government. If the deputy head of government is also prevented from attending, the senior member of the government shall take his place.

Art. 89

The Head of Government shall sign the decrees and orders issued by the Government on the basis of collegial deliberations; he shall also be responsible for the direct supervision of the course of business in the Government.

Art. 90

1) All more important matters assigned to the Government, in particular the settlement of administrative disputes, shall be subject to the deliberations and decisions of the collegial Government. Certain less important matters may be assigned by law to the members of the Government responsible in accordance with the allocation of business for independent handling.

2) Minutes of the meetings shall be taken by the Secretary of the Government or, if he is unable to do so, by a deputy appointed by the collegial government.

3) The head of government shall implement the decisions of the collegial government. Only in the event that he believes that a resolution violates existing laws or ordinances, he may withhold its execution, but he must do so without any delay.

to submit the complaint to the Administrative Court, which, without prejudice to the right of appeal of a party, shall decide on the execution.

Art. 91

For the preparation of matters to be decided by the collegial Government and for the independent handling of business designated by law for this purpose, the collegial Government shall, at the beginning of the term of office, distribute its business among the Head of Government and the members of the Government. In the event of their being prevented from attending, provision shall be made for mutual representation.

Art. 92

1) The Government is responsible for the execution of all laws and legally permissible orders of the Reigning Prince or the Diet.

2) It shall issue the ordinances necessary for the implementation of the laws and the directly applicable state treaties, which may only be issued within the framework of the laws and the directly applicable state treaties.

3) In order to implement other obligations under interstate treaties, the government may

issue the necessary ordinances, insofar as no legislative enactments are required for this purpose.

4) The entire state administration must remain within the bounds of the constitution, laws and treaty provisions; even in those matters in which the law grants the administration free discretion, the limits imposed on it by the law must be strictly observed.

Art. 93

The scope of the government includes in particular:

a) the supervision of all authorities and employees subordinated to it, as well as the exercise of disciplinary authority over the latter; the supervision and disciplinary authority over public prosecutors shall be determined by law;

b) the allocation of the personnel necessary for the government and the other authorities;

c) the supervision of prisons and the overall supervision of the treatment of pre-trial detainees and convicts;

d) the management of the landscape buildings;

e) supervising the lawful and uninterrupted course of business of the ordinary courts;

f) the preparation of the annual report on their official activities to be submitted to the Diet;

g) the preparation of government bills to the Diet and the review of bills referred to it for this purpose by the Diet;

h) the disposal of urgent expenses not included in the budget;

i) the passing of resolutions on guarantees up to 250,000 Swiss francs, on the acquisition and sale of real estate belonging to the financial assets up to 1,000,000 Swiss francs and to the administrative assets up to 30,000 Swiss francs, and, by virtue of statutory authorization, on the taking out of loans and borrowings.

Art. 94

The administrative organization shall be regulated by law.

VIII. Main Part Of the Courts

A. General provisions

Art. 95

1) All jurisdiction is exercised in the name of the Prince and the people by obligated judges appointed by the Prince Regnant (Art. 11). The judges' decisions in the form of judgments are issued and executed "in the name of the Prince and the people.

2) Judges shall be independent in the exercise of their judicial office within the legal limits of their effectiveness and in judicial proceedings. They shall attach reasons to their decisions and judgments. Interference by non-judicial bodies in the administration of justice is permitted only to the extent expressly provided for in the Constitution (Article 12).

3) Judges within the meaning of this Article are the judges of all ordinary courts (Arts. 97 to 101), the judges of the Administrative Court (Arts. 102 and 103) and the judges of the State Court (Arts. 104 and 105).

Art. 96

1) For the selection of judges, the Reigning Prince and Parliament use a joint body. The Reigning Prince chairs this body and has the casting vote. He may appoint as many members to this body as Parliament sends representatives. Parliament sends one representative from each electoral group represented in Parliament. The Government shall delegate the member of the Government responsible for the judiciary. The deliberations of the body are confidential. Candidates may be recommended by the body to Parliament only with the consent of the Reigning Prince. If Parliament elects the recommended candidate, the Prince Regnant appoints him as a judge.

2) If the Diet rejects the candidate recommended by the panel and no agreement can be reached on a new candidate within four weeks, then the Diet shall propose an opposing candidate and call a referendum. In the event of a referendum, the citizens of the Land entitled to vote shall also be entitled to nominate candidates under the conditions of an initiative (Art. 64). If more than two candidates are put to the vote, the vote shall be held in two ballots in accordance with Article 113(2). The candidate who receives an absolute majority of the votes shall be appointed Judge by the Reigning Prince.

3) A judge appointed for a fixed term shall remain in office until his successor is sworn in.

B. The ordinary courts

Art. 97

1) In the first instance, ordinary jurisdiction is exercised by the Princely Court of Justice in Vaduz, in the second instance by the Princely Supreme Court in Vaduz and in the third instance by the Princely Supreme Court.

2) The organization of ordinary courts, the procedure and the court fees shall be determined by law.

Art. 98

By law, the performance of certain types of business, to be specified precisely, may be specially assigned to the jurisdiction of the court of first instance.

The court may delegate the duties of the judiciary to non-judicial employees of the regional court (judicial officers) who are trained and bound by instructions.

Art. 99

The treasury and the princely domain authorities shall take and give justice before the ordinary courts.

Art. 100

1) Proceedings in civil disputes shall be governed by the principles of orality, immediacy and free appraisal of evidence. In criminal cases, the principle of indictment also applies.

2) In civil cases, ordinary jurisdiction is exercised in the first instance by one or more single judges.

3) The Supreme Court and the High Court are collegial courts.

4) Jurisdiction in criminal cases is exercised in the first instance at the regional court by the latter, and at most by the criminal court and the juvenile court.

Art. 101

1) The President of the District Court shall exercise supervision over the judges of the District Court.

2) The President of the High Court shall supervise the President of the Regional Court and the judges of the High Court. He exercises disciplinary authority over the judges of the Regional Court.

3) The President of the Supreme Court shall supervise the President of the Supreme Court and the judges of the Supreme Court. He shall exercise disciplinary power over the judges of the Supreme Court and the High Court.

4) A Service Senate consisting of three legally qualified senior judges exercises supervision and disciplinary authority over the President of the Supreme Court.

C. The Administrative Court

Art. 102

1) The Administrative Court consists of five judges and five substitute judges appointed by the Reigning Prince (Art. 96). The majority of the judges must be Liechtenstein citizens. The majority of the judges must be legally qualified.

2) The term of office of the judges and substitute judges of the Administrative Court shall be five years. The term of office shall be such that a different judge or substitute judge shall retire each year. The length of the term of office of the five judges and five substitute judges shall be decided by lot at the time of the first appointment. If a judge or a substitute judge leaves office prematurely, the successor shall be appointed for the remaining term of office of the departing judge.

3) The five judges shall elect a president and a deputy president from among themselves each year. Re-election is permitted.

4) If a judge is prevented from sitting, he shall be replaced by a substitute judge. The rules of procedure of the Administrative Court shall contain rules on substitution by substitute judges.

5) Unless otherwise provided by law, all decisions or orders of the Government and of the special commissions established in place of the collegial Government (Article 78(3)) shall be subject to appeal to the Administrative Court.

6) For international administrative assistance proceedings, the law may provide for the authority of a judge of the Administrative Court to approve certain measures, as well as for direct appeal from the authority issuing the order in the first instance to the Administrative Court.

Art. 103

The detailed provisions on the procedure, on the duty to abstain, on the remuneration and on the fees to be paid by the parties shall be laid down by a special law.

D. The State Court

Art. 104

1) By means of a special law, a State Court shall be established as a court of public law for the protection of constitutionally guaranteed rights, for the adjudication of conflicts of jurisdiction between-

between the courts and the administrative authorities and as a disciplinary court for the members of the Government.

2) It is also responsible for reviewing the constitutionality of laws and treaties and the legality of government ordinances; in these matters, it acts as a court of law. Finally, it also acts as an electoral court.

Art. 105

The State Court consists of five judges and five substitute judges appointed by the Reigning Prince (Art. 96). The President of the State Court and the majority of the Judges must be Liechtenstein citizens. In all other respects, the provisions of Art. 102 shall apply mutatis mutandis.

IX. Main section

From the authorities and state officials Art.

106

Permanent judgeships may only be created with the approval of the state parliament.

Art. 107

The authorities shall be organized by means of legislation. All authorities shall have their seat in the country, subject to treaty agreements; collegiate authorities shall be staffed at least by a majority of Liechtenstein citizens.

Art. 108

Members of the government, state employees, and all local board members, deputies, and municipal treasurers shall take the following oath upon entering upon their duties:

"I swear allegiance to the sovereign, obedience to the laws and strict observance of the constitution, so help me God."

Art. 109

1) The state, the municipalities and other corporations, institutions and foundations under public law shall be liable for damage unlawfully caused to third parties by persons acting as their organs in the course of their official duties. In the event of intent or gross negligence, the right of recourse against the persons at fault shall be reserved.

2) The persons acting as organs shall be liable to the Land, the municipality or other corporation, institution or foundation under public law in whose service they are for the damage directly caused to them by intentional or grossly negligent breach of their official duties.

3) More detailed provisions, in particular on jurisdiction, shall be laid down by law.

X. Main part Of the municipalities

Art. 110

1) The existence, organization and tasks of the municipalities in their own and transferred spheres of activity shall be determined by law.

2) The following basic principles shall be laid down in the municipal laws:

a) free election of the local chiefs and the other municipal bodies by the municipal assembly;

b) independent management of municipal property and handling of local police under the supervision of the regional government;

c) Maintaining a regulated poor relief system under the supervision of the state government;

d) Right of the municipality to receive citizens and freedom of settlement of nationals in each municipality.

Art. 111

In municipal affairs, all state members residing in the municipality who have reached the age of 18 and are not enfranchised are entitled to vote.

XI. Main section The constitutional guarantee

Art. 112

1) The present constitutional document, once promulgated, shall be generally binding as the Land Basic Law.

2) Amendments to or generally binding explanations of this Basic Law may be proposed both by the Government and by Parliament or by way of initiative (Art. 64). They shall require, on the part of Parliament, the unanimity of the votes of its members present or a majority of three-quarters of the votes cast at two successive sessions of Parliament.

The only exception is the procedure for abolishing the monarchy (Art. 113), which requires a referendum (Art. 66) and the subsequent approval of the Prince Regnant.

Art. 113

1) At least 1,500 citizens shall have the right to submit an initiative for the abolition of the monarchy. If the initiative is accepted by the people, Parliament shall draw up a new constitution on a republican basis and submit it to a referendum at the earliest after one year and at the latest after two years. The Prince Regnant shall have the right to submit a new constitution for the same referendum. In this respect, the procedure set forth below shall replace the procedure for amending the Constitution pursuant to Article 112 (2).

2) If there is only one draft, an absolute majority is sufficient for its adoption (Article 66(4)). If there are two drafts, the citizen entitled to vote has the option of choosing between the existing constitution and the two drafts. In this case, the citizen entitled to vote has two votes in the first ballot. They shall allocate these votes to the two constitutional variants which they wish to be put to the second vote. The two constitutional variants that receive the most first and second votes shall be put to the second vote. In the second vote, which shall be held 14 days after the first vote, the citizen entitled to vote shall have one vote. The constitution that receives the absolute majority shall be deemed adopted (Art. 66 par. 4).

XII. Chapter Final Provisions

Art. 114

All laws, ordinances and statutory provisions which are in conflict with any express provision of the present Constitutional Charter are hereby repealed or rendered ineffective; those statutory provisions which are not in conformity with the spirit of this Fundamental Law shall be subjected to constitutional revision.

Art. 115

1) My Government is entrusted with the implementation of this Constitution.

2) The Government shall draft the laws provided for in this Constitution with the utmost dispatch and shall submit them for constitutional consideration.

Vaduz, October 5, 1921

On behalf of His Serene Highness, the reigning Prince Johann II von und zu Liechtenstein, and in his handwritten letter of the highest authority of

October 2, 1921:

gez. *Karl*

gez. *Jos. Ospelt*

Princely

Council

Attached to the original of the constitutional document are the following two letters: My dear Councilor Ospelt!

I have noted with particular satisfaction that the Diet of My Principality unanimously adopted the new Constitution at its session of August 24, 1921.

In giving My sovereign sanction to this resolution, I express the sincere wish and hope that, just as the representatives of My people have united in the creation of this legislative work, which is so important for the country, without distinction of party, that the spirit of equal harmony will continue to unite the people of My country in peaceful work for the lasting good of the whole and all its parts, and that new salvation and rich blessings will blossom for My people and My country from the long-established cooperation between state and church under God's protection, which is also to be continued on the basis of the new Basic Law of the State.

I would have been happy to sign the constitutional document myself in Vaduz, the capital of My country, in the midst of My faithful and beloved people, in compliance with your request; to My heartfelt regret, I am prevented from doing so at the present moment due to health considerations.

Nevertheless, in order to express My joy at the accomplishment of the great reform work and to give My country a proof of My fatherly love, I entrust, in accordance with Article 13 of the new Constitution, My beloved nephew, His Serene Highness Prince Karl von und zu Liechtenstein, who is presently in the country, on October 5 of this year to sign the Constitutional Charter in My representation in Vaduz. I entrust my beloved nephew, His Serene Highness Prince Karl von und zu Liechtenstein, to sign the constitutional document in my representation in Vaduz on 5 October of this year, the day on which I hope, by God's gracious providence, to complete my eighty-first year of life.

At the same time, I extend My patriotic greetings to My beloved people and express My gratitude to all those who have contributed to the realization of the new

I would like to express my heartfelt thanks and appreciation to all those who have made such a concerted and successful effort in the course of this year's constitutional process.

I instruct you to bring these My Resolutions to the attention of the general public.

Feldsberg, October 2, 1921

II. State Administrative Maintenance Act (LVG)

from 21 April 1922

on the general administration of the province (the administrative authorities and their auxiliary bodies, proceedings in administrative cases, administrative enforcement proceedings and administrative criminal proceedings)

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From the administrative authorities, their auxiliary bodies and the Administrative Court of Justice

I. Organization section

Art. 1

Government and Administrative Court

1) The administrative authorities appointed to deal with administrative matters within the meaning of this Act shall be the Government and the Administrative Court and their auxiliary bodies, unless laws or regulations in force stipulate exceptions.

2) The appointment of the Government and the Administrative Tribunal shall be governed primarily by the relevant provisions of the Constitution (Arts. 79 and 102) and, to the extent that the latter is silent, by the regulations thereunder.

3) The judges of the Administrative Court cannot be judges of the High Court at the same time.

4) Retrieved

Art. 2

Instance ratio and its compliance

1) The government (official) shall handle in the first instance all administrative matters falling within its jurisdiction and shall settle municipal administrative matters brought before it by way of appeal.

2) It is also the supervisory authority over the municipal administration (Art. 110 of the Constitution and Art. 123 and 136 of this Law).

3) Appeals against administrative acts of the Government and of special commissions appointed in place of the Government (orders, decisions, etc.) shall be lodged with the Administrative Court, unless the Constitution or laws provide otherwise.

3a) Where provided by law, the Administrative Court may be the first and only instance to hear administrative disputes. The petition shall be filed by applying mutatis mutandis the provisions of the Code of Civil Procedure. An action may also be brought for a declaration of the existence or non-existence of a right or legal relationship if the plaintiff has a legal interest in the existence or non-existence of the right or legal relationship. Actions may also be brought for the modification of rights or legal relationships.

4) Before the first competent provincial authority of the municipal administration in the administrative matter in question has issued a ruling or decision, the higher authority may not issue a ruling or decision in the matter, either at the request of the parties or ex officio, except in the case of supervisory appeals (Art. 23) or in the event of a state of emergency.

5) Accordingly, the respective higher authority may only issue its decisions as the results of its supervision or its review of the lower authority's decisions on appeal.

6) Accordingly, it may the higher authority:

a) shall not issue instructions of any kind which have the purpose of anticipating an official decision on the rights and interests of parties in detail; this shall not affect the right of the sub-authority to make inquiries;

b) In exercising its right to supervise and monitor the sub-authority, the supervisory authority may not make the decision itself instead of the sub-authority, but may only require the sub-authority to fulfill its official duties.

Art. 3

Judicial independence

1) The judges of the Administrative Court shall be independent in the performance of their duties and shall be subject only to the Constitution and the laws.

2) In this sense, they shall apply laws and decrees to the individual case after examining their validity and subject to appeal to the State Court (Article 104(2) of the Constitution), without being given orders by non-judicial bodies in the exercise of their office.

3) Judges of the Administrative Court may be permanently removed from office against their will only by virtue of a decision of the State Court and only for the reasons and in the forms prescribed by the Disciplinary Act; the law shall also determine when temporary suspension from office shall occur by virtue of the law.

4) In the event of incapacity to act or to stand for election as a result of incapacity to act or as a result of a final conviction for a criminal offence, a judge of the Administrative Court shall lose his office, and if he is under investigation for a criminal offence entailing the loss of the capacity to stand for election, he shall be temporarily suspended from office by operation of law.

5) If a judge is removed from office, or if, as a result of provisional issuance, the Administrative Tribunal is no longer fully appointed, a replacement shall be appointed in accordance with the Constitution.

Art. 4

Auxiliary bodies Representatives of public law

1) The auxiliary organs of the Government and the Administrative Tribunal within the meaning of this Act shall be the representative of the public law, the employees of the Registry of the Government, the staff of the Registry of the Administrative Tribunal and of the scientific service, the local chiefs, the land officers and other officials in accordance with the provisions contained in this Act and in the other regulations.

2) Local chiefs, other municipal bodies and employees, while avoiding the adverse consequences threatened in the existing regulations (Art. 136), shall punctually and accurately comply with the admissible orders issued to them by the state authorities and shall appear before them when summoned.

3) Before the Administrative Court, but also in proceedings before the Government, a representative of public law (public prosecutor) may, at the discretion of the Government College, appear to represent the Land or a municipality for the purpose of safeguarding public law or interest if a Land or municipal authority is involved in the proceedings, or if it concerns the representation of administrative criminal cases before the Administrative Court.

4) The representative of the public law receives his instructions from the government;

in case of doubt, he/she may file all applications admissible in a proceeding and before all instances, authorities and offices orally or in writing and state the reasons for them.

5) He may also, where the public interests permit, act as a representative for a poor party at the request of the latter to the Government, and in such case shall take instructions from the party as permitted by law.

Art. 5

Government Office

1) The Office of Government Affairs is responsible for:

a) the assumption of the duties assigned to the government or, unless exceptions exist, to other officials of the country (Arts. 48, 52, 54, 148 and

152);

b) issuance of decisions and other executions of the authorities and officials referred to in item a. above;

c) effecting service of process and summonses, as well as the safekeeping of documents;

d) performing any other official acts assigned to it by law or ordinance.

2) The persons used to keep the minutes of hearings or other official acts (secretaries) must be sworn in.

3) As a rule, the Secretary of the Government shall be used for this purpose; in the event of his prevention or absence, the Secretary shall be taken from the staff of the Government Chancellery.

4) Retrieved

5) When a public official makes a decision or decree, he or she may keep the relevant record himself or herself.

Art. 5a

Administrative Court Registry

1) An Administrative Court Registry shall be established at the Administrative Court and shall be headed by the President.

2) The Administrative Court Office is responsible for:

a) issuance of court decisions, summonses and other notifications;

b) The registration of transactions and the keeping of records; and

c) to take care of other administrative business of the Administrative Court, unless it is assigned to the Scientific Service.

3) The provisions of the Court Organization Act applicable to non-judicial employees shall apply mutatis mutandis to the staff of the Administrative Court Registry, with the proviso that the President of the Administrative Court shall be responsible for matters relating to service law.

Art. 5b

Scientific Service of the Administrative Court

1) A scientific service shall be established at the Administrative Court, headed by the President.

2) The scientific service is responsible for:

a) assisting the judges in the preparation of draft decisions and the President and Vice-President in all other duties;

b) final editing and publication of decisions, including their anonymization;

c) the performance of other tasks assigned to it by the Rules of Procedure.

3) Art. 5a para. 3 shall apply mutatis mutandis to the staff of the scientific service.

II. Section

Recess (Art. 82 and 103 of the Constitution)

Art. 6

Exclusion in administrative cases

1) The Head of the Government, a member of the Government or the Administrative Court, or any other official, shall be prevented from performing an official act in an administrative case in case of other nullity (Art.

106) excluded:

a) in matters to which they themselves are a party or in respect of which they stand in the relationship of a co-entitled, co-obligated or recourse party to one of the parties;

b) in matters concerning their fiancées, their spouses, their registered partners, their factual life partners or such persons who are related to them in a direct line or by marriage or to whom they are related in the collateral line up to the fourth degree or by marriage in the second degree;

c) in matters relating to their adoptive and foster parents, their adoptive or foster children, their wards or foster charges;

d) in matters in which they were or still are appointed as agents, administrators or managers of a party or in a similar manner;

e) in cases in which they have participated in the issuance of the contested order or decision or have acted as witnesses or experts before a subordinate municipal or provincial administrative authority;

f) in the matter of a party to which it has applied for a position or from which it has received or accepted a current job offer.

2) If the head of the Government, a member of the Government or any other official has acted in the administrative interdiction proceedings, in the preliminary investigation proceedings or in the administrative coercion proceedings, they shall not be excluded from participating in a subsequent decision or order on the same administrative matter.

Art. 7

Rejection in administrative cases

One of the officials referred to in the preceding article may be rejected:

a) if, in the given case, it is excluded by law from performing official duties in administrative matters;

b) if he or she or one of the persons referred to in Art. 6(a) can expect a significant advantage or disadvantage from the proceedings in the administrative case;

c) if he/she is a member of a company or participates in a legal entity (except for nationality), which is a matter of administration;

d) if there is otherwise sufficient reason to doubt their impartiality, in particular if the official is in a legal or administrative dispute with one of the parties or in too close a friendship or too great an enmity with one of the parties.

Exclusion and rejection in administrative criminal cases

Art. 8

Exclusion

1) The head of the government, other members of the government, members of the Administrative Court, other public officials and the secretary shall be excluded from performing official acts in administrative criminal proceedings, with other nullity, if one of these persons is himself the person injured by the criminal act or if the accused (person involved in confiscation, person obliged to represent) or injured person is engaged to him, connected to him by the bond of marriage, lives in a registered partnership or leads a de facto cohabitation or if the accused (person involved in confiscation, person obliged to represent), the injured person, the possible representative of public law, the private prosecutor or the private party or the advocate (defense counsel) or the other authorized representative is related to him/her in an ascending or descending line or is his/her sibling or even closer related to him/her or is related to him/her in the same degree by marriage or is related to him/her in the relationship of elective or foster parents, elective or foster children or a ward.

2) Unless there are exceptions, a person shall also be excluded from the exercise of office in administrative criminal cases if he or she is otherwise null and void:

a) who, outside his official duties, has been a witness to the act in question or has been heard as a witness or expert in the matter, or who has been used as an official witness in the matter in question, who has acted as a prosecutor, or as a representative of the private party or private prosecutor, or as an advocate, or who has acted as a representative of public law; or who has ruled or decreed as a local head or other municipal body in the administrative criminal matter in question;

b) who can expect damage or benefit from the acquittal or conviction of the defendant, confiscatee or representative.

3) A person who has issued an administrative penalty order or has been active in the submission proceedings shall not be excluded from subsequent participation in an order or decision on the same matter.

Art. 9

Exclusion from the Administrative Court in administrative criminal cases

1) Members of the Administrative Court are also excluded in particular in case of other nullity:

a) from deliberating and voting on all administrative criminal cases in which they have acted as investigative bodies;

b) from deliberating and voting on appeals against all orders (administrative penalties) and decisions in which they themselves participated in a lower instance;

c) from heading the unit and presiding over administrative criminal cases in which a person who is in one of the relationships referred to in paragraph 1 of the preceding Article has acted as an investigative body or unit in the Government.

2) If administrative penal proceedings are simultaneously connected with an administrative case, the provisions of Articles 7 and 8 shall also be observed.

Art. 10

Refusal in administrative criminal cases

The possible representative of public law, the private party, the private prosecutor and the accused (party to confiscation or party obliged to represent) may refuse members of the Government or of the Administrative Court, other officials or recorders, if they are able to state and present other reasons, apart from the cases mentioned in the preceding articles 8 and 9, which are suitable to cast doubt on the complete impartiality of the person to be refused.

Exclusion and rejection procedures

Art. 11

In general

1) Any member of the Government or of the Administrative Court, or any other official, shall refrain from any administrative action, in case of nullity, from the moment he or she becomes aware of a ground for exclusion.

2) Only if there is imminent danger and the appointment of a deputy cannot be effected immediately, such an official shall perform the urgently necessary administrative acts.

3) Every official, as soon as he or she becomes aware of a reason for exclusion or refusal, or of any other reason for his or her inability to perform his or her duties, is obliged to notify the Head of Government and, if he or she is concerned, the Deputy Head of Government. (Art. 88 of the Constitution).

4) If there is a reason for exclusion or an obvious reason for refusal, the head of the Government shall without further ado appoint a substitute for the member of the Government or of the Administrative Tribunal who is absent, or appoint a substitute for the other official.

Art. 12

Assertion of the rejection by the parties involved. Substitute appointment

1) In the case of collegial authorities, as a rule, the invitations to the members and the agenda with the indication of the parties concerned and the summonses to oral hearings, which shall contain the names of the persons involved in

The summons or subpoena shall be delivered to the parties to the proceedings, if known, in such time as to allow a period of at least 10 days from the date of delivery of the invitation or subpoena until the day of departure. As a rule, this shall also apply to summonses in preliminary or investigative proceedings.

2) The right of the parties to object shall be forfeited, provided that the period of notice referred to in the preceding paragraph is observed, if the request for objecting is not submitted to the Government at least five days before the date of the hearing.

3) Except in the case of the last paragraph of the preceding article, any refusal shall be finally decided by the Head of the Government and, if it concerns him or the President of the Administrative Tribunal, by the College concerned.

4) If a request for recusal is granted or if a member is excluded, the head of government shall appoint a replacement or another head of proceedings (official) in due time.

5) If, however, the number of members of an authority and their substitutes who have been excluded or rejected for cause exceeds three, or if a member permanently resigns as a result of death or illness or for other valid reasons, the Government shall immediately arrange for a replacement to be appointed by the competent authority.

Art. 13 *Obligation*

to reimburse costs

Repealed

Art. 14

Exclusion and rejection of other management bodies

1) The above provisions on exclusion and rejection also apply to

shall apply to officials and employees of the Government Chancellery, with the proviso that the head of the Government shall be called upon to make the final decision.

2) Government officials, such as land officers and the like, to whom the foregoing provisions do not apply, shall, if they are in a similar position to that which a member of the Government is in, have the following rights

would preclude reporting this relationship to the head of government. The latter shall issue the necessary measures of conduct.

Art. 15

Exclusion of the representative of public law

1) A person who is not a representative of the poor shall be excluded from intervening as a representative of public law if the reasons stated in Articles 6, 7 and 8 apply to him.

2) The representative is obliged to refrain from intervening in the matter for which he/she appears to be excluded from the moment he/she becomes aware of the reason for exclusion and to notify the head of the government thereof for the purpose of appointing a deputy, if any.

III. Management section

Art. 16

Convening and representing the authorities and meetings

1) The Government or the Administrative Tribunal shall be convened by the Head of the Government or the President, or at the request of a member.

2) The head of the government or the president represents the authority to the outside world.

3) As a rule, the Government meets once a week, and also as required. (Art. 90 of the Constitution).

4) The Administrative Court holds sessions as needed.

5) When arranging and holding meetings, care shall be taken to ensure that, on the one hand, pending matters are dealt with as quickly as possible and, on the other hand, that several administrative matters are dealt with at one meeting.

Art. 17

Fullness, deliberation and adoption of resolutions. File circulation

1) The Government and the Administrative Court must be fully represented during deliberations and decision-making.

2) The government takes its decisions by majority vote (Article 90 of the Constitution).

3) In other respects, with regard to deliberation and voting in the government and the Administrative Court, the relevant provisions of the jurisdiction standard shall apply mutatis mutandis in simple administrative proceedings (administrative compulsory proceedings) and the relevant provisions of the Code of Criminal Procedure shall apply mutatis mutandis in administrative criminal proceedings.

4) Before a meeting, the head of the government or the president may order the circulation of files among the members of the relevant collegial authority for the purpose of study and preparation.

IV. Miscellaneous provisions section

Art. 18

Compulsion and oath of office

1) Every citizen who is eligible to vote, unless he or she is already a member of the Government or of a judicial authority, shall be obliged to accept an election as a judge of the Administrative Tribunal for a term of five years, which shall fall upon him or her in accordance with the detailed provisions of the Constitution.

2) Any person who, without good cause, persistently refuses to accept such an office may be fined up to 1,000 francs by the Supreme Court, subject to appeal to the Supreme Court.

3) All public officials referred to in the preceding articles, with the exception of the representative of public law, shall, upon taking office, take the oath of office prescribed by the Constitution.

Art. 19

Responsibility

1) The members of the Government and the Administrative Tribunal or other officials deciding or ordering under this Law shall be responsible for exercising their office in accordance with the Constitution and the relevant laws.

2) Retrieved

3) Retrieved

4) Retrieved

Art. 20

Repealed

Art. 21

Reporting

1) Every year, by the end of February, the Government shall submit to the Diet a report on the entire administrative area, including the simple administrative procedure and administrative coercion and administrative penal procedure (Arts. 62 and 93 of the Constitution).

2) For this purpose, the Administrative Court shall also submit to the Government an official report on its activities.

3) The general report of the government shall contain, among other things, any observed deficiencies in the state administration and proposals for their appropriate remedy.

Art. 22

Prohibition of reporting

1) The members of the Government and of the Administrative Court shall not, in party cases, receive private visits from the parties or visit them themselves or invite them to their homes in order to report to them on the status of the administrative case, on its prospects, or to give them advice or information.

2) This prohibition shall not affect the efforts of a member to bring about a peaceful settlement in a pending administrative matter between conflicting parties.

3) The foregoing provisions shall apply to the director of the hearing, to the persons entrusted with the investigation in the administrative criminal proceedings and to other official persons deciding or ordering otherwise, unless otherwise provided by law.

Art. 23

Supervisory complaints

1) Supervisory complaints by the parties against the Government, the Head of the Government, the other members of the Government for improper conduct in the performance of official acts, for refusal or delay of an administrative act shall be filed with the Administrative Court, against other officials with the Government (Art. 93 of the Constitution), but if it is a disciplinary matter concerning a member of the Government, the Administrative Court or its members, it shall be filed with the Disciplinary Court as immediacy complaints (Art. 104 of the Constitution).

2) A supervisory appeal may also be taken if a formal appeal is not granted, the time limit for appeal is missed, or the instance of formal appeal is exhausted, unless exceptions exist (para. 5).

3) All complaints that are not manifestly unfounded shall be notified to the authority or official concerned with a request to remedy the complaint within a specified period and to report thereon or to disclose the obstacles encountered.

4) Complaints against officials and employees of the Government Chancellery and against executive organs for non-compliance with or incorrect execution of official acts incumbent upon them by law or ordered by the Government (officials), or for improper conduct, shall, unless otherwise ordered for individual cases, be submitted orally or in writing to the Government, against whose decision an appeal may be lodged within 14 days with the Administrative Court (Article 93 of the Constitution).

5) The appeal is not subject to a time limit if it is directed against the inaction of the authority or an official; however, if it is directed against an administrative act notified to the appellant, the time limit for filing an appeal is 14 days from the date of notification.

6) The complainant shall be notified of a reasoned decision, which shall be designated as a supervisory order or supervisory decision (Article 43 of the Constitution).

7) These provisions shall not affect more extensive provisions of the Constitution (Arts. 43, 62).

Responsibility and administrative assistance

Art. 24

Responsibility

1) As soon as an administrative case reaches the Government or another administrative authority or official mentioned in this Code, or the Administrative Court, the latter shall, without being bound by the information provided by the parties, investigate ex officio the circumstances relevant to its jurisdiction and, for this purpose, request the necessary clarifications from the parties.

2) In case of doubt as to whether a matter belongs to the legal or administrative process, the jurisdiction of the ordinary courts shall be assumed.

3) Any disputes over jurisdiction between courts and administrative authorities shall be decided by the

The State Court (Art. 104 of the Constitution) shall decide on disputes of competence within the administrative authorities. Disputes over competence within the administrative authorities shall be decided by the courts of appeal within the administrative authorities.

4) If the administrative authority concerned is not competent in an administrative matter, it shall, upon application or ex officio, pronounce its incompetence by means of a decision.

5) The administrative authority or the court may make the necessary precautionary orders during a dispute over jurisdiction in order to safeguard the public interest or to protect the parties or the purpose of the proceedings; in other respects, however, any enforcement proceedings shall be suspended for the time being pending the decision of the State Court, unless the safeguarding of the public interest requires otherwise.

Art. 25

Administrative assistance

1) The administrative authorities (officials) and organs of the Land and the municipalities, as well as the courts, shall assist each other in the performance or execution of administrative acts (administrative assistance, administrative assistance), whether or not such assistance is otherwise provided by law.

2) Domestic municipal administrative authorities may not, in important administrative matters, unless previous practice or laws provide otherwise

determine only by the government to grant assistance to foreign administrative authorities.

3) The extent to which the Government is authorized to render assistance to foreign administrative authorities or organs, either for itself or through other Land administrative authorities, shall be determined by the provisions relating thereto (treaties, administrative agreements, government declarations, laws or ordinances), by past practice or by counter-law, provided that such administrative assistance is not inadmissible under the principles of public law.

4) The Administrative Court shall decide on complaints by the parties regarding the refusal or granting of administrative assistance by the Government; pending its decisions, any assistance shall be suspended for the time being, subject to precautionary measures.

5) In carrying out the administrative assistance, the authorities (public officials) and their organs may use the means of coercion permitted in their sphere of authority, in particular penalties for disobedience, while leaving the appeal process free (Art. 29 para. 4).

Art. 26

Scope

1) The provisions of this chapter concerning the Government, the Administrative Court or other authorities or official bodies shall apply, unless exceptions are made, in all administrative cases to be settled by them, whether or not they are to be settled in the types of proceedings regulated by the following chapters.

2) In particular, when performing official acts, individual officials must check, in addition to their competence, whether they are required to recuse themselves or not.

II. Main section

The simple administrative procedure

I. Section General Provisions

A. Applicability

Art. 27

General rule of competence

1) The government or other competent official shall proceed in administrative matters (administrative orders, contracts, permits, awards, administrative acts establishing, amending or repealing rights, etc.) in accordance with the provisions of this chapter:

a) If, by law or valid regulation, it is required to hold a hearing with the participation of the parties, interested parties, etc., it shall be entitled to do so. (Art. 31), whether they are individuals or associations (companies) under public or private law, before issuing an order or decision, without more detailed provisions than those of a thorough or exhaustive investigation of the facts being issued for the proceedings.

b) In addition, the provisions of this Section shall be applied in addition to the provisions of this Act to the extent that the procedural regulations issued to the Government by laws or valid ordinances do not contain provisions on the circumstances covered by this Section.

c) Finally, apart from the exceptions stipulated in this main section, all binding decisions or decrees concerning rights or legal interests (claims and obligations) of individual specific persons shall be issued in the forms of the procedure prescribed herein.

2) To what extent the provisions of the simple administrative procedure also apply to the

The provisions on the application of the administrative enforcement procedure (Article 110) or the Administrative Court procedure (Article 104 of the Constitution) shall be determined by special regulations or laws.

3) The administrative authority (official) responsible for the main issue shall also decide on all preliminary and intermediate issues for its own area.

(Art. 73 and 74), unless there are final court decisions (judgments, land register decisions, etc.) on the preliminary or intermediate question or there are statutory exceptions.

4) In all other respects, the orders and decisions shall be issued without prejudice to any pri- vate and penal circumstances.

Art. 28

Public-law charges and receivables

1) For the purposes of the preceding article, the simple administrative procedure shall also be followed:

a) in the determination of public charges (in-kind contributions, such as common charges, preliminary charges and association charges) and public monetary charges (such as taxes, fees, taxes and contributions of any kind), insofar as they are to be determined in the sphere of activity of the Government by way of proceedings;

b) in the event of the assertion of claims under public law by a person or persons (corporations and institutions), whether these belong to the public or private sector, against the state, the municipality or other corporations or institutions under public or private law (in particular, claims for money, compensation, etc. arising from the public service relationship; claims for restitution and claims arising from public-law management without a mandate and compensation under public law, etc.);

c) in disputes between public-law entities and private persons concerning the existence, use and extent of property belonging to the administration or in common use.

Thus, the relevant provision of Art. 101 of the Final Title on the law of property shall be repealed.

2) Subject to the exception contained in the following article.

3) In the case of charges and claims under public law, five percent interest on arrears may be claimed from the due date.

Art. 29

Excluded administrative matters

1) The provisions on the simple administrative procedure shall not apply:

a) to all administrative matters which are settled on the basis of private law and for which the ordinary legal process is open and to all purely factual acts of the administration;

b) on electoral matters and the conduct of the census; on foreign and judicial administration business;

to matters concerning the supervisory relationship of the State towards the municipalities, unless this Act establishes exceptions (Art. 136), or the service supervisory relationship (internal matters, instructions);

to claims made against the government by an administrative authority equivalent to the government in the interests of the service branch, and vice versa;

The following shall also apply to the provision of information or simple notifications, petitions, confirmations, determinations, keeping of registers, general investigations, certifications (approvals) or other transactions of a purely formal nature, such as the issuance of identification documents, certificates and administrative acts of a similar nature;

also on charges and levies, if the law or valid ordinances determine and directly establish them, in such a way that a determination to be carried out in the simple administrative procedure is not required (Art. 121 and 125);

on the administrative penalty procedure;

finally, subject to the exceptions contained in this Law or in other laws and valid regulations, to all matters in which the Government (official) does not dispose of or decide on rights or legally recognized interests of the parties as such, including other care matters and administrative agreements.

2) If, however, in the matters excluded under b), apart from administrative penal proceedings and judicial and foreign administrative business, it is determined in a proceeding by official pronouncement vis-à-vis one or more parties (participants) in an individual case what should be or is legal for them (e.g. refusals (pronouncements of refusal, rejection of administrative acts) or in what way conflicting legally recognized interests should be delimited (decision), or if the administrative authority decides in a proceeding on the merits of the case. The court shall determine in the course of the proceedings what should be or is legal for one or more parties (participants) in an individual case (e.g. refusals, rejection of administrative acts) or in which way conflicting, legally recognized interests should be delimited (decision) or if the administrative authority (official) assigns a right to someone, revokes it,

or if it is a complaint and there is no special reason for it.

procedural rules are established, or the existing ones do not regulate all the circumstances specified in this Section, the provisions of this Section shall apply in accordance with Article 27 (Articles 86 and 90).

3) In case of doubt as to whether or not a matter is to be conducted in accordance with the simple administrative procedure regulated herein, the Government shall decide simultaneously with the main matter, and its decision shall in any case be subject to appeal.

4) Articles 59, 68 up to and including 72 may also be applied mutatis mutandis in administrative proceedings in matters excluded under the second paragraph.

Art. 30

Municipal administrative matters

1) The provisions of this chapter, with the exception of the provisions on service and the calculation of time limits, shall not apply to the proceedings in municipal administrative matters within the municipal authority's own sphere of action, unless other exceptions apply.

2) However, if an appeal is filed with the Government against a decision or order of the municipal authorities, the following provisions of this chapter, including the administrative prohibition procedure, shall apply to the proceedings before the Government.

3) The provision of Art. 90 par. 6a shall apply mutatis mutandis to complaints against municipal administrative authorities.

B. Parties and their representatives and advocates Art. 31

Parties

1) Any person who approaches an administrative authority (official) with a request that the latter perform or refrain from performing a sovereign administrative act in the legal interest of the applicant (interested party), or who, as a possible subject of a public duty or public right, is subject to proceedings intended for the determination of an obligated or entitled party, shall be considered a party in such proceedings. The party in question is the person who approaches the administrative authority (official) with the request that the latter perform or refrain from performing a sovereign administrative act in the legal interest of the applicant (interested party), or who, as a possible subject of a public duty or a public right, is subjected to a procedure intended for the determination of the obligated or entitled party, or finally, to whom the authority addresses an order or decision as a result of a procedure. The capacity of party (entitled person, interested party, etc.)

shall be determined in case of doubt with regard to the subject matter and on the basis of the applicable laws.

2) Public-law corporations, such as the state, municipalities, etc., and institutions, shall also be parties, unless they are acting in the exercise of their sovereign rights.

3) The legal capacity to act and to be a party shall be assessed in accordance with the provisions of the General Civil Code and other relevant laws, unless otherwise provided for in the administrative laws or in this Act.

4) In all other respects, the provisions of the Code of Civil Procedure shall apply mutatis mutandis in addition with regard to the capacity of the parties and of the parties to the proceedings, the capacity to intervene and any intervention, unless other provisions exist (Art. 32).

5) The authority (official) may, upon request or ex officio, order that third parties whose interests are affected by the decision to be taken or the order to be issued be joined as parties; an appeal may be lodged against the rejection of the request.

6) In this case, the decision or order shall also be binding on the respondent, irrespective of whether he participated in the proceedings or not.

7) However, the provisions on the obligation to reimburse costs shall also apply to him.

Art. 32

Authorized representatives and advocates

1) The parties, as well as their legal representatives, may be represented by proxies, unless their personal appearance is required, or they may also appear before the authority with legal or expert advocates (counsel).

2) Spouses and registered partners may alternately represent each other in these proceedings to the extent permitted by law. The same applies to parents vis-à-vis their children. With regard to the representation of corporations and institutions, the special provisions of the law or the articles of association shall apply and, in addition, the provisions of private law (Art. 139 Para. 4).

3) Persons who are in a permanent management relationship with a party may be appointed to represent that party on a regular basis in the committee formed by

proceedings governed by this main section shall be admitted only if they are

The company must be in a managerial position, e.g. as an authorized signatory, director, general representative or commercial deputy.

4) If difficulties arise due to the dissimilarity or simultaneity of the treatment of similar rights or interests vis-à-vis different parties involved in the proceedings and if, in order to simplify the proceedings, the parties connected according to common rights or interests can be grouped under one common representative (group parties) or under several, the administrative authority (official person) may appoint one or more such representatives at the risk and expense of the parties concerned, and may issue to them all orders and decisions, except those issued in the course of administrative enforcement proceedings. The joint representative shall be authorized by law to perform all acts in the place of the parties whom he shall inform thereof and who may enlighten him for this purpose, unless personal appearance is expressly required.

5) If the parties are requested to appear in person, they may be accompanied by their advocates for the purpose of representing their rights and interests.

6) The relevant provisions of the Code of Civil Procedure shall apply mutatis mutandis to the professional representation of parties and assistance.

Art. 33

Administrative powers

1) Powers of attorney to represent a party in administrative proceedings shall be issued either in writing, for which the signature of the written or mechanically produced power of attorney declaration shall suffice, or they shall be dictated orally for the record before or at the hearing.

2) Persons incapable of writing may issue a power of attorney under observation of the provisions of the General Civil Code (Section 886) or otherwise issue it on record.

3) Authentication of the signature or hand sign by a court or municipal authority shall be required only in the event that doubts arise as to the authenticity of the signature or hand sign, and even in this case shall be provided if

a domestic authorized party representative intervenes and confirms the authenticity by means of a handshake.

4) It is permissible that several parties by means of the same management proxy

appoint a proxy or advocate.

5) It is necessary and sufficient for the content of the power of attorney that it refers to the issuance of legally binding declarations, to the declaration of legal waivers and to the conclusion of settlements.

6) The effect and duration of the power of attorney shall be assessed by applying the provisions of the Code of Civil Procedure mutatis mutandis.

7) After the purpose of their retention has ceased to exist, the administrative powers of attorney shall be surrendered to the parties upon their request.

Art. 34

Admission to participation in the procedure

1) The determination and examination of the capacity of the parties and party representatives to be summoned to appear in court, the capacity to conduct the proceedings and the substantive legitimacy of the parties and party representatives to be summoned to appear in court shall take place prior to the summons.

2) The summons shall be issued in such a manner that the proceedings do not have to be interrupted due to the summoned parties' inability to conduct the proceedings or due to the summoned parties' representatives' inability to conduct the proceedings.

3) If it is not possible to conduct the examination prior to the summons, in particular, if in the case of the summons procedure, persons not summoned appear as parties, or if doubts arise as to the correctness of the result of the examination conducted prior to the summons, or if party representatives or legal representatives of the parties appear in place of the summoned parties, the examination ordered herein shall be conducted prior to the commencement of the hearing.

4) The examination of the capacity to proceed, as well as the ordering of measures made necessary by the incapacity of a party or by the incapacity of a representative appearing for the party to conduct the proceedings, as well as by the incapacity of a party, a legal representative or a proxy to make intelligible statements, shall be governed by the relevant provisions of the Code of Civil Procedure.

5) The appointment of a curator (guardian) for a party who is incapable of proceeding, as provided for in Section 8 of the Code of Civil Procedure, shall be made by the district court at the request of an administrative authority.

C. Costs in administrative proceedings Art. 35

Principles for the obligation to reimburse costs

1) In proceedings which may be instituted only at the request (intervention) of a party, such as for the granting of a permit, initiation of expropriation, concession, etc., the reimbursement of all costs and fees of the proceedings, as well as the costs incurred by the other parties besides the applicant, shall be imposed on the applicant.

2) If proceedings are necessitated by the unlawful condition of a site, the costs of both kinds caused by the same shall be borne by the party who is responsible for this condition through unlawful conduct; however, if there is no fault or the party responsible cannot be determined, the owner shall bear the costs.

3) In all cases, however, each party shall be charged with the costs of both types which it has incurred through wilful motions, wilful objections to motions of the other party or other actions aimed at dilatoriness or through such motions which are suitable to form the subject of independent proceedings to be conducted only at the request of the party.

4) If the proceedings are intended to decide on claims for monetary benefits filed by one party against another party, the question of costs shall be decided in accordance with the relevant provisions of the Code of Civil Procedure on the costs of proceedings.

Art. 36

Substitute provision for the decision on the question of costs. Joint and several liability

1) If none of the cases mentioned in the preceding article applies, the costs of the proceedings shall be allocated to the parties in a reasonable manner, the costs incurred by the parties shall be offset against each other or shall be allocated in a proportionate manner.

2) Several persons bound by an identical interest or united under a common representative (Art. 32 par. 4) or finally jointly guilty of an unlawful act or omission shall, if the application or the fault gives rise to an obligation to pay costs and an equitable measure of apportionment cannot be determined, bear the costs of the proceedings caused by their application or fault as well as those of the other parties on a solid basis.

Art. 37

Costs of the parties, agents and advocates

1) For the personal participation of the parties in the proceedings, the administrative

authority may, at its discretion, compensate them for the time spent on the basis of the usual local daily wage.

2) If they have been summoned personally for the purpose of being heard as a respondent, they may be awarded fees in accordance with the existing provisions for witnesses.

3) The remuneration of the representatives used by the parties and their advocates (counsel) shall be determined for the purpose of determining the claim for reimbursement of costs, taking into account the expediency and necessity of the steps taken by them and the importance of the subject matter of the proceedings, whereby the efforts of the representatives and advocates to clarify the factual and legal situation, to reach an agreement between the parties, and to conduct the proceedings quickly shall be particularly appreciated.

4) The same principle shall apply to the determination of the remuneration of the expert technical advisors of the parties, if there was a reason for their use in the proceedings at all.

Art. 38

Fees of witnesses and experts

The amount of the fees of witnesses and experts, the time for asserting the claim and the proceedings on this claim shall be governed by the relevant provisions of the Code of Civil Procedure.

Art. 39

Curator costs

1) The costs of the councillor, the establishment of which has been made by the district court in accordance with this Act, shall also be subject to administrative determination.

2) These costs as well as those of the appointment shall be borne by the party filing the application in the case of proceedings to be instituted only upon application of the party, without prejudice to the claim for reimbursement of costs to which it is entitled against other parties under the provisions contained in this Act.

3) In all other cases, without prejudice to the obligation of the parties to reimburse the costs of the proceedings, the costs awarded to the curator shall be reimbursed by the state, which shall also be liable for them in a subsidiary manner in the case of the second paragraph of this article.

Art. 40

Date of clarification of the claim for reimbursement of costs

1) The parties must clarify their claims for reimbursement of costs before the end of the administrative day, whether for the hearing of the parties or for the taking of evidence, which was designated as the last hearing by the chief negotiator (chairperson) at the opening of the hearing.

2) The attention of the parties shall be drawn to the claiming of their costs by the director of proceedings (officer conducting the proceedings) or the chairman of the relevant college and to the time by which the lists must be submitted at the longest; if necessary, they may be granted a supplementary period of not more than three days.

3) The clarification shall be made by submitting, if necessary, documented cost lists.

4) If partial decisions are rendered in a case, the submission of lists of costs shall be made no later than three days after the chairman has orally announced the partial decision or has declared that a partial decision will be rendered, unless the ruling on the costs is reserved by declaration of the head of the proceedings for the last decision rendered in the case.

5) If a decision is pronounced orally on the record, the decision on the costs for the written copy may be reserved.

6) If the procedure must be resumed for the purpose of supplementation, the preceding provisions shall apply mutatis mutandis to the clarification of the claims for reimbursement of costs.

7) In the case of orders or decisions issued in preliminary proceedings, the decision on costs shall be reserved for the decision on the merits, unless the administrative matter is settled in another manner.

Art. 41

Order as to costs in appeal proceedings

1) The provisions of the preceding Art. 35 to 39 shall also apply to the decisions of the Administrative Court or its President on the costs of the appeal proceedings, as well as to the costs of the entire proceedings in the case of annulment of decisions of the lower authorities or withdrawal (dismissal of the action) of the court's own motion.

2) In appeal proceedings, the claim for reimbursement of costs shall be filed, otherwise excluded, either immediately upon filing of the appeal, if the depositor waives oral proceedings, or before the decision after the oral proceedings.

3) In any case, the party shall still be given the opportunity to claim its costs in the proceedings.

4) In case of withdrawal of an appeal, the party withdrawing the appeal shall pay all costs of the appeal proceedings, unless the withdrawal is made by an authority or there is another agreement between the parties on the obligation to bear the costs.

Art. 42

Supplementary provisions. Amount of the reimbursement

1) To the extent that administrative laws or regulations or this Act do not contain provisions on the reimbursement of costs, the relevant provisions of the Code of Civil Procedure shall apply mutatis mutandis in addition.

2) The amount of the reimbursement of the party costs by the party liable for compensation shall be determined by the deciding or ordering authority (official) at its own discretion, taking into account the principles set forth in the preceding Articles.

D. Administrative Displacement and Poor Law Art. 43

1) The relevant provisions of the Civil Procedure Code shall apply mutatis mutandis to administrative appeals (provision of security) and the law on the poor in administrative proceedings, but the oath of poverty shall be omitted.

2) The head of the government or the official dealing with the administrative matter may be required to make an advance payment in cash or in stamps, or to provide a security (respite), for the expenses incurred by the state for requisitions, fees for witnesses and experts, inspection costs and the like as a result of official acts in the interest of a party, setting a time limit and threatening that in the event of non-payment, official action will not be taken to the detriment of the defaulting party (Arts. 46 and 61).

3) The head of the government or the official in charge of the proceedings shall decide at his own discretion, upon application or ex officio, whether a party is to furnish security or whether a party is to be granted the poor law in whole or in part, and finally whether a party is to make an advance payment in cash or in the form of stamps for the official costs.

4) An appeal against their decision may be lodged with the Administrative Court within fourteen days.

5) The Administrative Court shall make the final decision on administrative appeals and poor law in proceedings before the Administrative Court.

E. Notifications and bidding procedures

Art. 44

Deliveries. (Personal notification)

1) The summonses to the administrative hearing, the provisional orders, as well as the orders directed to the execution, the orders of the court, the orders of the court, the orders of the court, and the orders of the court.

The parties or their agents or joint representatives shall be served with proof of service, unless such persons have expressly waived such service, in the case of administrative bids, the decision on the merits of the case and, in general, all administrative acts subject to appeal, unless the bidding procedure is admissible or an emergency exists or personal notification is otherwise permitted under existing administrative law.

2) As a rule, all notifications from the Government, the Administrative Court, the director of hearings or other officials shall be executed by a delivery service; only exceptionally, if it appears to be in the interest of the matter, may summonses be executed otherwise in writing or orally by organs of the authority or the municipality.

3) Service shall be effected ex officio in accordance with the Service of Documents Act.

4) The order on this basis shall be made by the officer conducting the proceedings or by another officer (Art. 48, 54), and in collegial administrative proceedings, as a rule, by the head of the government, or, if necessary, by the secretary of the government, using the government chancellery and the official bodies.

5) If it is necessary to appoint a curator for a party in order to effect service on that party, the curator shall be appointed by the district court.

Art. 45

Bidding process

1) General orders, such as general orders to fulfill legal obligations (tax liability, etc.), general invitations to parties unknown to the authority to participate in administrative proceedings, etc., shall be issued by means of a public notice (notice), instead of by means of the service mentioned in the preceding article, if permitted by law or valid ordinances, or if it appears to be absolutely necessary, at the discretion of the official conducting the proceedings, for the official identification of the parties interested in an administrative act.

2) As a rule, the edict shall contain, in addition to the information required in the individual case:

a) the purpose of the administrative action to be taken or that has been taken and precise information about the action itself;

b) the time of their performance or the time by which the parties have to perform an act;

c) the consequences threatened by the law or the valid regulation in case of failure, omission or other default of the parties.

3) If an order is issued in the form of an administrative order, the above points shall be included in it mutatis mutandis.

4) The notice shall be published on the website of the authority and may also be published in other appropriate ways, in particular in the official gazettes.

5) If there is no imminent danger, service on known persons may not be circumvented by the bidding procedure.

6) These provisions shall not affect the promulgation of ordinances.

F. Miscellaneous Art. 46

1) With regard to the pleadings, which as a rule must be submitted in one copy, the time limits and the days of administration (hearings), the consequences of postponement and reinstatement, the interruption of the proceedings (Art. 73 and 74), publicity, which applies only among the parties involved, possible presentations by the parties and the conduct of the proceedings, the session police, the settlement, the minutes, records and penalties and Sunday rest, the provisions of the Code of Civil Procedure shall apply mutatis mutandis, unless otherwise provided by this Act, other special laws and valid ordinances or by the nature of the administrative proceedings as a unilateral or bilateral proceeding, which, in particular, is not subject to the provisions of the Code of Civil Procedure. The provisions of the Civil Procedure Code shall apply mutatis mutandis, unless otherwise provided by this Act, other special laws and regulations in force, or by the nature of the administrative procedure as a one-sided or two-sided procedure, which must serve in particular the protection of public interests while at the same time safeguarding subjective rights and certain private interests.

2) The postponement of a day's journey or the extension of a time limit set by the officer conducting the proceedings may take place upon unilateral request of the party only if there are no public reasons against it and if sufficient and, if necessary, duly certified reasons (illness, official business of a party or his representative, divine power, death in the immediate family circle or reasons

similar importance) for it

speak. Prior to approval, the possible opposing party may be heard.

3) Trusted parties or their representatives may be given access to the files of the proceedings for the purpose of inspection and transcription within a time limit set by the officer conducting the proceedings.

4) Files and other objects handed over to the authorities shall be returned to the parties as soon as the purpose of their retention by the Office ceases to exist.

5) They may waive compliance with the procedural provisions aimed exclusively at protecting the rights and interests of the parties, unless the provisions provide otherwise.

6) The incorrect or defective designation or naming of the actions taken by a party in writing or orally in the administrative proceedings is irrelevant, provided only the request or the purpose is clearly recognizable.

7) The government or official may require persons whom it deems suitable to draft a pleading to file a pleading instead of complying with the request to record the pleading. No appeal is admissible against this.

Art. 46a

Inhibition of time limits for appeal

1) Court vacations suspend the running of a time limit for appeal; the remaining part of the time limit starts to run at the end of the court vacations. If the beginning of a period falls during the court vacations, the period shall begin to run at the end of the court vacations. The duration of the judicial vacations shall be governed by the provisions of the Code of Civil Procedure.

2) The deciding administrative authority may decide that due to the urgency of the matter no suspension of the running of the time limit shall occur. Such an order cannot be challenged by an appeal.

G. Initiation of proceedings Art. 47

1) The initiation of proceedings for the issuance of an administrative interdict or for the issuance of an order or decision on the basis of an administrative interdiction

formal hearing of the parties within the meaning of this Act shall be conducted by the authority or official, without prejudice to any existing notification or

The court shall decide whether a public official or a private individual is under a duty to report, notify, declare, confess, etc., either by official action (official proceedings) or, if it concerns the assertion of rights (claims) and legally recognized interests of a party, at the party's request (proceedings at the request of the party), whereby the prerequisites and effects of the initiation are to be assessed in accordance with the existing, special or general provisions.

2) The special regulations contained in the valid administrative law provisions, in particular in the E-Government Act, and, insofar as these are silent or inapplicable, the provisions contained in this main part shall apply in the first instance to the party submissions (application, notification, etc.) in pleadings (petitions, applications, etc.) initiating the proceedings or to the oral submissions on pro- tocollation by the government or by an official person or office designated to receive them (Art. 46, 60 and 93).

II. Section

The administrative interdict procedure (decision or order without formal hearing of the parties).

A. The general administrative requirement Art. 48

Admissibility

1) An administrative order (decision or decree) may be issued by the Government, by the Head of the Government or by a member of the Government entrusted by the Government with the issuance of a decree (Articles 90 and 94 of the Constitution), or by any other official, upon request or ex officio, without the prior holding of a formal party hearing within the meaning of Section III:

a) If only one party appears before the authority (official) or if several unanimously proceeding parties are opposed as applicants and the application filed is already accepted on the basis of official knowledge.

the clear factual and legal situation can be granted in full (Art. 50 par. 3).

b) Furthermore, if the authority believes that it has sufficient official knowledge of the factual and legal circumstances relevant to its action, it may, without further proceedings, reject in whole or in part the application of a sole party or the unanimous applications of several parties, as well as decide on conflicting applications of several parties.

c) An administrative ban shall be issued in particular if a procedure is disproportionate to its success in terms of time, effort or cost.

d) Finally, an administrative order may be issued at the discretion of the Government, the head of the Government, the member of the Government, or the official charged with issuing administrative orders, and surveys may be conducted by the officials prior to the issuance of the order without the involvement of the parties, and for this purpose information (testimony, expert opinion) may be requested from third persons in accordance with the provisions of the following section.

2) An administrative interdict may also be issued upon request or ex officio, whether or not existing laws or valid ordinances prescribe the holding of a formal hearing of the parties; this hearing shall then take place only upon objection, unless exceptions exist (Arts. 49 and 50). However, if the government issues an administrative prohibition, only the review procedure is admissible against this.

3) Prior to the commencement of ordinary administrative proceedings or during the same, for the purpose of temporary settlement of an administrative matter, temporary maintenance of an actual state of affairs or prevention of an imminent serious disadvantage, except in the case of public danger (Art. 52), and except for safeguard proceedings (Art.

120) and subject to the final decision to be taken in the ordinary proceedings, a provisional administrative ban may be issued (Art. 94 para. 2 of the Constitution).

4) In municipal administrative matters, the competent municipal authorities (local councils) may issue administrative orders within their sphere of activity as defined in the first and third paragraphs, against which objections or appeals may be lodged with the Government in accordance with the following provisions.

Art. 49

Execution of the administrative ban

1) The written copy of the administrative ban according to the above Arti-
kels has to contain:

a) the inscription: Administrative messenger;

b) the designation of the issuing authority or official, as well as the parties and their legal or other representatives or advocates;

c) the formal decision on the merits or the final decisions taken on the merits.

orders, including the award of costs (Art. 81);

d) if the judgment requires special enforcement, the agreement of the parties thereon, at most the statement as to whether the judgment is to be deemed immediately enforceable for the parties or the fixing of the time limit within which the order for enforcement is to be complied with by the parties in the case of other compulsory enforcement (Art. 113, 116);

e) the facts of the case, i.e. the statement of the facts of which the authority became aware and on which the administrative decision was based, and the evidence that provided the official with knowledge of these facts, and the grounds for the decision (Art. 83);

f) legal instructions on the objection to be lodged with the government and on the time limit for lodging an objection or an appeal (Art. 85);

g) the signature of the issuing official.

2) In the issuance of a temporary administrative ban (Art. 48 par.

3) the above points are to be included mutatis mutandis with the remark that the order is valid for the time being and that the admissibility of the appeal to the government is mentioned in the legal instruction (Art. 50 Para. 7) and, as a rule, the administrative day for the investigation proceedings, if this order has not already been made for a pending proceeding, is precisely determined (Art. 73).

3) In the case of Art. 48 letter a, unless the party or parties have waived the right to a copy, the copy of the administrative order or of the administrative act replacing it shall contain, instead of letters c) to e) of the first paragraph of this Article, only the request that is granted and, in the legal notice, if any, the remark that only the request is granted.
complaint is admissible.

4) For the issuance of administrative messengers, forms should be used as far as possible.
turn.

5) A copy shall be omitted if all parties waive it or if it is a preliminary administrative order in a pending administrative matter and all parties are present at the pronouncement.

Art. 50

Objection. Complaint

1) However, in such cases (Art. 48), subject to the foregoing and the following exceptions, if even one party, provided that it does not agree with the enactment of

If the party which agreed to the administrative prohibition raises an objection against the issued administrative prohibition (decision or order) in whole or in part within the time limit for appeal due to the omission of the hearing of the parties, the administrative prohibition, whether it was issued for the benefit of other parties than the objector or not, shall be withdrawn in whole or in part by the office which issued it to the extent of the objection and, if necessary, ordinary proceedings shall be instituted in accordance with the following sections.

2) Third persons filing an objection on behalf of a party must be provided with a power of attorney.

3) However, if an administrative order has been issued on the grounds set out in Art. 48(c), it is at the discretion of the issuing office whether, in the case of an objection within the meaning of the preceding paragraphs, to withdraw the administrative order or to treat the duly substantiated objection as an appeal, unless the objector expressly requests the initiation of ordinary proceedings; in the case of Art. 48(a), only an appeal is admissible (Art. 49(3)).

4) The objecting party may request that the objection be treated as an appeal, that the ordinary proceedings be conducted simultaneously before the Administrative Court and that the matter be finally decided there on the basis of the hearing.

5) Any other appeal or request for remedy (submission, complaint, petition for review) filed within the appeal period against the administrative offer and designated in any way shall also be treated as an appeal if it is filed in due time against the discontinuation of the formal proceedings and its content does not indicate otherwise.

6) If an objection or an application equivalent in effect to an objection to an administrative order is not made within the time limit, the order shall be binding on the parties and may be enforced, if it has not already been enforced, upon application or ex officio (Art. 87 and 110 et seq.).

7) An appeal against a temporary administrative ban may only be lodged with the government.

8) In the administrative notices issued on the basis of the foregoing provisions, the issuing office shall draw the attention of the parties to the admissibility of the objection and its effects or to the possibility of contesting it by means of an appeal (Art. 85).

9) If the rights or legally recognized interests of a third party who has not participated in the administrative prohibition proceedings have been prejudiced by an administrative prohibition order issued, the third party may file an appeal within the meaning of the preceding paragraphs.

raise a third-party objection, or at most a third-party complaint (Art. 92 Par. 1).

Art. 51

Supplementary provisions

1) In addition to the articles of the preceding section, the provisions of the third section, in particular articles 81, 83 et seq., shall apply to the above administrative proceedings, if they do not refer to a formal hearing of the parties, and, in addition, the provisions of the Code of Civil Procedure on legal proceedings, insofar as these provisions are compatible with the public interests to be safeguarded, with the exceptions contained in the following paragraphs.

2) The parties involved do not need to be notified of the administrative prohibition if they have expressly waived it.

3) Reinstatement and reopening is permissible.

B. Immediately enforceable administrative bids and provisional administrative bids in Things of the danger police

Art. 52

Application

1) A hearing of the parties shall not take place:

a) when a law or a valid decree calls upon the Government or an official to issue an immediately enforceable order to be made without prior negotiation, as in the case of the dissolution of the Assembly, etc.;

b) further, if a provisional order is to be made to prevent danger to life, limb, health or property, and the facts of the case do not permit the postponement associated with a hearing of the parties and the formal taking of evidence (Art. 94, para. 2 of the Constitution).

2) In the latter case, however, the investigation procedure shall be initiated and the final settlement of the relationship (in accordance with Art. 73 Para. 3 of this Act) shall be made and, if it is suspected that the dangerous state of affairs with regard to safety has been brought about through fault, the initiation of the administrative criminal proceedings or the criminal court proceedings to determine the culprits shall be initiated at the same time. If, in order to avert a common danger, not a provisional administrative order but one pursuant to Art. 48 is issued, it shall be designated as such and only the review procedure shall apply.

3) Administrative bans (injunctions) to avert common hazards are to be applied in the case of

The court shall issue an order of special urgency orally, but otherwise in writing, to those persons or groups of persons who are responsible under administrative criminal law or other criminal law for the permanent maintenance of the condition of the dangerous object in accordance with police regulations or for the organization of the dangerous activity in accordance with police regulations.

4) The administrative order in matters of danger police is to be issued as a rule by the head of the government, in case of special urgency by the head of the village, the district officer or the local police officer or by otherwise responsible officials (Rüfemeister, Wuhrkommissär, fire department commander, etc.) (Art. 132).

5) An administrative order of this type shall be served on known, individual persons (Art. 44), and, if it is a notice to an unlimited number of persons, the provision on the procedure for issuing notices shall apply.

6) In the case of particular urgency, an oral opening by an official body is sufficient in any case, or, if necessary, announcement by conclusive administrative actions, such as simple or immediate use of force (e.g. roadblock).

7) Against immediately enforceable administrative orders, only the appeal procedure in the sense of the administrative enforcement procedure (Art. 114 ff.) is admissible, and in the case of administrative orders issued by the police in accordance with the preceding paragraph, an administrative day is usually to be ordered as soon as possible, apart from the admissible appeal against the use of force (Art. 132) (Art. 52 Para. 2).

Art. 53

Execution

1) The immediately enforceable administrative order or the administrative order to be issued in matters of danger police shall contain, if it is served or announced in the order procedure, except in case of special urgency:

a) the inscription: Administrative messenger;

b) the name of the authority, as well as the person or his legal or other representative to whom it is to be addressed in accordance with the third paragraph of the preceding article, or the group of persons to whom it is addressed;

c) the precisely circumscribed, immediately enforceable or danger police order;

d) the statement that the administrative order is to be considered immediately enforceable against the parties or against the group of persons or that it is only valid pro- visorily and a hearing is ordered and the possible ruling on the costs or the remark that their imposition is subject to a later hearing.

decision is reserved;

e) the facts of the case, i.e. a statement of the facts of which the authority became aware and on which the administrative order was based, and the evidence that provided the authority with knowledge of these facts;

f) legal information on the admissible legal remedies (appeal) and on the fact that these must be filed within the appeal period (Art. 52 par. 2 and 7) or, if necessary, the scheduling of an administrative day (Art. 54 ff, 73 par. 3);

g) the signature of the official issuing the administrative order.

2) Further it may still contain:

h) the determination of the coercive measure.

3) If the determination of the compulsory remedy is made in a special administrative compulsory order (Art. 113 para. 2), however, only an appeal may be filed.

4) In the case of issuance of administrative orders to an unspecified group of persons, the statement of the facts and the legal instruction pursuant to the first paragraph may be omitted.

III. Section Decisions or orders under

prior negotiation between the parties

A. The Investigation Procedure (Instruction Procedure) Art. 54

Purpose. Negotiations Manager

1) The purpose of the investigative proceedings with a hearing of the parties (commission investigation), which are to be initiated upon request or ex officio, is the exact investigation of the parties involved, the determination of the possible points of dispute, the all-round clarification of the factual and legal circumstances of an administrative matter, the collection and gathering of the evidence requested or deemed necessary for the rendering of a decision or the issuance of an official order by the official conducting the proceedings (director of hearings), subject to final approval, unless an exception exists (Arts. 63 and 77), by the governing body.

2) As a rule, the head of the Government or another member appointed by the Government shall be the officer conducting the proceedings (Art. 94 of the Constitution); however, the Secretary of the Government may be appointed by the Government for individual administrative matters or for certain types of such matters. In matters of financial administration, the State Treasurer, and in matters of public health and the like, the State Medical Officer or the State Surgeon may be appointed by the Government. the public health officer or the

Country veterinarian to be appointed.

3) In the case of administrative matters which, at the discretion of the head of the government (official), are of minor importance or smaller in scope, he may also, under his responsibility, entrust the competent local chiefs or municipal council clerks or a bailiff, with the assistance of the parties, with the survey in its entirety or on individual points.

4) Preliminary proceedings shall not take place if, at the request of the official conducting the proceedings or if the Government otherwise deems such proceedings unnecessary in view of the clear factual and legal situation, or if the administrative order issued, if any, is confirmed by a decision of the Government; in this case, only the review proceedings shall be admissible against the decision or order.

Art. 55

Openness, speed and equity

1) The official conducting the proceedings as well as the authority shall not only draw the attention of the parties to the subject matter of the proceedings in the summons to the parties, but also inform the parties with sufficient clarity before the opening and during the investigative hearing what is important for the decision or order and so that they are enabled to make their applications expediently and they do not lose too much time unnecessarily.

2) The authorities shall endeavor to ensure that the proceedings can be conducted in the clearest and most exhaustive manner possible, quickly, simply and inexpensively, without too much paperwork, and that the rights and interests of the parties are satisfied within the framework of public law by observing non-essential forms (Art. 94 of the Constitution).

3) In urgent cases or if this can be done without prejudice to the case and a party does not object to this on the grounds of omission of the summons, written information, if possible by telephone, may be requested from parties (Art. 57), witnesses and experts; this shall be noted in the files.

4) All motions and discussions of the parties that are irrelevant to the decision of the case shall be cut off.

Art. 56

Place and time of negotiation

1) As a rule, the hearing, including the taking of evidence, shall take place at the seat of the Authority (in Vaduz).

2) However, it shall be held at another location in the country if this would result in a

considerable savings in time and costs or a significant

The court can be expected to promote the settlement of the parties' dispute or the clarification of the facts.

3) The government may also, by means of a public notice in which the municipality and the time shall be specified, establish regular office days for the Lower Country for all or certain administrative matters.

4) In such a case, the official costs incurred shall, as a rule, be distributed accordingly among the administrative matters dealt with on the day of the Office.

5) With regard to the time for holding hearings or taking evidence, the wishes of the persons involved shall be taken into account as far as possible and care shall be taken to ensure that the persons participating in the proceedings incur as little time and expense as possible.

Art. 57

Process operation and course of the preliminary proceedings

1) Depending on the rights and interests to be pursued, the pre-trial proceedings may be initiated and pursued upon request or ex officio.

2) If and to the extent that this Act or other legal regulations do not prescribe a certain order of successive or interrelated actions of the authority (public officials) and parties in administrative proceedings, the official conducting the proceedings shall determine the order of procedural actions in the individual case.

3) The parties known to the director of the hearing or, if they are incapable of acting, their legal representatives, and also, in the case of bidding proceedings, any representatives of authorities to be involved, shall be summoned to the oral hearing in the pre-trial proceedings in good time so that they can appear prepared, clearly indicating the subject matter of the hearing.

4) If the purpose of a subpoena can be achieved by obtaining a written (telephone) statement and if the issuance of such a statement can be assumed with certainty in the case in question, a subpoena shall be dispensed with if the matter permits the postponement thereby required, unless the parties expressly request such a subpoena.

5) Witnesses and experts shall also be summoned to the hearing of the parties, clearly indicating the subject matter of the hearing, if it is likely that they will be able to testify without prejudice to the clarification of the facts.

the taking of evidence can be combined with the hearing of the parties and conducted on one administrative day.

6) If it is likely from the outset that it will not be possible to establish the facts of the case at a single hearing, the administrative days deemed necessary shall, if possible, be specified in the first summons, with emphasis on those intended for the taking of evidence.

7) In the latter case, no new summons is required if the administrative days can be held in accordance with the first summons.

8) The director of negotiations shall handle the negotiation police (Art. 46).

Art. 58

Procurement of the process material

1) The authority and the official conducting the proceedings shall be bound by orders such as, in particular, confessions, acknowledgements and waivers by parties capable of acting in the proceedings at the request of the parties to the extent that they are admissible within the limits of public law (principle of negotiation).

2) Insofar as the investigations necessary to clarify the facts of the case are required by official duty to safeguard interests to be protected by law and to satisfy them in an expedient and lawful manner, they must be conducted by the official and independently of motions, admissions, acknowledgements or waivers by the parties (principle of investigation). In the same way, the determination of the rights and interests of individuals and of private interests to be protected or taken into account in accordance with the law must be carried out, unless the official conducting the proceedings is relieved of this obligation by a deliberate and legally effective order (acknowledgments, confessions, waivers) of the entitled or interested party.

3) The official conducting the hearing shall, while observing these two principles, endeavor to ensure that the facts of the case are fully clarified and that appropriate motions are filed by the parties in this regard.

4) For the latter purpose, he is obliged to assist parties who are especially ignorant of the law and are not supported by legally competent party representatives.

Art. 59

Summoning the parties, witnesses and experts

1) The summons to the parties shall contain a list of the parties summoned in addition to the addressee, the subject matter of the proceedings, and also

The decision shall be made according to the situation of the file in case of absence (Article 12).

2) If the personal appearance is required according to the situation of the case, this shall be expressly noted in the summons to be served in person.

3) Anyone who is not demonstrably prevented from appearing by illness, infirmity or other justifiable impediment must obey the summons and provide information (Art. 71).

4) The summons to the witnesses and experts shall contain the reference to the consequences of disobedience established in this Law (Art. 70).

5) The parties may also bring witnesses who have not appeared before the director of the hearing.

6) Such witnesses shall only be entitled to a witness fee if their examination proves to be expedient for the progress of the proceedings.

Art. 60

Preparatory party statement

1) The parties shall be free to submit written statements on the subject matter of the hearing prior to the date of the meeting or to supplement those already submitted.

2) The relevant provisions of the Code of Civil Procedure on pleadings and statements on the record shall apply mutatis mutandis to these submissions or to the substitute statement on the record made to the government or to the director of hearings, with the exceptions contained below.

3) In the submissions, the parties may also request the summoning of parties, witnesses and experts who have not yet been summoned, apart from other requests relating to the subject matter, and may make legal submissions. Furthermore, the files and documents mentioned as evidence in the submissions shall be attached to them, if possible, or the information essential for obtaining them shall be communicated, if possible.

4) In administrative proceedings, the submission may normally be handed over in one copy, but if a submission has been handed over in several copies, the director of hearings shall serve one copy each on the other parties, if they are present, before the hearing.

5) If the chairperson of the hearing finds it necessary to inform the other party of the statements of the parties prior to the hearing, he or she may provisionally send a notice to the other party at the expense of the requesting party.

or request a corresponding number of copies from the applicant for this purpose.

6) The parties may inspect the statements of the parties and their enclosures prior to the hearing, and in all circumstances the main content of such statements and their enclosures shall be communicated to the opposing party at the latest at the hearing (Art. 46).

Art. 61

Late appearance for the hearing

1) If a party or a party's representative appears after the beginning of the hearing, any necessary examination (Art. 34) shall be carried out before the party appearing subsequently is admitted to the continuation of the hearing.

2) The person so admitted may enter the hearing only at the stage at which it is being held at the time of his appearance, unless he requests the determination of rights and interests which should also have been taken into account by the court.

Art. 62

Presentation of the subject of negotiation

1) At the end of the scheduled examination (Art. 34), the negotiator shall state the subject matter of the negotiation and, if it includes several

The President of the Board of Directors shall be responsible for the preparation of the report, which shall include all separable issues, carefully separating them and taking into account the last paragraph of Art. 60.

2) If a hearing has to be conducted in several administrative days, the official conducting the proceedings shall, at the beginning of each administrative day, clearly present the essential results of the previous hearings on the basis of their recording in the minutes and shall continue the proceedings after making any necessary corrections to this presentation, either ex officio or at the request of the parties.

Art. 63

Comparison test

1) If several parties with conflicting rights or interests appear before the authority, a noncoercive meeting to reach an agreement among them shall be opened before the actual investigative hearing.

2) The senior official shall exercise the utmost diligence to bring about a settlement

within the limits set for party disposition by public law (Art. 58) and not to leave any expedient and admissible means of bringing it about untried.

3) Even during the pre-trial proceedings, the settlement attempt shall be renewed if there are prospects for an amicable settlement.

4) For the purpose of an attempt at settlement, the files may be temporarily assigned to the competent local head.

5) The relevant provisions of the Code of Civil Procedure shall apply to the settlement attempt and settlement, with the restriction that a settlement cannot be concluded on an oath to be taken and the concluded settlement shall have the effect of a decision issued in administrative proceedings.

Art. 64

Party hearing

1) If the prior attempt to reach a settlement fails, the case shall be heard to the extent that this is the case.

2) The parties who have appeared or their representatives shall be heard in the order most suitable for a speedy clarification of the facts, with their

and legal explanations and proposals (consultation obligation of the authorities).

3) Each party must be given the opportunity to express its views on all facts and circumstances relevant to the subject-matter of the hearing, which have been presented by other parties, witnesses and experts, or which have been raised by the court, as well as on the motions presented by other parties, experts and witnesses, and to protect its rights and interests in general (Art. 32 Para. 4).

4) On the other hand, all motions and discussions that are not relevant to the matter at hand, as well as motions and discussions that are clearly aimed at harassment or procrastination (Art. 42), shall be cut off.

5) The limits of the consultation of the parties shall be determined for the time being by the official in charge of the hearing, subject to final settlement by the College or by an official designated for this purpose, in strict compliance with the principles set forth herein.

6) In this sense, it shall decide whether to respond to motions for evidence or other motions of the parties, which, pursuant to Art. 60, are filed immediately before the hearing or at an earlier stage of the hearing.

The court shall decide whether the delay should nevertheless be considered for reasons of public interest or because the delay is justified by reasons which would be sufficient for granting the restoration of the proceedings, and whether for this purpose the hearing should be adjourned for further proceedings and the party should be ordered to pay the costs of the hearing.

Art. 65

Taking of evidence in connection with the hearing of the parties and separate taking of evidence

1) If possible, evidence relevant to the disposition of the case shall be taken in the course of the investigative proceedings at the time and place suitable for promoting their conclusion.

2) However, depending on the circumstances of the case, an examination of evidence may be carried out by the director of the hearing or by a third party prior to the hearing, either at the request of a party or ex officio, in the interest of securing evidence or promoting a settlement between the parties.

The court may decide in which cases the parties are to be summoned for the taking of evidence by an authority (municipal office) or official appointed by the court.

3) This summons shall also be issued if, in the interest of clarifying the factual situation, a strict separation of the taking of evidence from the discussion of the case with the parties and the ordering of a separate administrative day for the taking of evidence appears to be necessary, or if the taking of evidence is to take place after the commencement of the collegial hearing by an authority (official) commissioned or requested by the deciding authority.

Art. 66

Participation of the parties in the taking of evidence. Publicity of the evidence for the parties

1) In all cases, the parties who have appeared shall be given the opportunity to participate in the taking of evidence.

2) The parties themselves as well as their legal representatives, agents, legal and technical advocates shall be admitted to ask relevant questions to the parties, witnesses and experts who are being heard.

3) All public and private documents on which the determination of the facts is based shall be presented to the parties or their representatives in the course of the taking of evidence for the purpose of making their statements concerning them.

4) This also applies from the outside of the hearing by a requested authority.

recorded minutes of an evidentiary hearing conducted by them.

5) The obligation to produce documents (obligation to produce documents) or other objects by the party, the opponent or a third party is excluded, unless special provisions exist.

Art. 67

Duty to provide information in matters of danger police. Presentation of movable objects, inspection and search of apartments and other premises and land.

1) In proceedings for the prevention of common dangers to life, limb, health and property, anyone, be he a party to the proceedings or

The defendant shall not be obliged to provide the information necessary for the proper execution of the defense measures and to produce the movable objects in his possession, as well as to grant access to all rooms and immovable objects in his possession, the inspection or search of which is indispensable for the same purpose.

2) The entry into real estate, residential and business premises, business premises and other premises for the purpose of their inspection or search shall be permitted, except for further legal provisions, only in the case of the first paragraph of this Article, furthermore only to the officer in charge of the proceedings or to the local head appointed by him, and only in the case that the occurrence of the dangerous event is imminent, also to the security organs on their own authority.

3) The inspection and search of private premises and land for the purpose of averting public danger within the meaning of the first paragraph of this Article, and the search of persons located there, may be carried out only under strict observance, mutatis mutandis, of the relevant provisions of the Code of Criminal Procedure or other existing provisions (Art. 134), in the case of other punishments (Art. 166).

4) In addition, any disruption of operations, as well as the investigation of private and business secrets that are irrelevant to the matter, and the search and seizure of papers of any kind, is prohibited and punishable.

5) The intended inspection or search of public buildings and land, except for premises open to the police (Art. 134), shall be made to the highest official or public body appointed to administer them or in

in his absence to his deputy and to execute the order with the participation of these persons or of persons assigned by them.

6) Administrative or other orders issued under this Article shall be immediately enforceable, subject to appeal and to the civil, criminal and disciplinary liability of the ordering official or the executive bodies (Article 19).

Art. 68

General duty to provide information, certificates and expert opinions

1) Apart from the provisions of the preceding article, the parties shall be obliged to provide information and the uninvolved parties shall be obliged to testify only to the extent that a general obligation to testify is laid down in the Code of Civil Procedure.

2) Its provisions are also decisive for the scope of the obligation to comply with the appointment as an expert by the authority (official).

Art. 69

Hearing of parties, witnesses and experts

1) The questioning of parties as respondents, as well as that of witnesses (memorial men) and experts shall be conducted unsworn.

2) However, if the parties are to be heard as informants for the purpose of the evidence, they must be made aware, as must witnesses and experts, of the civil and criminal consequences of knowingly making false statements or knowingly providing incorrect information.

3) Public officials who are to be heard as witnesses or experts on matters within their official knowledge must first be reminded of their oath of office.

4) Before being questioned, parties, witnesses and experts shall be instructed on the questions on which they may refuse to provide information, testify or give an expert opinion. The testimony may also be refused due to administrative penalties.

5) The parties shall be heard as far as possible before the witnesses, the witnesses individually, in the absence of those to be heard later; contradictory witnesses may be placed opposite each other.

Art. 70

Unjustified absence of parties, witnesses or experts

1) A party who has been duly summoned (Art. 59 par. 2), a witness or an expert who, without sufficient excuse, such as illness, infirmity, being prevented by official business, divine power or other justifiable impediments, is prevented from attending the hearing.

If a person is absent from a day's journey designated for this purpose, the College of Government or the official shall be required to reimburse him for all costs caused by his absence.

2) In addition, the absent person may be subjected to a compulsory summons with the imposition of a fine of up to 200 francs, depending on the urgency; however, as a rule, the summons may only be issued after the second fruitless summons.

3) In the event of subsequent justification of the absence, the administrative fine imposed and the cost imposition shall be withdrawn.

4) An appeal may be lodged with the Administrative Court against orders imposing administrative fines and costs if they are not withdrawn.

Art. 71

Unfounded refusal to provide information, witness statements and expert opinions. Knowingly untrue or inaccurate statements

1) Anyone who refuses to provide information, testify or give an expert opinion without a legally recognized reason (Art. 68) may be fined up to 500 francs by the government or, in the case of irrecoverability, imprisoned for up to ten days; this is subject to appeal.

2) In addition, the unlawful refuser shall be liable for the costs of the proceedings and of the parties caused by his refusal.

3) Any person who, in the administrative proceedings governed by this main section, knowingly makes untrue or incorrect statements on material points during his examination as a party, witness or expert after being reminded of the truth, commits an offence which may be punished by the district court with a fine of up to 1,000 francs or with a detention order of up to twenty days, unless this constitutes a serious offence.

4) These penalties may be elective or combined.

Art. 72

Supplementary rules of evidence

1) In other respects, unless the nature of the administrative procedure differs from the procedure in civil disputes, the general provisions of the Code of Civil Procedure on evidence and the taking of evidence, the provisions on evidence by documents, witnesses, experts, inspection of the parties and on the preservation of evidence shall apply in addition.

2) Orders on the preservation of evidence shall be issued by the head of government or his deputy, unless a director of proceedings has been appointed for a pending administrative case (Article 94 of the Constitution).

3) In urgent cases or if the matter does not permit a postponement, the head of the village or his deputy shall order measures to secure the evidence (examination of witnesses, eyewitnesses, etc.) either ex officio or at the request of the parties involved and shall record these measures.

Art. 73

Inadmissibility of special preliminary and intermediate disputes

1) With the exception of the refusal of the director of proceedings (Arts. 11 and 12), all preliminary and interlocutory questions of administrative proceedings, such as the competence of the authority, the refusal of experts, the objection to the decided case or its pendency, the admission of parties, the issuance of provisional orders, etc., shall be dealt with in the main case and, if possible, decided provisionally by the officer conducting the proceedings in the course of the oral proceedings (Art. 94 of the Constitution).

2) In all cases, however, if it appears advisable for the advancement or speedy completion of the matter or otherwise, he may obtain the decision of the Governmental College or, finally, all questions raised may be decided together with the main matter.

3) However, if by virtue of a statutory order a provisional order has been issued in the form of an administrative interdict (Arts. 52 and 53) or if a provisional order has been issued before or during the pre-trial proceedings (Art. 48), the administrative day for the hearing on the final settlement of the relationship shall be held simultaneously with the issuance of the administrative interdict.

The court shall issue a provisional administrative ban and hold it within a reasonable period of time, unless after issuance of a provisional administrative ban the necessary investigations can be carried out in lieu of an administrative ban. (Art. 54 para. 4, Art. 55 para. 3, Art. 57 para. 4).

Art. 74

Interruption of the proceedings due to preliminary and interlocutory questions

1) Apart from the rule of the preceding Article, in the case of preliminary questions (interlocutory questions) of a governmental, administrative, penal or private law nature, the Governmental College may, at its discretion, order the interruption of the administrative proceedings at the request of the official conducting the proceedings or of a party, if the thorough settlement of such preliminary question or interlocutory question requires special treatment.

2) The interruption lasts until a final decision is made by the administrative authority or the court.

3) If it is a matter of determining a private-law relationship or a criminal offense to be prosecuted only at the request of a private person, the government may set a time limit for the pending action, failing which the administrative authority may settle the preliminary or intermediate question for its area on its own initiative.

4) If the pendency of a preliminary question (interlocutory question) within the meaning of the preceding paragraph is shown, the administrative proceedings shall be interrupted until its final settlement only to the extent that it is related to these preliminary questions; in all other respects, the proceedings may continue.

5) An interruption shall not be granted or an interruption decision already taken shall be withdrawn if the postponement is detrimental to justified public interests or if there is imminent danger or, finally, if the preliminary question (interlocutory question) has been raised only for the purpose of harassment or delaying the administrative proceedings.

6) An interruption of the proceedings until the decision of the Constitutional Court (Art. 104, para. 2 of the Constitution) must occur if the question of the constitutionality of the laws or the legality of the government decrees to be applied is at issue.

7) In all cases, the ordering of protective measures remains reserved.

Art. 75

Recording of the hearing and taking of evidence

1) A formal record of the proceedings shall be kept by the officer conducting the proceedings or by a government official, which record shall be drawn up in accordance with the provisions of the Code of Civil Procedure on the recording of the proceedings and the taking of evidence.

2) However, for the time being, the official conducting the investigative hearing or the taking of evidence himself shall decide on all requests concerning the taking of minutes.

3) Inquiries conducted by correspondence or the taking of evidence by means of a written expert opinion do not need to be recorded, and in the case of inquiries of lesser importance, a simple note in the file is sufficient (Art. 55 par. 3).

4) In cases where the decision in the main proceedings may be pronounced orally on the record by the officer conducting the proceedings (Article 77), the pronounced decision or the order made shall also be recorded as a rule.

Art. 76

Closure of the investigation procedure

1) After the investigating official, at his discretion, considers the investigation procedure to be completed and the case ready for decision, he shall hand over the files to the Government College for a decision, if necessary with a clear written report.

2) However, even in the case of more important administrative matters, the officer conducting the proceedings may, prior to such referral, first request the applicant, then his co-parties and opponents, to inspect the files again and request any supplementary motions (Art. 46).

3) If, within the time limit set by the officer conducting the proceedings, one of the parties requests that new facts or evidence be taken, and if these requests do not indicate an intention to delay the proceedings, the officer may set a reasonable time limit for the other party, if any, to respond and thereupon decide on the further steps to be taken.

Maintain surveys or leave the decision on this to the College.

Art. 77

Decision or order by the head of government, his deputy or the head of negotiations

1) In less important administrative cases, the official conducting the proceedings shall, at the end of the investigation, ask those who are legally or otherwise directly interested in the proceedings whether they agree that the head of the government, his deputy or he himself should decide or issue orders instead of the College of Government.

2) The relevant consensual statement shall be noted on the record and signed by the parties involved.

3) If the parties agree and if, in the opinion of the head of the government, the deputy head of the government or the head of the proceedings, the matter is not an important administrative matter (Articles 90 and 94 of the Constitution), then, instead of initiating the final proceedings, the decision shall be rendered by the official designated by mutual agreement, observing the rules for the decision set forth in the following articles, and, if the parties so request, shall be issued.

4) Decisions or orders of this kind can now only be appealed in the review procedure.

B. The Closing Procedure Art. 78

Course of the hearing

1) In the College of Government, all important matters and administrative matters of simple administrative procedure, unless exceptions are stipulated, shall be submitted to collegial deliberation and decision-making on the basis of the report of the Instruction Officer (Art. 90 of the Constitution).

2) The meeting of the College shall be attended, as required, by specialists as speakers or experts in an advisory capacity, if matters relevant to their field are under discussion (Art. 91 of the Constitution).

3) The College may decide to summon the parties or their representatives and counsel to an oral presentation or to an attempt at settlement; it may also, if necessary, of its own motion or at the request of the parties, ascertain new facts or new requests for evidence, either itself or through a member of the government or another official body, or have the results already ascertained re-ascertained, or finally conduct the ascertainments itself, in which case the provisions on preliminary proceedings shall apply in addition.

4) In general, it may annul or modify, supplement or confirm all orders and decrees made by the officer conducting the proceedings in the pre-trial proceedings.

Art. 79

Evaluation of evidence

1) Unless otherwise provided by law, the government shall decide on the subject matter of the hearing on the basis of its own free conviction derived from the entire content of the hearing and the subject matter of the taking of evidence.

2) The facts put forward by a party may, if they are not included in the

The statements made in accordance with Art. 60 or disputed by one of the parties on the day of the administration itself shall be deemed to have been admitted.

3) After careful consideration of all the circumstances, the authority must also decide what influence it has on the determination of the facts if a party confesses, makes an acknowledgment or waiver or refuses to submit to formal questioning as a person providing information (Article 71), or if a person does not comply with the order to produce a document that is relevant for the taking of evidence, or if the statements as to whether he or she possesses such a document are not accepted. 71), or if a person fails to comply with an order to produce a document relevant to the taking of evidence of which he has admitted possession, or refuses to testify as to whether he possesses such a document, or if it appears from his testimony that the document has been deliberately destroyed or rendered unfit for use.

4) Art. 72 par. 1 shall apply mutatis mutandis.

Art. 80

Principles for the decision

1) (Announcement). The decision shall be announced orally to the parties on the record after the conclusion of the hearing with the parties and the taking of evidence, or it shall be delivered in writing. However, if in the opinion of the college a hearing of the parties is not necessary and does not take place, or if the decision is announced orally in the presence of the parties, a formal copy of the decision shall be subsequently served on the parties.

2) (Partial decision). If the subject matter of the hearing permits a separation into several points, each of them may be decided immediately when it is ready for decision and before the decision on the other points is taken.

3) (Completeness). The decision shall settle all applications relating to the main matter, unless a partial decision has already been taken on individual applications or it appears expedient to reserve individual applications for a decision still to be taken.

Art. 81

Barriers to the decision

1) In the final proceedings, the Government may not base its decision on facts and evidence of which the persons involved have not been informed and have not been given the opportunity to comment, whether in the preliminary proceedings or in the final proceedings (Arts. 64 and 66), unless they are advisory statements by the referees or experts within the meaning of Art. 91

of the Constitution.

2) The decision may not go beyond the subject matter of the hearing, and no party may be awarded more or different than claimed in the proceedings upon request.

3) In deciding on the merits of the case on the basis of this procedure, as well as in all other decisions or rulings, the authority shall comply with the provisions of the Constitution, laws and valid ordinances (Art. 92 of the Constitution).

4) Even in those administrative matters in which the law grants the authority a free discretion (administrative discretion), the limits imposed on it are to be strictly observed and, accordingly, the freedom of the authorities may not be interfered with.

The Constitution provides that the right to intervene in the affairs of individuals or in their property may be exercised only on the basis of legal authorization, and that free discretion may not be exceeded or abused (Article 92 of the Constitution).

5) The limits imposed on the administrative authorities by public law may not be circumvented by private-law undertakings on the part of a party when an administrative act is performed, nor may the parties be burdened in this way with services not justified in public law.

Art. 82

Written copy

1) The written copy of the decision shall contain:

a) the inscription: Decision;

b) the names of the members of the Government and of the official who conducted the investigation, and if the hearing was conducted on different administrative days and by different officials, the names of the latter, indicating the session conducted by them;

the names and surnames of the parties to the proceedings, their occupation and place of residence, as well as the names of the legal representatives of the parties attending the hearing, their agents, technical or other advocates;

as well as any representatives of the authorities or advising experts or specialists who may be consulted;

c) the formal decision on the merits or the final orders made on the merits, including the decision on costs;

d) if the decision requires a special execution, the pronouncement

whether the decision is to be considered immediately enforceable for the parties, regardless of whether an appeal is filed or not, or the determination of the time limit within which the judgment or the final orders are to be complied with by the parties in the case of other compulsory enforcement;

e) the facts on which the judgment or final orders are based and the reasons for the decision;

f) legal information about the admissible legal remedies (appeal), about the time limit to be observed when filing them and about the fact that they must be filed with the government;

g) the signature of the Head of Government or his representative (Articles 88 and 89 of the Constitution).

2) One copy shall be dispensed with in the event of waiver by the parties.

3) Forms may be used for issuing decisions. Art. 83

More detailed provisions on the content of the decision

1) The components listed in the above article must be clearly separated from each other externally.

2) In the statement of facts, the results of the preliminary investigation and of the main hearing, if any, shall be summarized as briefly, clearly and concisely as possible.

3) The requirement to state the reasons for the decision shall be satisfied only if it contains the legal principles applied by the authority in the case decided and if the reasons indicate the intention to justify the decision taken in a convincing manner.

4) In particular, it must be clear from the reasons for the decision which considerations guided the authority in its assessment of the evidence.

5) If there are no deviating regulations or if no deviations result from the nature of an administrative act, the facts at the time of its issuance shall form the basis for the decision.

Art. 84

Correction and addition to the decision

1) (Correction.) Clerical errors, miscalculations and other similar obvious inaccuracies may be corrected at any time by the authority ex officio and without hearing the parties.

2) However, the appeal against the correction is admissible within the same period as against the decision itself.

3) The effect of the decision against the parties shall in all circumstances commence only from the date of service of its formal copy, which we

The correction shall be effective from the date of delivery of the corrected copy to the parties.

4) (Addition.) If a claim raised by a party on the merits or the issue of costs has remained unsettled, the missing settlement shall be added on the basis of an oral hearing to be announced only for that party, if this addition appears to be required by the court or, if this is not the case, the application for this addition is filed by the party disadvantaged thereby with the government within the time limit opened for him to challenge the decision.

Art. 85

Remedies

1) Each office shall expressly state in its decisions or orders whether they are subject to further appeal and, in the affirmative case, shall indicate, together with the time limit for appeal, that the appeal is to be lodged with the government.

2) In the instruction, it must be pointed out that the appeals may be filed orally at the Government's pro- tocoll or by means of a petition.

3) If an incorrect time limit for appeal is stated in the decision and it is longer than the fourteen-day time limit, the right of appeal shall be preserved during that longer time limit. If a shorter period is specified, the statutory period shall apply, and if the appeal notice is missing at all, the appeal period shall not run.

4) If the instruction does not designate the government, but instead incorrectly designates another office to receive the appeal, the time limit for appeal shall be deemed to have been observed even if the appeal was submitted to the incorrect office.

5) The latter office shall forward the appeal ex officio to the government.

Art. 86

Distinction of the administrative executions

1) In general, administrative authorities and public officials shall draft all acts (decrees, findings, notices and letters of any kind) addressed to other authorities or parties in a clear and unambiguous manner, so that there is no doubt as to whether the act in question is

a) party claims of the administration, instructions, advice, warnings, statements of opinion or intention, or other statements, etc., which do not in themselves constitute a violation of a personal right or legally protected interest, or

b) total or partial refusals of certifications, etc. (Versa- gungsaussprüche) or orders (Verwaltungsbote) or decisions which can only be appealed (Art. 85). (Versa-gungsaussprüche) or orders (Verwaltungsbote) or decisions that can only be appealed (Art. 85).

2) An official administrative act within the meaning of this Section, unless otherwise provided by the individual provisions of this Act (Art. 27 et seq. and Art. 29, para. 2) or other statutory provisions, shall be, in particular:

a) an order aimed at a certain external result, which in particular as an order (command or prohibition) aims at a certain behavior of third persons or occurs as a constitutive order, if by virtue of legal authority of the competent authority (official) with effect from the time of its issuance new public rights (obligations) or legal relationships are established, existing ones are changed or cancelled;

b) a decision (administrative decision, order establishing a legal position), if rights or legal positions or legally recognized interests are or are to be established by a decision of the authorities in an individual case (Article 87(3), Article 29(2)).

3) An administrative command is to be considered as an order or a decision, depending on its content.

4) In other respects, it shall be determined in accordance with the provisions of this Act, in accordance with the otherwise existing provisions of administrative law or, finally, in accordance with general principles of administrative law and established doctrine in the sense of the rule of law, whether there is a decision or order in accordance with the preceding paragraphs or another administrative act and what legal effects are attached to its pronouncements or to the legal issues decided in the grounds of an order by a judgment (legally decided dispute in the case of decisions, revocability or revocability ex officio in the case of orders) (Art. 29 paras. 2 and 87).

5) In which cases formal decisions or orders (administrative bids), whether to establish or structure legal relationships or rights

oder rechtlich geschützten oder zu berücksichtigenden Interessen, sei es zur Recht- fertigung einer Verfügung (Verwaltungsbots) zu erlassen sind, ist aus den einzelnen Verwaltungsgesetzen oder gültigen Verordnungen, aus der Natur der Sache, insbe- sonders auch aus den in diesem Gesetze hinsichtlich der Parteien enthaltenen Ver- fahrensgrundsätzen zu bestimmen (Art. 29).

Art. 87

Binding nature, immutability and indisputability of rulings (administrative orders) and decisions

1) The extent to which decrees or decisions that have been issued, apart from their nullity and their unlawfulness that can only be asserted by means of a challenge, must be recognized as binding with regard to the fact of their existence (effect of the facts), both vis-à-vis the persons involved and vis-à-vis other state authorities (courts), is to be assessed in the individual case on the basis of the existing laws or valid ordinances or according to general principles of law (Art. 104 Para. 2).

2) The pronouncements of those orders or decisions which they can no longer challenge in the same proceedings by means of an ordinary legal remedy (appeal) shall be irrevocable and formally final vis-à-vis the parties; and those decisions shall be formally final vis-à-vis the authority which are issued in party matters under public law or in rights or legal relationships otherwise governed by non-mandatory legal provisions, i.e. where, in particular, the public interest is not at issue.

3) In public law party matters or in rights or legal relationships otherwise governed by non-mandatory legal provisions, the substantive legal force (declaratory effect) of a decision shall also come into effect and, at most, the objection of the matter having been finally decided may be raised.

4) The question of whether and to what extent, in case of doubt, the pronouncements of decrees or decisions issued have formal and substantive legal force, or whether they have such force because of the public interest to be safeguarded (public welfare) or for other legally permissible reasons (e.g. forfeiture clause, reservation of revocation).

The Administrative Court shall decide ex officio or, upon application, in the last instance.

Art. 88

Supplementary regulations

1) Insofar as a deviation is not included in the preceding articles or is

If the nature of the administrative proceedings does not provide for such a ruling, the provisions of the Code of Civil Procedure on judgments shall apply mutatis mutandis.

2) With regard to the enforceability of an order or decision or an administrative prohibition, reference is made to the provisions of the administrative enforcement procedure (Art. 116).

IV. Section

The review procedure (appeal) Art. 88a

Referral

The provisions of the first and second sections of this chapter shall apply in addition to the review procedure, insofar as no deviations result from this and the following provisions.

A. Presentation (Remonstration) Art. 89

1) By means of a presentation (request for reconsideration, remonstration), the person affected by an administrative prohibition, order or decision may address the authority (official) issuing the administrative act, either independently or in connection with the complaint or the objection, with the request for amendment or withdrawal of the administrative act issued by it, because it is erroneous or unlawful, or because circumstances and considerations exist which, in the opinion of the applicant, have either not been taken into account at all or have not been taken into account to a sufficient extent (Art. 106 Para. 5). 106, para. 5).

2) The presentation is also admissible in all those cases where, according to the existing regulations, a complaint cannot be filed or can no longer be filed.

3) If the presentation has been filed within the time limit for appeal or objection and the government or the official (Art. 48, 53 and 77) is unable to comply with the party's request, the presentation shall be treated as an appeal or objection, unless the party has expressly waived the latter.

4) The lower instance (government or official), on the other hand, may treat a complaint as a presentation in the sense that it complies with the request after reconsideration of the case for reasons of public law or interest by amending or withdrawing the earlier order (administrative order) or decision (statement of claim).

5) In addition to objections and appeals (supervisory appeals), the presentation may also be used to submit petitions for review, which appeal to the goodness of the higher authority, or petitions for a stay of execution or similar (Art. 115 and 116).

6) If, as a result of a presentation or an appeal, the government or official decides or orders a new decision in the matter, the time limit for appeal shall be calculated from the service of the new decision. If, on the other hand, a negative decision is issued, the time limit shall run from the old order or decision.

7) Prior to the execution of a presentation, the lower court may notify the parties involved in the case other than the applicant, stating that they are free to inspect the statement or submission together with its enclosures, to take copies and, within a reasonable period of time set, to submit a counter-proposal either on the record or in writing (Art. 46).

8) On the basis of a presentation, the government (official body) may amend or revoke an administrative order, decree or decision only if and to the extent that third parties have not already acquired a right, unless the revocation or amendment is in the public interest or the third parties agree to it.

9) If the issuing authority (public official) has made a decision or order at its own discretion, it may not make a decision or order that is detrimental to the public interest ex officio and without the need for

The court may withdraw or amend the contract after hearing the party, unless the rights or private interests to be taken into account by law or legal provisions require the cooperation of the parties.

10) In all other respects, the provisions on complaints shall apply mutatis mutandis to the presentation and counter-presentation.

B. The administrative appeal (recourse) Art. 90

Admissibility. Reasons and request

1) An administrative appeal may be lodged with the Administrative Court against all final decisions (administrative acts) of the Government, its head, special commissions appointed in place of the Government, or other officials, and against all other contestable orders (administrative orders) and decisions under the second or third principal part, unless other special means of appeal are provided for.

2) Wherever the existing provisions of administrative law refer to appeals, challenges, appeals to the higher authority, etc., or to appeals, recourse, etc., without further designation, and unless the obvious meaning of the provisions or the nature of the matter indicates otherwise, this shall be understood to mean the remedy of administrative appeal, irrespective of whether or not the administrative act subject to appeal was adopted in accordance with the procedures laid down in this Act, or whether it is based on any other procedure.

3) The complaint may be accompanied by representations, petitions for review, notices of removal of objectively unlawful administrative acts or acts detrimental to the common good, etc. (Art. 89).

4) In particular, an appeal is also admissible if the lower instance has made a decision in a matter outside its jurisdiction. In such a case, the higher instance may not reject the appeal filed against it as inadmissible on the grounds of lack of subject-matter jurisdiction.

5) All decisions and rulings made by subordinate authorities (public officials) with the content of procedural law shall be subject to separate legal action, with the exception of specifically stated exceptions.

The appeal shall be joined with the appeal on the merits of the case.

6) The administrative appeal (legal and interest appeal) may be directed against an unlawful action and settlement in the administrative matter or against the fact that the lower instance, by its conduct or settlement, has directly injured or disadvantaged the complainant in his legally recognized interests or interests to be protected by the authority or, finally, against the fact that the complainant's interests have been treated in a directly inexpedient or inequitable manner. (Grounds of appeal).

6a) If the appellate authority is competent to decide on an order or decision of a sub-administrative authority, but this latter administrative authority has not taken a decision within three months from the date of the request of this party, after the expiry of this period, the parties may consider the request as rejected and may take the appeal in this sense.

7) The ground of appeal of lack of jurisdiction shall not exist if the Government or its head has issued any contestable administrative act instead of an official of the Land otherwise declared competent on the basis of this Act.

8) The application for appeal may be for amendment or cancellation of the contested decision.

9) An incorrect designation of the appeal, the reason or the request shall be irrelevant if only the request is clearly identifiable (Art. 46 para. 6); however, in such a case the authority may charge the negligent party with the additional costs of the proceedings caused thereby.

Art. 91

Complaint deadline

1) The time limit for appeal is fourteen days; it cannot be extended, except in the case of incorrect information on the right of appeal (Art. 85).

2) It shall commence for each party when the written copy of the decision or order is served on him or her, but if all parties are present or have waived service, when the decision or order is announced.

3) If the appeal is filed by telegraph within the appeal deadline, the appeal must be filed within the next three days if the deadline is to be considered met.

Art. 92

Entitled to appeal

1) Apart from special provisions, anyone who considers himself directly adversely affected (injured or disadvantaged) in his rights or legally recognized interests or interests to be protected by the administrative authority is entitled to appeal, whether or not he was involved in the proceedings before the first instance (Art. 31 and 32).

2) A self-governing body shall have the right to complain, except in the case of its being a party to the proceedings, if its right to self-government has been infringed or discriminated against by the Government, the head of the Government or any other authority or official of the country that decides or decides (Art. 136).

3) The head of the government (the representative of public law) shall be entitled and obliged to file an appeal (official complaint) for reasons of public interest, if the decision (order) cannot be modified or withdrawn in any other way; if he wishes to do so, it shall be announced as a rule in the announcement and in the copy of the decision, stating the reasons. The public interest (public welfare) shall be deemed to be involved above all if a principle of particular importance to the administration or questions of authority organization or competence (Art. 90 para. 7) come into consideration.

Art. 93

Appeal filing. Content

1) The complaint may be lodged by submitting a written statement to the Government or by making a corresponding statement on the record (Art. 46, para. 7), and in the latter case the official recording the complaint orally on the record shall request the complainant to state precisely the grounds of the complaint, to make a specific request, and to state the facts and evidence to be adduced in support of the grounds, and shall instruct the complainant on the legal consequences of failure to state such grounds (Art. 90).

2) The complaint filed in writing (Art. 46, 47) or orally on record shall contain:

a) the designation of the contested decision or order or of the prohibition of administration;

b) a statement as to whether the administrative act is contested in its entirety or only in individual parts and, in the latter case, the exact designation of the contested part;

c) the statement of the grounds of appeal and the requests;

d) the actual arguments and the evidence by which the grounds for challenge are to be supported and proven;

e) the signature of the complainant.

3) The administrative appeal may also contain legal arguments and statements on the probability and credibility of individual factual allegations or on the presumptive probative value of offered evidence.

4) As a rule, the notice of appeal shall be submitted in one copy; however, both the head of the Government and the President of the Administrative Tribunal may, in the case of more important administrative cases, subsequently request that one copy each be submitted to the party involved and the opposing party, or that a copy of the record be prepared.

Art. 94

Counterstatement of the opponent of the challenge

1) The filing of an appeal by a party shall be notified to all other parties, if any, stating that they are free to inspect the statement or submission together with its enclosures at the reviewing body and to take copies thereof and to file their counter-statement or response to the appeal with the Government within a period of fourteen days.

2) The head of government may also, at his discretion, have the notice of appeal, together with enclosures, served on the co-respondents and counter-respondents with an order to reply and, if necessary, extend the time limit for replying appropriately.

3) If the party contesting the appeal has submitted a copy of the notice of appeal for each opponent, or if the opponent has submitted a sufficient number of copies of his reply, one copy shall be served on each party other than the party submitting the appeal. For this purpose, sufficient copies of the notice of appeal may also be served.

copies are requested or copies of the minutes are made (Art. 92).

4) Within the non-extendable period of fourteen days from the notification of the filing of the appeal, the possible opposing party or co-participant may join with new motions, factual and legal statements (cross-appeal).

Art. 95

Referral to the Administrative Court. Preliminary examination

1) Upon receipt of the complaint and any counterstatements, the files with a list shall be submitted by the head of the Government to the President of the Administrative Tribunal without an accompanying report.

2) The President, or a member designated by the President, shall pre-screen the case, make a report and motion to the College, and issue such preliminary orders for hearing and decision as the President deems all due.

Art. 96

Rejection of the appeal on formal grounds

1) The decision on the admissibility of the appeal and its late filing shall be made by the Administrative Court (Art. 90).

2) If the appeal suffers from such deficiencies that can be remedied quickly without the need for the collegium to be consulted (e.g. If the appeal suffers from such deficiencies, the quick remedy of which seems possible without the welcome of the College (e.g. unclear application for appeal, lack of power of attorney of the representative), the President or the judge of the Administrative Court entrusted with the preliminary examination may, on his own initiative, with the assistance of the parties involved, arrange for the necessary, such as a hearing on the record by the lower instance or by himself, requesting reports, or request the challenging party to remedy the deficiencies within a short, non-extendable period of time.

3) If the contesting party refuses to remedy defects and no cross-appeal has been filed, or if the time limit for appeal has been missed, or if the appeal is inadmissible for other procedural reasons (Art. 90 para. 5), then

it shall be rejected if the contesting party is opposed by other parties to the proceedings interested in the opposite direction.

4) The appeal shall also be dismissed against the party who has validly waived the challenge or declared its withdrawal with settlement of the question of costs (Art. 41).

5) For one of the formal reasons mentioned in paras. 1, 3 and 4, the president may reject or dismiss the complaint in his own capacity. The College shall decide on the complaint lodged against such a decision of the President (Art. 89).

6) However, the dismissal shall not affect the power of the Administrative Court to treat the complaint as a complaint and, as a supervisory authority, to provide for the public interests to be safeguarded ex officio by such orders as are suggested by the content of the dismissed complaint that is found to be credible (Art. 106).

Art. 97

Order of additions to the procedure

1) If the facts of the case require supplementation in material respects, the case shall be returned to the lower instance with the participation of the parties for the purpose of supplementation or the taking of the inquiries requested by the parties.

2) However, the Administrative Court may also have the necessary supplementation and recording of the investigations carried out by the President or another member designated for this purpose, or carry them out before itself on the administrative day.

3) However, the decision on the basis of the supplemented facts shall be reserved to the Administrative Court (Article 100(7)).

Art. 98

Annulment of the contested decision on the grounds of substantial defects in the proceedings and on the grounds that the facts of the case were not in conformity with the file.

1) If the proceedings suffer from a substantial defect, the contested decision shall be set aside for this reason, with a precise designation of the defects that have been committed, and the case shall be returned to the government or other official body for correction of the same and for a possible new decision (Art. 106).

2) This provision shall also apply in the event that the decision is based on an allegation of the government (official) that is contrary to the record in a material respect.

Art. 99

New facts and evidence

1) Unless otherwise provided by law, the submission of new facts and evidence in the appeal proceedings up to the time of the decision shall be admissible without restriction and shall be taken into account, provided that it is not submitted in order to delay the case.

2) New facts and evidence presented in the appeal proceedings may only be considered in those cases in which the challenging party is opposed by other parties interested in the opposite direction if they serve to support the grounds for challenge or if they require intervention on the part of the court.

3) In both cases, the President of the Administrative Court or another member designated by him shall carry out the collection of facts and evidence with the participation of the parties or shall instruct the government (official) to carry it out; depending on the situation, it may also be left to the government to conduct the oral appeal hearing.

4) If the Administrative Court wishes to base its decision on a substantially new set of facts not previously discussed with the parties, it may use these facts only after hearing them (Art. 64), whereby it may change the relevant facts of an administrative decision only with the consent of the parties, and may change them in the case of a constitutive order even without their consent.

5) In all cases (par. 2 and 3) the decision shall be reserved to the Administrative Court.

Art. 100

Suspensive effect and jurisdiction of the Administrative Court

1) Articles 88 and 116 shall apply mutatis mutandis with regard to the suspensive effect of the appeal filed.

2) The Administrative Court shall have the jurisdiction and duty of a full instance with respect to the case brought to it by appeal (unlimited review), unless rights or legally recognized interests of parties are at issue in detail.

3) Accordingly, the Administrative Tribunal may, ex officio, order an oral hearing with presentation and submissions by the parties, take evidence and generally conduct the entire proceedings anew.

4) However, the Administrative Court may also, if it does not consider an oral hearing to be necessary or if the parties have not expressly requested such a hearing, examine the challenged decision ex officio on the basis of the case file in all directions relevant to its continuance, but in particular also with regard to its expediency and fairness, observing the limits for the decision (Art. 81) (Art. 102 para. 2).

5) The Administrative Court is not bound by the reasons given by the parties for this, nor is the annulment of the decision (Articles 98 and 99) dependent on a prior complaint of the parties aimed at this annulment.

6) If the lower instance has declared itself to be without jurisdiction in a matter, the Administrative Court, if it considers that it has jurisdiction, shall not decide itself, but shall, unless there is an appeal to the contrary, order the lower instance to decide on the merits.

7) If the Government (official) has exclusive competence under the existing regulations to set the administrative act in question, or is otherwise competent in this manner according to the meaning of the legal provisions, the Administrative Court may only annul the challenged execution and order the Government to issue a new order or decision.

Art. 101

Content of the decision

1) The decisions of the Administrative Tribunal shall be governed, mutatis mutandis, by the rules established for the decision of the Government, subject to the exceptions contained in this section.

2) In particular, the decision shall contain a clear statement as to whether the contested settlement is confirmed, annulled or amended.

3) If the repeal or amendment is only partial, the items repealed or amended shall be precisely identified.

4) A special presentation of the facts and the reasons for the decision may only be omitted if and insofar as there is agreement on these points between the Administrative Court and the lower instance, which must be expressly mentioned in the decision.

5) The decision of the Administrative Court has a clear indication to

contain that it is final.

6) If the lower instance orders the delivery of the decision of the Administrative Court to the parties and at the same time issues another order or decision in execution thereof or independently of the higher decision, the latter shall be clearly separated from the notification of the higher decision (Art. 113).

Art. 102

Cancellation or amendment to the advantage or disadvantage of the contesting party

1) In order to comply with mandatory legal provisions, the Administrative Court shall amend or annul (eliminate) the contested decision or order to the benefit of the appellant even in the absence of a request to that effect by the appellant.

2) The Administrative Court may, in its capacity as supervisory authority, annul or amend the decisions or orders of the Government or of other officials appealed against before it, also to the detriment of the appealing party, on the grounds of a substantial infringement of such public interests as are to be safeguarded by operation of law.

3) He shall be entitled and obliged to verify the legality of the procedure carried out and on which the decision is based and, in the event of omission of mandatory statutory provisions, in particular with regard to jurisdiction, to insist on their compliance even ex officio (Art. 106).

4) Apart from statutory exceptions, the annulment or amendment of a decision to the detriment of the appellant and to the advantage of mere rights or private interests of third parties is not admissible, insofar as the latter have not also contested the decision.

Art. 103

Supplementary provisions

In addition, the provisions of the first and third sections of the Code of Civil Procedure on appeals shall apply mutatis mutandis to the appeal proceedings, insofar as the latter do not appear to be inapplicable in view of the nature of the administrative proceedings.

Art. 103a

Where the government or a special commission appointed in lieu of the government acts as supreme authority, appeals against acts of the lower authority shall be heard,

unless other laws provide otherwise, the provisions on the appeal procedure shall apply mutatis mutandis.

C. The restoration (reinstatement and reinstatement)

1. At the request of the party

Art. 104

1) Applications of the parties for reinstatement (purification) due to failure to perform a procedural act (Art. 46) or for reinstatement (open right or new right) of proceedings closed by the decision or order (administrative order) on rights or interests of parties in detail shall be decided by applying mutatis mutandis the relevant provisions of the Code of Civil Procedure concerning the grounds for the grant and concerning the conduct of the new proceedings, unless a deviation arises from the special provisions or from the nature of the order for reinstatement proceedings.

2) A reopening shall also be granted if a party other than the applicant and the applicant's predecessor in title, when being questioned as a respondent, agrees on a material point with a false statement.

(Article 106), or if on a preliminary or intermediate question which does not fall within the competence of the authority deciding the main question in the administrative case, a substantially different decision is rendered by the other authority otherwise competent for the preliminary or intermediate question (Article 105(7)).

3) Third parties who were not parties to the proceedings preceding the decision or order or who were not summoned may file an application for reopening within a period of four weeks from the date on which they demonstrably became aware of the existence of the decision (order) by any means or on which it was made public, unless the prerequisite pursuant to para. 4 of this Article is fulfilled.

4) The granting of reinstatement shall be refused if open arrangements have already been made for the execution of a decision contested by the applicant and six months have already elapsed since its commencement.

5) However, a hearing of the parties shall not be held if only one party is involved in the proceedings on the merits and the authority responsible for granting the permit shall, in view of the situation, grant the permit without hearing the parties.

can.

6) Furthermore, the government (official) shall be responsible for conducting a hearing of the parties on the applications referred to in the first paragraph if the Administrative Court is also responsible for granting the permit; in this case, the Administrative Court shall order the lower instance to conduct the hearing of the parties.

7) Whether and to what extent the application for reinstatement or reopening has the effect of suspending the execution of the decision or order shall be decided upon application by the office granting the reinstatement or reopening, applying Articles 115 and 116 mutatis mutandis.

2. Resumption of proceedings Art. 105

1) The reopening of the closed proceedings shall be ordered by the court at any time if it is highly probable that the proceedings will be resumed, unless this is precluded by res judicata or the law provides for an exception.

it is apparent that a decision or order that has been issued is based on an incorrect assessment of the hearing material or on the authority's ignorance of the facts and evidence, and that this has led to a significant infringement of public interests that must be protected by law (Art. 106).

2) If this assumption concerns the decision of the Administrative Court, the head of the Government shall make the provisional order required by the circumstances (Art. 48, para. 3), such as suspension of the execution itself, and shall immediately notify the Administrative Court thereof, which shall give the further orders to the head of the Government with all possible expedition.

3) In all cases, the formal decision on reinstatement shall be made by the authority whose decision is challenged by the reinstatement.

4) If the matter concerns the Administrative Court, it may, subject to the decision on readmission, instruct the government or the official who otherwise acted in the first instance to conduct the hearing of the parties without delay.

5) A new decision on the merits of the case may only be made by the first-instance authority, or by a municipal authority if the latter first made a decision or order, in compliance with the procedure for appeal.

6) If, in particular, a decision or order has been annulled in the Administrative Court, it may not be subsequently reinstated by means of a new decision in the public interest, revoking the appeal decision, but the Administrative Court may only order the lower authority to make a new decision.

7) A change in the legal opinion of an authority (official) may not result in a reopening (withdrawal), but a subsequent change in the relevant facts may, provided that the substantive legal force of an administrative decision does not prevent this and provided that the change is likely to result in a different decision or order than the one already made.

D. The annulment (cassation) Art. 106

1) The Administrative Court, as the supervisory authority, shall at any time, upon notification by a party, on the basis of a supervisory complaint or official knowledge, review an order or decision as to whether it would be capable of producing legal effects (nullity) or not (invalidity) in the reopening proceedings (Art. 105) or, if necessary, upon application by a party (notification) in the appeal proceedings (Art. 90, 96, 98, 100 and

102) to be declared null and void:

a) for the purpose of remedying a substantial infringement of public rights or interests, which must be observed in accordance with the legal provisions regulating the administrative procedure or otherwise in accordance with the Constitution, laws or valid regulations;

or to safeguard the rights and interests of a party to be taken into account in accordance with the mandatory public right;

b) due to the factual or local lack of competence of the authority (official) which issued the decision or order; unless an exception pursuant to Art. 90 para. 7 applies;

c) if the order or decision orders something that is actually or legally impossible, i.e. in particular violates a mandatory or prohibitive law; if the prerequisites for the issuance of the administrative act were completely lacking or the free discretion was blatantly exceeded or abused; or finally

d) if the administrative act has been fraudulently obtained by providing incorrect information.

2) Due to significant violation of rights or interests of a party, the

A decision, order or administrative prohibition may be annulled only if public law requires that they be taken into account and they have not been taken into account in the present case. In this case, however, the annulment may be made in the mere interest of a party only if the legal position of bona fide third parties other than the person in need of assistance is not violated and the legal force of the administrative decision is not opposed.

3) The Administrative Court may, subject to discontinuance (Art. 107), depending on the state of the case:

a) annul the administrative act in whole or in part with effect from the day of the annulment or eliminate it retroactively to the day of its issuance, insofar as a partial annulment is possible and in the latter case it shall specify the annulled parts;

b) after annulment (removal), if necessary, to order the lower court to conduct a new hearing and make a new decision on the basis of new investigations.

4) If the lower instance is ordered to make a new decision on the basis of the old facts, it shall be bound by the legal opinion of the Administrative Court.

5) If the Government receives a complaint or a representation that a decision or order issued by it or by another official is null and void, or if it perceives a ground for nullity in its official capacity, it shall, taking into account the above provisions and those concerning the representation, withdraw the administrative act or, depending on the situation, issue another one in its place.

6) The parties concerned shall be heard before a new decision is issued and shall be notified both of such decision and of the revocation.

7) The parties may appeal against the decisions made by the lower court.

E. The cessation (suspension) Art. 107

1) In simple administrative proceedings (administrative enforcement proceedings), the Administrative Court, as the supervisory authority over the Government and its members, and the Government, as the supervisory authority through its head, over the municipal authorities (Art. 136) and over the civil servants (officials) otherwise subordinated to it, may, on the basis of a supervisory complaint (Art. 23), on the occasion of any other complaint, or on the complaint of a party or of the head of the Government (Art. 90 of the Constitution), decide whether or not to initiate administrative enforcement proceedings.

or finally otherwise on the basis of official knowledge by means of an order of discontinuance:

a) to issue a formally completed administrative settlement to the parties or

b) to execute or cause to be executed a settlement already served by those offices on the parties (Art. 115).

2) Such discontinuance may be effected only to prevent unlawful or improper infringement of public rights or interests or to protect the personal rights or interests of a party which are the beneficiaries of the public right or which must be taken into account by the authorities, and, in the last resort, to protect the personal rights or interests of a party which are the beneficiaries of the public right or which must be taken into account by the authorities.

In other cases, the right of access may only be exercised if it does not infringe or endanger the recognized rights of third parties (Arts. 106 and 116).

3) The supervisory authority shall, on the basis of existing laws or this Act, simultaneously with the discontinuation order or subsequently, order what is to be done with the discontinued order or decision or what is to take its place.

4) Appeals against such orders shall be admissible if they do not emanate from the Administrative Court.

F. The explanation

Art. 108

1) If, in a party case under public law, the provisions of a decision or order or of an administrative document containing the pronouncement are, apart from mere clerical or arithmetical errors or erroneous designations (Art. 84), obscure, ambiguous or contradictory in themselves, an application may be made to the same office which last issued the administrative act, and if this office no longer exists, to the Government, for an explanation thereof.

2) The request for clarification may be filed at any time and only in case of an unalterable (final) administrative act; during the contestation period only presentation, or at most appeal, is allowed.

3) The request shall be made orally to the Government for the record or submitted in writing, stating the defective passages verbatim and requesting the required wording in a specific and precise manner.

4) If the rights of third parties are affected by the administrative act to be explained, the third party shall be given the opportunity to make a counterstatement within a reasonable period of time, on pain that silence shall be deemed to be a violation of the rights of the third party.

Consent.

5) The competent administrative body shall decide without oral proceedings and an appeal against its decision shall be admissible only if it is not a decision of the Administrative Court.

6) The competent office shall also decide, if necessary, on the suspension of the execution of the contested administrative act with regard to the requested clarification.

7) The right to protect the public interest by reinstatement (annulment) is reserved, irrespective of the limits of the ex- ploration.

G. Requests for review. Notifications Art. 109

1) To the extent not precluded by law or valid regulation, a party may, without contesting the decision or order, seek equitable relief in whole or in part from the consequences of a decision or order (Art. 115).

2) As a rule, the government shall decide on the application; however, if the application is connected with a complaint, it shall as a rule be settled at the same time as the latter, unless its content indicates otherwise.

3) The provisions on supervisory complaints, discontinuance, annulment or reopening of official proceedings shall apply, depending on the grounds and purpose of the complaints, to complaints filed by the parties on the grounds of violation or disregard of essential provisions or public interests outside of a complaint procedure.

4) The intervening person shall be given a reasoned response to a request for leniency or a complaint.

III. Main section

The administrative enforcement procedure

I. Section General Provisions

Art. 110

Application

1) The following provisions on administrative coercion are applicable in the field of public administration, including municipal administration, for the compulsory enforcement of official enforceable orders, decrees (administrative bans) or decisions (settlements, declarations of obligation),

the orders or decisions

The provisions of the law shall apply to all administrative proceedings, whether final or not, and whether they have been concluded in accordance with the procedure laid down in the second main part or in accordance with any other procedure, if a law or a valid ordinance does not contain or in any way refer to more detailed provisions on the compulsory administrative procedure.

2) If and insofar as a law or a valid ordinance regulates the compulsory procedure, these special provisions shall be applied first and the following ones in addition.

3) Insofar as the following provisions do not contain anything or do not contain anything to the contrary, the provisions of the second main section shall apply mutatis mutandis.

4) The enforcement of private-law claims against the Treasury, public-law corporations and institutions, and the Princely Domain Administration shall be carried out by way of judicial execution (Article 100 of the Constitution).

Art. 111

Coercive authorities and bodies

1) Where there is no exception in laws or valid ordinances or in this Act, the head of the Government (Art. 90 of the Constitution) and, in municipal matters, the head of the municipality, unless the latter requests the head of the Government to do so, shall order the administrative coercion.

2) If, however, a decision is to be made in the administrative enforcement procedure, the government or the municipal council shall be competent upon application by the parties or ex officio, and the government or the Administrative Court shall be competent in the appeal procedure.

3) In the absence of a legal exception, the organs for the execution of administrative coercion shall be deemed to be the land officers, public servants, local police officers and local sergeants; and the authorities ordering administrative coercion shall not, as a rule, also be authorized to actually exercise such coercion.

4) Insofar as the public law decisions or orders are to be enforced in accordance with the provisions of the judicial execution procedure, the regional court and its enforcement bodies shall act in an official capacity, and for this purpose the enforceable administrative acts shall be submitted to the regional court (Article 168).

5) All coercive bodies shall, before exercising administrative coercion, make themselves known as to their authority, so that the person against whom coercion is to be exercised is not in doubt as to the authoritative character of the body.

Art. 132 par. 3 to and including 5, shall apply mutatis mutandis.

6) Domestic authorities and official bodies may only grant administrative assistance in accordance with Art. 25 for the application of compulsory measures under public law in respect of foreign orders or decisions.

7) If a conflict arises in the order or execution between a judicial and an administrative execution, the latter shall prevail over the former where the public interest is exclusively or predominantly in question; if a public danger to life, limb, health, safety or property arises from the execution of a judicial execution, the same shall, upon objection by the Government, be refrained from until the decision of the State Court; If, however, the public interest is not at stake, or if for other reasons the conflict between the Government and the court cannot be settled by mutual agreement, the State Court shall decide on the appeal of one of these authorities or of one of the parties (Art. 24).

Art. 112

Restriction and proportionality

1) If the means of coercion permissible for the enforcement of public-law acts, tolerations or omissions are precisely defined by law or a valid ordinance, no other means of coercion may be used.

2) In the absence of such a restriction, or in the absence of a provision on administrative coercion, the administrative coercion authorities and their organs shall require a statutory authorization for coercive measures only to the extent that they order more or less to be done, tolerated or omitted than is provided for in the original order complying with the law (police order).

, financial order, etc.) was included.

3) In all cases, the principle that the coercive authorities and bodies may not order or use a stronger means of coercion than appears absolutely necessary to secure or achieve the intended result shall apply in administrative coercion proceedings.

4) If several means of coercion are permissible and suitable for the enforcement of the same administrative act, but are of unequal effect against the person concerned, the less severe means shall as a rule be applied before the more severe ones.

5) A specific means of coercion shall be threatened each time, and two different means of coercion may not be threatened simultaneously, nor may all means of coercion permitted by law be combined in the threat in such a manner.

that the authority is free to choose the means to be applied in the near future. Coercive penalties and detention as a substitute shall be considered as one means of coercion.

6) On Sundays and public holidays, as well as at night (Art. 134, para. 4), administrative enforcement actions may, as a rule, be taken only in urgent cases or if otherwise required by the purpose of the administrative enforcement.

Art. 113

Inducement and threat

1) The administrative authority shall, in the case of enforcement of benefits in the public interest, order enforcement ex officio or, if the enforcement serves rights or interests of a party, only at the request of the duly designated party.

2) The application of administrative coercion shall normally be preceded by a threat, either in the order or decision itself, or by a special order of administrative coercion, namely in the case of orders to do something, with the setting of a reasonable period of time for execution, unless it is a matter of immediate administrative coercion or otherwise of urgent measures or of security proceedings, or unless otherwise provided by laws and valid regulations.

3) In particular, the threat of coercive measures shall be made prior to the enforcement of services that depend only on the will of the obligor.

4) Unless otherwise provided for in the existing regulations, the requests and other notifications to be made by the enforcement body in the case of an administrative enforcement action shall be made orally and, if this is not possible due to absence, in writing.

Art. 114

Contestation of compulsory orders or decisions

1) Once a decision or order (administrative prohibition) has become legally binding on a party, the admissible legal remedy, with the exception of the retrial, can only be based on the fact that the coercive measures ordered by the authority are not permitted by law, or that they violate the rights or interests of the contesting parties by exceeding expediency and necessity (proportionality), or that the ordering authority is not competent.

2) A challenge of an enforcement measure by a party shall be excluded in particular by an already existing final decision of the

The decision of the Administrative Court on the legality of the coercive measure threatened and ordered or the expiry of the time limit for appeal, unless it is claimed that the execution does not comply with the decision of the Administrative Court or that the type and amount of the coercive measure is unlawful.

3) If a remedy in administrative enforcement proceedings is not expressly excluded, limited or not mentioned in special laws or valid regulations or in this Part, an appeal may be lodged with the Administrative Court within 14 days from the date of service of the enforcement order (decree, administrative order, decision or administrative enforcement order) or of the implementing measure, except for a supervisory appeal, under the conditions specified in the preceding paragraphs.

4) Insofar as the Regional Court has to carry out the security and compulsory enforcement, the remedies and legal remedies permitted in the law on security and compulsory enforcement for the obligor or third parties shall apply.

5) Third parties who have not participated in the previous proceedings and who consider that their rights or legally recognized interests have been violated or endangered by an act of compulsory enforcement may, in the case of compulsory enforcement to be carried out by the administrative authorities, complain to the Administrative Court (Arts. 92 and 104); in the case of judicial compulsory enforcement, the remedies and legal remedies provided therein shall apply.

Art. 115

Hearing of parties in administrative enforcement proceedings

1) A formal hearing of the parties may, with exceptions, be ordered by the head of government in administrative enforcement proceedings only if there is reasonable doubt about it:

a) Whether the facts of the case have not changed with respect to those assumed in the decision or order in a manner precluding its execution and, therefore, a reopening (Art. 105) is admissible;

b) whether the execution ordered did not miss the right person or the right object.

2) If the elimination of these doubts appears to be in the interest of the party only, the request of the legitimated party shall be awaited and only then shall it be acted upon:

a) If the applicant substantiates the information provided by him/her that is suitable to justify the initiation of the proceedings or, at most

b) lodges with the Authority a security sufficient, at the discretion of the Authority, for the reimbursement, if any, of the costs of the proceedings and the costs and damages incurred by the parties.

3) In case of initiation of the proceedings ex officio or at the request of the parties (application for review), the authority shall consider to what extent the execution of the decision or order should be suspended and to what extent a provisional order (Art. 48, third paragraph) should be issued and executed in order to safeguard the public interest or the parties interested in the execution of the decision.

4) The further procedure shall be governed by the provisions contained in the first main part (Art. 54 et seq.).

Art. 116

Postponement of the administrative constraint

1) Unless an exception is justified below, decisions or orders of the government or its head or other competent officials (Art. 48, 52, 77) or of the municipal authorities shall have a suspensive effect if they are contested by appeal or presentation within the time limit.

2) In the event that the Head of the Government considers that a decision taken by the Government violates existing laws or regulations in force, he may withhold its execution, but he shall report it without delay to the Administrative Court, which shall decide on its execution without prejudice to the right of appeal of any party (Art. 90 of the Constitution).

3) In addition, the appeal against a decision or order of an administrative authority shall not have suspensive effect if

a) the immediate execution of the same appears to be required by a public interest to be safeguarded by the authorities or if

b) the postponement would cause a disadvantage to the party in whose favor the decision or order was issued, for which it is unable to obtain compensation for factual or legal reasons.

4) Pursuant to this provision, in the second case, the postponement of compulsory administrative measures, subject to its admissibility to be examined from the point of view of the public interest, shall be granted if the authority obtains the consent of the parties in whose favor the contested decision was taken.

The court shall decide on the granting of the license if it is shown in a documentary evidence that the debtor has suffered a loss of profit, or if the contesting party undertakes in a documentary evidence to compensate its counterparties for the pecuniary loss, including the loss of profit, resulting from the postponement and to provide an adequate security for this purpose to be determined by the authority after hearing the parties involved and, if necessary, by experts.

5) If a party refuses to comply with these conditions despite the willingness of the contesting party to comply with them and to make the legally binding declarations relating thereto in favor of the refusing party, the authority shall disregard the refusal.

6) The dispute about the actual compensation to be paid as well as the re-alization of the security provided for the parties shall be reserved for the legal process.

7) Appeals against provisional orders required by public interests (administrative orders) cannot have a suspensive effect (Art. 52, 67).

8) The decision on the suspensive effect of an appeal, as well as the granting of other similar measures, shall, in principle, be made by the court of first instance, subject to the right of appeal.

The right of appeal is reserved to the authority or official issuing the order or decree, unless otherwise provided by law (Art. 48, 77 and 78).

9) However, this authority or official must comply with the instructions (e.g. suspension) of the supervisory authority issued to it by the authority or on the basis of party requests (Art. 108).

Art. 117

Mandatory penalty

1) Except in the case of compulsory collection, it shall be left to the discretion of the authority (official) whether, if the circumstances permit such a postponement, it should, before taking other drastic but permissible enforcement measures, try a temporary prior threat and subsequent imposition of fines up to the amount of 5,000 francs (disobedience fine), which shall be collected by way of compulsory collection. If the fine cannot be collected, it shall be converted into imprisonment, with one day's imprisonment being counted for every 50 francs; if necessary, the fine may also be converted into work for the country or a municipality, and 30 francs may be counted for one day's work (Art. 139).

2) In the case of corporate bodies (corporations and institutions) and societies, fer-er the underage, disobedience (order) penalties shall be imposed on their representatives (Art. 139).

3) This penalty may be repeated by the Government College with the proviso that the total amount of the fine imposed shall not exceed 10,000 francs or the imprisonment in lieu thereof shall not exceed three months.

4) Retrieved

5) An order imposing a penalty for disobedience shall have a suspensive effect until any appeal against it is settled, and the penalty may not be modified in the review proceedings to the detriment of the person appealing against it.

6) Detention shall be carried out by the court in a place designated for this purpose, which shall, if possible, be separated from the rooms designated for the execution of sentences or for pre-trial detention, and all detention costs, including the costs of boarding, shall be collected without further ado in the compulsory collection proceedings.

7) The arrest shall be made on the basis of an arrest warrant issued by the district court at the request of the administrative authority (public official), which shall specify, in particular, the reason for the arrest, by the executing body, which shall present the arrest warrant at the time of arrest.

8) Imprisonment may not be executed as long as it exposes the health of the infracted person to a close and considerable danger, and it shall be interrupted ex officio if such dangers arise after its commencement.

9) The general provisions of the Penal Code shall not apply to the penalty of insubordination, and the penalty of insubordination shall not be recorded in the criminal record, nor shall the person concerned be treated as a recidivist or otherwise credited for having served the penalty of insubordination.

10) A disobedience penalty that has not yet been imposed without appeal may no longer be enforced if the administrative purpose to be achieved by it has been achieved or has lapsed; and it may be reduced or waived by the authority (official) if the administrative purpose is achieved or lapses during the enforcement of the disobedience penalty; finally, the government may, at its discretion, if there are circumstances worthy of consideration, waive the forfeited disobedience penalty in whole or in part, grant payment in installments, or otherwise grant deferment.

Art. 118

Thwarting of administrative coercion

Retrieved

II. Section

Administrative Enforcement in Particular Art. 119

General provision

The securing of future enforcement and the execution of enforceable decisions or orders (administrative orders), whether or not they are final (Art. 110), shall be governed by the laws of the Republic of Poland, unless otherwise provided for in the preceding or following Articles.

The provisions on the judicial execution of the law apply to all cases in which the debtor's assets are included in the debt.

A. The safeguard procedure Art. 120

1) In order to secure the future execution of claims under public law, the means of security permitted under the provisions of the law on judicial execution and other laws and regulations in force shall be used (such as prohibition, sequestration, incorporation by way of security, etc. Art. 168).

2) Temporary custody of the obligor or refusal to hand over the identification documents (document attachment) to secure public-law property claims may only take place in the cases provided for by law.

3) The certificate of imminent danger of frustration of future execution by acts of the obligor and liquidation of the public-law claim shall not be required and shall be replaced by the request of the competent administrative authority (official person) to the regional court.

4) In the case of seizure of monetary claims under public law or claims in rem, the regional court, in the case of other seizures the head of the government and in municipal administrative matters the head of the municipality (Art. 111, para. 1) are authorized to issue orders, and in urgent cases the head of the municipality or his deputy, a municipal councilor, district officer, local police officer (Ortsweibel) may issue the order for the seizure of property or carry it out himself (Art. 155). However, these organs must report the measures taken or executed to the government or to the

The court may confirm, annul or supplement the protective measures.

5) Instead of the action for justification, the simple administrative procedure shall be initiated within 14 days from the date of service of the decision to suspend the operation, if the relevant administrative matter is not yet pending.

6) Retrieved

7) If, in addition to the security procedure, a person is required by law or a valid ordinance to provide any type of security to secure the fulfillment of public-law obligations, such security shall be provided by the court,

unless otherwise stipulated, in private law forms (transfer of ownership, pledge, guarantee).

B. The compulsory collection procedure for cash benefits under public law

Art. 121

Application in general

1) By way of compulsory collection, public-law monetary claims of any kind are to be collected, regardless of whether they are based directly on a law (without the necessity and precondition of a prior declaratory procedure) or on an order or decision.

2) In particular, the compulsory collection procedure shall apply to the enforcement of arrears of taxes, fees (taxes), contributions to the state, municipalities or other public-law corporations and institutions (church, school, etc.), arrears of funds administered by the state treasury, as well as to the enforcement of penalties of any kind, costs of administrative proceedings, liquid emoluments of municipal officials employed by the state administration at the expense of the municipality.

3) Foreign taxes and other public charges and costs of criminal or administrative proceedings may not be collected, unless otherwise provided by law or unless they are judicial or administrative costs incurred as a result of the application of a domestic authority to a foreign one.

4) The collection of the public-law monetary benefits referred to in the preceding paragraphs shall be governed primarily by the existing regulations (tax laws, municipal laws, etc.) and, unless they provide otherwise, by the provisions on judicial execution.

5) Accordingly, there may also be the taking of money and the inheritance and

Moreover, execution shall be levied first and foremost against movable property.

6) Enforcement shall be carried out at the request of the head of the government or other competent official body, or at the request of the interested and

The district court shall carry out the procedure for the enforcement of the administrative act to be enforced on behalf of the legitimated party.

7) For the collection of monetary claims under public law, e.g. fines, costs, sums held in custody, fees, taxes and contributions, no property may be auctioned without the consent of the obligor or the punished person, insofar as he is a Liechtenstein citizen, but the compulsory registration of a mortgage in the land register or the compulsory administration of a property (Art. 129) may be ordered by the District Court at the request of the head of the government or the head of the town. If such a security mortgage has been registered in compulsory proceedings, unrestricted compulsory execution against the legal successor is permissible in the event of the sale of the encumbered property.

8) The sworn statement of assets (oath of disclosure) due to fruitless forced collection may not be ordered, with statutory exceptions.

Art. 122

Recovery of the administrative procedural costs of a party

1) The reimbursement of costs awarded to the parties in administrative and administrative enforcement proceedings shall be recovered by way of judicial enforcement only upon application and, if possible, simultaneously with the costs of the proceedings still to be specifically reimbursed to the State by the party liable for reimbursement.

2) The latter shall also apply in the event of separate administrative enforcement in the same administrative matter, but in this case, too, the costs of enforcement shall be recovered for the province or municipality or the party referred to in the above paragraph.

Art. 123

Public law monetary claims of a party

1) Enforceable monetary claims under public law against the State, the municipalities or other corporations (institutions) under public law shall, after prior notification of the Government or the relevant supervisory authority (Art. 136), be collected by way of judicial execution against the financial assets subject thereto.

2) The district court as the court of execution shall decide after hearing the

Government on the objection whether a public property is in common use or belongs to the administrative property, and therefore is not subject to enforcement.

3) In the case of enforcement of monetary claims under public or private law against self-governing bodies (municipalities) and public charitable institutions, the government may decide ex officio or upon application, with release of the complaint, whether compulsory collection (Art. 136) shall be carried out instead of judicial enforcement, or which parts of the property may be used to satisfy the creditors without prejudice to the public interests to be safeguarded by the self-governing body or those institutions.

C. Enforcement of other personal performances (acts, tolerations or omissions)

Art. 124

Application

1) The following provisions shall apply to all public-law benefits not to be claimed in the compulsory collection procedure, subject to special provisions to the contrary (Art. 125 et seq.).

2) The provisions of the preceding article shall also apply mutatis mutandis to the compulsory enforcement of public-law property claims asserted by a private person against the state or the municipalities or public-benefit institutions, which are not for money.

I. Substitute performance (Substitutable services)

Art. 125

1) If a law or a valid ordinance directly, i.e. without the need for a determination to be made in the administrative procedure, or if an enforceable order or decision of an administrative authority of the Land or of the municipalities, on the basis of a rightly existing practice or valid administrative law, imposes an obligation to perform work or natural services, and this obligation is fulfilled after a prior warning of the penalty for non-performance.

If the obligation of the head of the government or the local chief executive is not fulfilled at all or not completely or not at the right time or not at the right place, the defective performance shall be carried out by the authority itself or by a third party at the risk and expense of the obligated party if it is possible to carry out the defective performance in lieu of the obligated party.

2) If there is imminent danger, the enforcement authority may proceed to substitute performance without first having requested the obligor to perform the performance himself within a reasonable period of time.

3) Against possible resistance of the obligor or other persons during the execution of the substitute performance, the use of force (Art. 127 et seq.) is permissible and, in particular, the entering of the obligor's home, other premises and property is permissible for the execution of the substitute performance.

4) After hearing the obligated party, the competent authority shall determine by means of an order the amount of the costs incurred, which the obligated party shall be obligated to pay within a specified period of time if the execution proceedings are not initiated. These costs shall include, in addition to the costs for the substitute performance, a surcharge of a maximum of 10% to compensate for the personnel and material expenses of the authorities.

5) The competent authority shall also be authorized, after hearing the obligor, to order the obligor to pay the costs for the expenses incurred in advance by means of an order, setting a time limit, if the execution proceedings are not initiated. If necessary, the costs shall be determined with the assistance of experts. The costs to be borne by the obligated party shall include, in addition to the costs for the substitute performance, any expert costs incurred as well as a surcharge of a maximum of 10% of the costs for the substitute performance to compensate for the personnel and material expenses of the authorities.

5a) If, in the case of para. 5, the costs increase during the substitute performance, these additional costs shall also be borne by the obligor. If these additional costs are not recovered, they shall be collected by way of execution.

6) The persons appointed by the authority to carry out the substitute performance shall acquire a claim for reimbursement of costs and compensation against the province or the municipality or the person who has applied for the substitute performance in their interest, if necessary through ordinary legal proceedings.

7) The party against whom the execution is directed shall be liable for the reimbursement of costs, and if the object on which the work is to be performed changes ownership during the proceedings, the latter may simply be continued against the successor only if the order to be executed also acts on him of its own accord, as in the case of circumstances based on factual grounds, e.g. building permits, approval of an industrial plant.

II. Services without substitute performance (Non-fungible services)

A. In general Art. 126

1) If a performance (act, acquiescence or omission) is such that it cannot be performed by third parties due to its peculiar nature, it shall be deemed to have been performed by a third party.

If the disobedience can be prevented, the obligor shall be directly required to act, tolerate or refrain from acting by means of a disobedience penalty (Art. 117), or force shall be used against the disobedient.

2) If, according to the content of the enforceable administrative act, the obligor is required to make a declaration of intent, such declaration shall be deemed to have been made as soon as the administrative act has become enforceable, and if the obligation to make a declaration of intent is conditional upon consideration, the foregoing legal consequence shall not occur until the obligor has made the consideration.

B. Simple use of force on the basis of an order or decision

Art. 127

Use of force in general

1) The simple use of force against persons or property on the basis of an enforceable order or decision, with or without prior hearing of the parties and after prior threat against the obligated parties, may only take place in extreme cases if other permissible and less severe means of coercion are not likely to achieve the desired result or not completely, and if in this Act or in special

The law or valid regulations allow such interference with the freedom of the obligated person or with his property.

2) Violence against persons or property may also be used, apart from special provisions, in particular when the execution of an administrative order is not possible in any other way and the use of force is a natural and self-evident means of coercion in the sense of the law to enforce the administrative order (Art. 112).

3) Moreover, measures of force may only be taken if their application realizes the commanded, but not even if they are merely intended to exert mental coercion on the disobedient and their application does not ensure the realization of the commanded; the possible prior threat of coercive punishments and their execution remain reserved.

4) Reasonable force is permissible against resistance to the performance of enforcement acts of any kind, and in order to break this resistance, the provisions of the third section on direct administrative coercion shall apply mutatis mutandis in addition to the provisions below.

Art. 128

Individual measures of force. Coercion against persons

1) In particular, the obligor's acquiescence to acts owed to an authority or a party shall be effected by compulsory performance of the act to be acquiesced in under the protection of the enforcement authorities (e.g. compulsory vaccination).

2) With regard to compulsory transportation, arrest, police custody, confinement in reformatory and other institutions (quarantine), search and deportation (expulsion), reference is made to the statutory provisions (e.g. Art. 70, 117, 133, 157).

3) In the event of a public health epidemic (smallpox, typhus, typhus, Asiatic cholera, and plague), a refusing person may, after being physically overpowered, be physically examined by the government.

4) In the case of a dangerous epidemic for humans, the government may also order the compulsory segregation, logging out or medical treatment.

The court may impose such supervision until the reason for it has ceased to exist (Art. 130 Par. 3).

5) The person to be deported on the basis of a decision of an administrative authority or the courts may be forcibly detained in case of his refusal; he shall be deported as soon as possible.

6) For the prevention or control of animal diseases (foot-and-mouth disease, etc.), the government may order compulsory segregation of persons and similar measures for the purpose of enforcing its orders (Art. 130, para. 3).

7) The right of the person who has suffered damage through no fault of his own as a result of measures of the kind referred to in the fourth and sixth paragraphs of this article to assert claims for compensation against the State in the ordinary course of law, to be determined at the free discretion of the courts, shall be reserved.

Art. 129

Compulsion against things. Compulsory administration

1) If a decision or order other than a pecuniary one can be enforced only through the administration of a commercial or industrial undertaking or by influencing the property management of a public corporation or institution, it shall be enforced by threat and execution of sequestration.

2) As a rule (Art. 136), the formal appointment of the administrator is made at the request of the head of government by the regional court, which is bound to the person nominated to it by the head of government.

3) The receiver so appointed, to whom any receiver previously appointed by the court shall yield for the term of his appointment, shall exercise all the powers and perform all the duties of a receiver appointed for the purposes of the administration of private justice.

4) If the purpose of a receivership ordered in this way has been achieved, the head of the government shall notify the district court thereof without delay with a view to the dismissal of the receiver appointed at his request and, if necessary, with a view to the reappointment of the receiver who has in the meantime been suspended from his duties and has been appointed for the purposes of the administration of private justice.

5) This notification can be made by all interested parties by means of a complaint.

6) If the purpose of the forced administration of an enterprise cannot be achieved due to the insufficiency of the funds available to the administrator or to be obtained through credit transactions, the government shall order the discontinuation of the enterprise, observing the interests of public safety that may be affected thereby.

7) If the continued existence of the enterprise is required by public interests, compulsory expropriation shall be effected by lawful means.

Art. 130

Various means of violence

1) The entry into and search of immovable property (premises) for the purpose of administrative enforcement and its admissibility shall be governed by this Act or by the other existing statutory provisions (Arts. 67, 134).

2) The compulsory eviction of immovable property shall be carried out by the administrative compulsory authorities in accordance with the provisions on judicial compulsory execution.

3) In the case of dangerous epidemics for humans and animals, the enforcement authority may order the compulsory disinfection of premises and property at the expense of the culprit, or at the expense of the state, as well as the destruction of property and the slaughter of animals in return for compensation from the state.

4) In order to combat an imminent threat or outbreak of a common epidemic for humans or animals, the government may also order the closure of houses, stables and individual villages (ban on houses, stables and villages), prohibit grazing (ban on grazing) and immediately order similar appropriate measures (Art. 128 Para. 7).

5) Seizure (sealing), removal for use, confiscation, rendering unusable or even destruction of movable property, where such coercive measures are permitted by law, apart from administrative criminal proceedings, shall as a rule (Art. 155) be carried out by the head of government through the coercive organs.

6) Objects which have been forfeited in any manner whatsoever shall, at the request of the head of the government or the head of the town, be sold by public auction in accordance with the existing regulations on judicial sale of property, unless such sale is precluded by the public interest or otherwise by law, or unless the forfeited objects are to be destroyed or rendered unusable (Art. 155).

7) The proceeds from such items, after deduction of any costs incurred, shall be remitted to the County.

III. Section Direct administrative coercion

Art. 131

Admissibility and scope

1) Direct coercion by means of immediate force against persons or property without negotiation between the parties and, if necessary, also without prior threat (order) may only be used (justification):

a) if the law or a valid ordinance authorizes the authority or public official to use immediate force to compel performance, acquiescence or omission, or if the nature of the administrative purpose to be achieved in an individual case makes immediate compulsion absolutely and unavoidably necessary;

b) To combat conditions, acts and omissions contrary to police regulations, namely:

in case of police emergencies (danger police), such as land emergencies (fire, water or riots), dangerous epidemics and similar phenomena, especially if there is imminent danger to the community; for the permitted self-defense of the country (land rescue) or of communities and public administration with their personal and material means (self-defense of movable or immovable property).

The law provides for the protection of the public against unauthorized (unlawful) external interference (attack) capable of disturbing; for the prevention of serious criminal acts by force.

2) Apart from these special grounds of justification, the admissibility of immediate coercion shall be subject to the condition that the administrative purpose to be achieved cannot be accomplished in time by enforcement of an order (administrative order) made in accordance with the procedure provided for in the second principal part or in accordance with any other procedure (Art. 52).

3) The form and extent of the force and its means to be used shall be determined in general by the administrative purpose to be achieved, the nature of the police offences to be combated and the possibility of dealing with them, and the principle of proportionality shall be strictly observed in the use of force and its means (Art. 112).

4) The use of force ceases to be lawful of its own accord as soon as the purpose justifying it has been achieved or has fallen away.

5) The general provisions on administrative coercion shall apply to the exercise of direct coercion only insofar as nothing else follows from the nature or urgency of the latter or from the following provisions.

6) In the sense of the preceding paragraphs, the means of the simple application of force (Art. 127 et seq.) may also be applied without prior order or threat to a party.

Art. 132

Position of the ordering authorities and executive bodies.

Complaint

1) As a rule, unless special circumstances, such as urgency, etc., require a deviation, the direct use of force shall be ordered by the head of the government in state administration cases and by the head of the municipality in municipal administration cases.

2) In cases of particular urgency, imminent danger, or if otherwise prescribed by law or valid ordinances, the enforcement organs such as the district officer, the municipal officer, the night watchman, the forestry and field protection personnel, the border guards, and similar organs within their area of responsibility may perform the necessary tasks independently and without being commissioned to do so.

3) The police enforcement bodies shall enjoy the rights under criminal law in the case of the lawful exercise of direct administrative coercion.

protection. Mistakenly committed illegal acts in the course of their official duties do not entitle them to any resistance.

4) Police enforcers shall not be bound by orders if they appear to command something unlawful; in this case, however, they shall immediately report the matter to their superiors.

5) Retrieved

6) Measures of the use of force may be appealed against without suspensive effect (Art. 116) and with reservation of responsibility, if they originate from the head of the municipality or from an executive body of the municipality or of the Land, to the head of the Government, if they are ordered by the latter, to the College of Government, and against their decisions to the Administrative Court.

7) If a special administrative hearing is held on the use of force, the appeal shall be admissible only against the decision or order issued on the basis of the hearing (Art. 54 et seq.).

Individual means of violence in particular

Art. 133

Repealed

Art. 134

Penetration of the dwelling or other premises Confiscation and related measures

1) Retrieved

2) Administrative bodies are allowed to enter, stay in and search other people's premises, provided that an official act (notification, inquiry, execution) is unavoidably required of the owner in the occupied premises.

3) Finally, administrative bodies may enter, remain in and search such premises, except for calls for help or emergencies, if special laws or valid ordinances (Fire Police Act, Trade Regulations, etc.) permit this and, if necessary, supervision;

in so far as this supervision requires, a search may also be associated with it (Art. 67).

4) In the night time, it is allowed to enter the dwelling and its contents in cases of extreme urgency (e.g. in case of fire, water or smoke emergency, unlawful acts of violence) or when help is called for. Night time includes from April 1 to September 30 the hours from 9 p.m. to 4 a.m. and from

October 1 through March 31, the hours of 9 pm to 6 am.

5) The security organs (head of the administration, district officer, municipal officer) shall have unconditional access to premises open to the public according to their purpose, such as taverns, dance halls, concerts, open business premises, etc. The security organs (chiefs, sergeants-at-arms, municipal sergeants-at-arms) have unconditional access during the time of their general accessibility: without restriction to the purpose for which the rooms are open to other people; without payment of the otherwise demanded entrance fee; with elimination of the otherwise possible right of the owner to exclude certain persons from the generally free access and finally without the prerequisite of a specific, to-be-performed official duty, i.e. for mere supervision or knowledge.

6) Retrieved

7) Retrieved

Art. 135

Retrieved

IV. Section

Supervisory and Coercive Measures against Self-Governing Bodies

Art. 136

1) The extent to which the government's supervisory and coercive measures extend over municipalities and any other public-law corporations or institutions with regard to the delegated and own sphere of action (organization, statutes or administration) and to what extent, in particular, preventive means of supervision, such as taking cognizance of administrative acts and conditions (inspection of files, on-site inspections, extraordinary investigations, then notifications, reporting and provision of information by the municipal authorities, etc.), or such as reserved powers of participation, are to be applied.

The extent to which administrative acts in the form of approvals of resolutions on borrowing, sale or encumbrance of real estate, of bylaws, etc., or in the form of confirmation of administrative acts are permissible shall be determined in accordance with existing laws and valid ordinances (Arts. 1 and 4).

2) In the exercise of state supervision over the municipalities (Art. 110 of the Constitution), the Government, upon notification by a party (supervisory complaint) or ex officio, shall also

a) Resolutions, orders, or decrees that are inconsistent with existing law

The municipal authority shall declare invalid and repeal any ordinances that are in conflict with the law or valid ordinances, unless they are withdrawn by the issuing municipal authority itself within a reasonable period of time, and shall, if necessary, prohibit their execution (discontinuation).

If the decision, order or decree contains only a prejudice or violation of the rights or interests of an individual and does not concern private rights that belong before the Regional Court, the Government may annul or modify them in the legal supervisory process only on the basis of a complaint filed in due time (Art. 30);

b) if legally incumbent tasks or liabilities of the municipality are not or insufficiently fulfilled, to establish these tasks or liabilities by a declaration of obligation and to order them to be fulfilled.

In particular, however, if the municipality refuses to comply with an obligation under private or public law incumbent on the municipality and determined by the competent authority (court), the municipality shall be compelled to include the required expenditure (compulsory expenditure) in its budget (compulsory enrollment) and may thereby, as well as by other enforcement measures (e.g. tax tenders, taking out loans for the municipality, selling assets, etc.), compel the municipality to comply with the obligation, taking into account the capacity of the municipality and its taxpayers (Art. 123). In this way, and if necessary by other enforcement measures (e.g. tax tenders, taking out loans for the municipality, selling assets, etc.), it may force the municipality to take the matter in hand, taking into account the capacity of the municipality and its taxpayers (Art. 123);

c) to impose penalties of up to 500 francs for disobedience and up to 1,000 francs for repeated disobedience (Art. 117) on authorities or organs of the municipality that are in breach of their duties;

d) if the authorities or organs of the municipality persistently refuse to fulfill the duties and mandates incumbent upon them, in particular if the state sphere of activity assigned to the municipality is neglected in a manner endangering the public interests, to remedy the situation at the risk and expense of the defaulting municipality or the guilty party, if necessary to make a substitute appointment, provided that it does not concern authorities or organs resulting from the election of the municipality;

e) finally, if necessary, to order the forced administration (Art. 129) and to have it carried out by a state commissioner according to detailed instructions and, if necessary, to temporarily suspend authorities and organs of the municipality in their official functions for this purpose.

3) The above-mentioned supervisory and coercive measures, as well as the further

The means of coercion provided for in this Part shall be applied in strict compliance with the principle of proportionality (Art. 112).

4) The self-governing body or its authorities (organs) have the right to appeal to the Administrative Court against encroachments by the government or other state authorities on the self-governing sphere that violate their interests or rights (Article 92(2)).

V. Section land distress and land rescue

Art. 137

1) In the case of national distress (Rhine, fire or rüfenot), apart from the measures otherwise declared permissible in this law or in special regulations, anyone shall, after being summoned by the head of the government, the head of a town, a municipal council, by the Rhine, fire or rüfe police organs, otherwise be punished for disobedience (Art.

117) to joint assistance, to manual and tension services and to defense (emergency assistance); likewise, the municipalities are required to render assistance to each other.

2) For the purpose of combating such common dangers, the competent public officials and, if they are not available, any public official or private person shall be authorized to take all necessary measures, and for this purpose personal and material resources may be used.

Services (carriages, etc.) are requested (requisitioned) amicably or by force.

3) In the event of violent incursions, a general prevalence of insecurity, and acts of violence against persons and property, the government may, apart from special regulations, issue such orders as may be necessary for the protection of the country, its people, and the public administration (land rescue).

4) Such measures shall lapse if they are not approved by the Diet, which shall be convened immediately.

5) If, through no fault of his own, special damage in the public interest has been caused by official bodies as a result of such a demand (requisition) or because of other use of force, the aggrieved party may, unless special provisions exist, If there are no special provisions, the injured party may claim compensation, to be determined at the discretion of the court, first from the party responsible for the public danger, then from the third party who has derived special advantages from the sacrifice of the injured party, or finally from the municipality where the land emergency occurred.

6) The foregoing provision does not apply to liability for riot damage.

VI. Section The Messenger of Peace

Art. 138

1) Local chiefs, municipal councils, district officers, local police officers or district officers may, apart from any other permissible measures (e.g. Art. 133),

within their relevant official territory and with express notification of their official status

in gross, public disputes that seem to degenerate into assault or that have already degenerated into such,

offer peace and quiet to the disputing or violent persons, if they do not belong to it themselves, formally under threat of punishment.

2) If, under the aforementioned conditions, peace and quiet have been formally offered three times to the disputing or assaulting persons,

if further these persons do not comply with the request to keep peace and quiet and continue the quarrel or assault,

a fine of up to 50 Swiss francs may be imposed, subject to any other applicable penal provisions, or 24 hours' imprisonment if the fine cannot be collected. This fine may not be treated as a previous conviction.

3) The peace fine may, if it is not paid voluntarily in the submission proceedings, be imposed in the administrative penalty proceedings by the head of the municipality in whose territory the dispute or assault took place, on the basis of his own perception or on the report of one of the officials otherwise mentioned in the first paragraph (peace bidder) for the benefit of the relevant municipal poor fund.

4) An appeal against the administrative penalty is admissible in the same way as against other administrative penalty bans in municipal matters (Art. 147 Para. 5).

IV. Main section

The administrative penalty procedure

I. Section

Supplementation of the administrative criminal law

A. From administrative criminal law in general

Art. 139

General and supplementary penal principles

1) The following general provisions shall apply to administrative criminal law (police, financial, disciplinary, administrative criminal cases), unless otherwise provided by its specific provisions, in particular the provisions of financial criminal law (lighter culpability, participation in collection, representative liability, etc.) (Art. 153).

2) The principles established by the Criminal Code and the Code of Criminal Procedure and its supplementary laws for misdemeanors, in particular concerning the perpetrator, the punishable act, the penalty, the grounds for guilt and exclusion of punishment, the right to mitigation and commutation of punishment, shall be applied mutatis mutandis to decisions or orders of the administrative authorities on criminal cases (administrative criminal cases), insofar as

this main section or from the individual laws and regulations, in particular in financial criminal law, does not result in a deviation within the meaning of the first paragraph.

3) A person who has not reached the age of 14 years at the time of the act is, apart from school discipline, of criminal age; a person who has not reached the age of 18 years at the time of the act (juvenile) is not liable to punishment if, according to the state of his development, he does not have the capacity to realize the wrong of his act or to act in accordance with this realization; the possible established administrative criminal responsibility of third persons (parents, etc.) remains reserved.

4) In the case of persons belonging to an association, the organs appointed to represent the association externally in accordance with the articles of association shall be responsible under administrative criminal law. The responsibility of the individual representative body exists irrespective of the type of signatory right (individual or collective signatory right) and the number of representative bodies. The members of the association shall be jointly and severally liable with the punished party for the fines and costs of proceedings imposed on their organs.

5) In administrative criminal cases, the statute of limitations for criminal prosecution shall run within the periods established under the Criminal Code (Section 532) if criminal proceedings have not been instituted by a domestic authority within these periods since the commission or omission. If a special penalty is threatened which is not contained in the Criminal Code, the period of limitation shall be three months within the meaning of the preceding sentence.

6) Within twice the period since the punishment or since the initiation of the criminal prosecution, the execution of the sentence shall become time-barred, unless special provisions provide for an exception.

7) This limitation period shall not affect any claims for compensation that may have arisen.

8) In all administrative criminal cases, including those in which no fine but primarily a custodial sentence is threatened, the authority (official) must as a rule first impose a fine and only as a substitute a custodial sentence, and in this conversion 50 francs are to be calculated for one day's custodial sentence and 30 francs for one day's work (Art. 140 para. 3 ff.).

9) Unless otherwise provided, fines shall accrue to the country.[145]

Art. 140

Supplementary penalty provision

1) All acts or omissions that have been declared punishable in the existing administrative laws or valid ordinances or all commands or prohibitions that have been declared punishable by the competent authorities (official bodies) within their area of responsibility and in the prescribed form (notification, announcement) on the basis of legal authorization by individual or general decree or ordinance, without the threat of a specific penalty, shall, if the general penal law does not apply, be punishable by a fine of up to 500 francs, in the case of irrecoverability by arrest for up to 10 days, in the case of repetition by a fine of up to 1,000 francs or alternatively by arrest for 20 days.

2) Retrieved

3) All irrecoverable fines shall, unless they are administrative fines or conversion is excluded by the meaning and scope of the individual legal provisions, be converted into arrest according to the scale 50 francs equals one day's arrest; irrecoverable fines may also be converted into work for the benefit of the state or a municipality by the enforcement authority with the consent of the person fined, whereby a ten-hour working day shall be counted for 30 francs.

4) The work shall be performed as inconspicuously as possible under the supervision of a body (path-maker, master craftsman, etc.) and if the person obliged to work does not work to his satisfaction, the remainder of the work sentence may be executed immediately without further proceedings.

5) Irrecoverable costs of the proceedings may not be converted into custodial or labor sentences.

B. Conditional punishment Art. 141

General conditions

1) If a penalty of imprisonment or a fine is imposed on a person for an administrative criminal case, the government or other deciding official may, in the decision, suspend the execution of the penalty to

The court may defer the sentence upon application or ex officio and impose a probationary period of six months to three years on the offender.

2) Conditional pardon shall extend to principal and accessory penalties, but not to confiscation, claims for compensation under private or public law, and the costs of administrative criminal proceedings; and it shall be divisible in the sense that, in the case of penalties composed of imprisonment and fines, it may be granted for the former and refused for the latter.

3) The beneficence of conditional punishment in this sense is permissible if the offender is

a) has never been convicted in Liechtenstein or abroad of a common criminal act committed intentionally, which under Liechtenstein criminal law is to be regarded as a felony or serious misdemeanor or serious infraction, or has never been punished by a domestic administrative authority (official) for such a serious administrative infraction or has recidivated in the same infraction. A serious misdemeanor or serious infraction is any criminal act for which the offender has been punished with at least one month's detention;

b) has endeavored to make good the damage caused, as far as is within his power, at the discretion of the deciding authority (official);

c) according to the nature of the offence, his way of life, as well as his conduct in the administrative criminal proceedings, in particular his confession and remorse, he appears to be worthy of the benefit of the remission of punishment and if, according to his whole way of life, it can be assumed that he will not easily be guilty of such an offence in administrative matters again.

4) If the overall circumstances justify it, the case under a) above may also be equated with the case where at least five years have elapsed since the execution of the last sentence for a felony, misdemeanor or a serious infraction, or at least two years have elapsed for another judicial or administrative infraction committed at the discretion of the adjudicating authority (official) under circumstances worthy of special consideration.

5) During the probationary period, the statute of limitations for the execution of the sentence is suspended, and if the punished person has passed the probationary period, the recognized sentence falls

without further proceedings, in whole or in part, depending on whether the reduction of sentence

has been granted.

6) In the case of total postconviction relief, the convicted person may not later be treated as a recidivist or as having a criminal record, and in the case of partial postconviction relief, the postconvicted sentence may not later be taken into account.

Art. 142

Discontinuation and effect of conditional punishment

1) If the punished person intentionally commits a felony, misdemeanor or serious infraction (Art. 141) of any kind within the imposed probationary period;

if it subsequently transpires that he has already been sentenced to imprisonment for a crime or otherwise to detention for at least one month;

if, during the probationary period, he or she indulges in drinking, gambling, idleness, or immoral living;

if the beneficiary is subsequently punished for a crime committed prior to the probationary period, or if otherwise a sentence of arrest of at least one month is imposed on him for a misdemeanor or infraction, or finally

if he/she does not comply with the instructions of a protection supervision commission, if any,

the government shall, after an investigation, order the execution of the sentence by means of a resolution.

2) After the expiry of the probationary period, the execution of the sentence is excluded; however, if at the expiry of the probationary period any criminal proceedings are pending against the beneficiary, the execution of the deferred sentence may still take place within six weeks after the penalty decision (judgment) has become final.

3) The punishment, the total or partial remission of the punishment, the conditions attached to it, the lapse of the punishment or the execution of the punishment shall be entered in the criminal record, if such entry is made at all, and if the punishment has lapsed, the entry in the criminal record and in the criminal files shall be deleted and this punishment may not be taken into account later either by the administrative authorities or by the courts (Art. 167).

C. The conditional release

Art. 143

1) If an administrative convict has served a portion of the sentence imposed, he or she may be

he may be released on parole upon application or by order of the court if, in view of his conduct, his behavior during the term of imprisonment and the prospects for his honest future development, it may be assumed that he will prove himself in freedom.

2) The probationary period is equal to the unexecuted remainder of the sentence, but never less than six months.

3) The government may prohibit the dismissed person from staying in certain places for the probationary period; however, it must always be ensured that the beneficiary's honest advancement is not impeded.

4) If the person released has proved his or her worth, the prison sentence shall be deemed to have been served.

5) However, the release is revoked and the remainder of the prison sentence is completed,

if the dismissed person indulges in drinking, gambling, idleness or immoral lifestyle during the probationary period;

If he maliciously and persistently fails to comply with authorized orders of the Government; or

if he is sentenced to a term of imprisonment of more than one week for a criminal offense committed during the probationary period, unless special circumstances do not render the assumption of probation invalid.

6) After the expiry of the probationary period, revocation shall be excluded unless criminal proceedings of any kind are pending against the dismissed person at the time of expiry, in which case revocation may be effected within six weeks of the final conclusion of the proceedings.

D. The rehabilitation Art. 144

1) The government may, at the request of a convicted person, authorize the expungement of the conviction (rehabilitation) if the person was blameless before the punishment, for a period of two to five years after the punishment has been served

has behaved in a manner free of reproach and, at most, has made good the damage caused by the act to the best of his ability.

2) The probationary period shall commence as soon as the sentence is executed or the convicted person is notified that the administrative penalty has been remitted by way of clemency and, in the case of a conditionally released person, after the expiry of the probationary period which has been passed in good standing.

3) If the administrative authority has refrained from imposing a penalty (Arts. 145 and 146) or if the penalty has been entirely abated by suspension of the penalty,

rehabilitation is no longer required and is therefore excluded.

4) The rehabilitation of an adolescent under the fulfilled 20 years of age, who is

The person who was blameless prior to the punishment shall become blameless by operation of law if he or she has not been punished again for a period of three years.

5) The expungement of the punishment exempts from the obligation to state the conviction when questioned by an authority and the punishment may not be mentioned and taken into account in any subsequent criminal or administrative criminal proceedings.

6) Unless otherwise provided for, a criminal case shall be recorded in the criminal file, in the criminal record and in other records of the administrative authority and shall not be included in the copies of criminal records and character references.

7) Rights of third parties based on the punishment remain unaffected.

E. Unconditional leniency. Penalty reduction. Juveniles. Graceful indulgence

Art. 145

1) In minor administrative criminal cases or if there are other circumstances particularly worthy of consideration in a criminal case, the government may, by official order or on application, remit the penalty in whole or in part even without deferral of the penalty, or it may remit the remainder of the penalty, subject to the costs of the criminal proceedings, confiscation and the rights of third parties. In minor financial criminal cases, the government may also dismiss the criminal case in its entirety if the proceedings and the circumstances are disproportionate to the success.

2) In particular, if a juvenile (Art. 139), out of wantonness, imprudence or a similar reason that is not due to a depraved disposition

If the administrative authority (official) finds that the offence committed by the offender is minor under the circumstances and is punishable by a custodial sentence not exceeding three months or a monetary penalty not exceeding 1,000 francs, the administrative authority (official) may, after establishing the facts of the case and the responsibility in the decision, refrain from imposing a penalty and release the offender after giving him a serious warning to behave well.

3) The publication of a convicting finding against a juvenile is excluded.

4) The foregoing provisions shall not affect the right of the Reigning Prince t o pardon.

5) Through the provisions on deferred sentencing, dismissal, and rehab

bilitation, the provisions otherwise existing in favor of the punished person (in particular Section 232 et seq. of the Code of Criminal Procedure) shall not be affected.

F. The warning Art. 146

1) In minor administrative criminal cases, instead of imposing a penalty on the accused or granting him unconditional leniency, the government or the otherwise competent official may warn him in the sense of refraining from imposing a penalty for this time.

2) The warning may be recorded in the criminal record.

II. Section

The Administrative

Penalty Art. 147

Admissibility and competence

1) If a public authority or a person referred to in Section 68 of the Criminal Code or otherwise equated with it by law, or a private person deserving full faith, reports an administrative offense against an accused at large on the basis of its own perception, the competent administrative authority may, without prior administrative penalty proceedings, by means of an administrative penalty order in any case of violation of the provisions of the Criminal Code.

The court may not proceed against a party to an administrative penalty case, unless there are statutory exceptions. An administrative penal interdict is also admissible against a collecting party or representative (Art. 153). Even if the appeal is taken against a penal order of the municipal authority, the government may proceed by issuing an administrative penal interdict.

2) The penal command as such has the effect of a penal act with regard to the interruption of the statute of limitations, and otherwise, if it remains unchallenged, it has the effect of a final judgment (Art. 149).

3) As a rule, the head of the government or the government itself is responsible for issuing administrative penalties.

4) The Government may, however, in agreement with the Land Committee or the Finance Commission, by ordinance, entrust other officials, such as another member of the Government, the Secretary of the Government, the forestry officer, the Land treasurer, the Land technician, a land officer, with the issuance of administrative penalty notices.

5) In municipal administrative criminal cases (local police criminal cases, etc.), the competent municipal authority may issue administrative penalties, which may be appealed to the government.

6) The general provisions on administrative penal proceedings and the provisions on the duty of public officials to stand trial under the first section shall also apply to administrative penal proceedings.

Art. 148

Content of the administrative penalty

1) The administrative penalty shall contain:

a) the inscription: Administrative Penalty Ban;

b) the nature of the criminal act, as well as the time and place of its commission;

c) the name of the person or the authority that made the report;

d) the determination of the penalty, if necessary the warning or the conditional or unconditional reduction of the penalty and the imposition of the costs;

e) the remark that the defendant is free, if he/she finds himself/herself adversely affected by the administrative ban, to appeal within a period of time.

The court shall give the defendant fourteen days from the date of service to lodge an objection, but if no objection is lodged within this period, the administrative penalty shall become final and may be enforced against the defendant;

f) the signature of the issuing official.

2) If only a warning, a conditional punishment or an unconditional punishment up to a maximum of 150 francs or a substitute custodial sentence has been pronounced in an administrative penalty order, only the legal remedy of appeal or presentation is admissible instead of an objection, and the accused's attention must be expressly drawn to this in the penalty order (Art. 160).

3) In the event that a fine imposed is uncollectible, the administrative penalty order shall specify the detention penalty that may be imposed as a substitute.

4) If the administrative penalty contains only a warning instead of a penalty, it shall be accompanied by a note stating that no penalty will be imposed this time and for what reasons.

5) If the penalty imposed has been reduced unconditionally or conditionally, the reasons shall be stated, and if it is a conditional penalty, the term of probation shall be further stated with the threat that the penalty will be reduced in the event of failure to

good conduct would be executed during the period.

6) If an administrative penalty order is issued against a party to the confiscation or against a person obliged to act on his behalf, the above provisions shall apply mutatis mutandis, with the exception that the person actually guilty and the offense with which he is charged must also be clearly indicated in the order (Art. 153).

7) If possible, forms should be used for issuing administrative penalty notices.

Art. 149

Objection

1) An objection to an administrative penalty (Art. 148 para. 1 subpara. e) must be filed with the government in writing or on the record, and at the same time the evidence serving as a defense must be shown (Art. 46 para. 7).

2) The defendant and anyone who can appeal on his behalf under the Code of Criminal Procedure, as well as the collecting party and the person obliged to represent the defendant, are entitled to appeal.

3) If the admissible objection is raised within the 14-day period, the ordinary administrative penalty procedure shall be initiated (Art. 152 et seq.); in the opposite case, there shall be no appeal against the administrative penalty.

4) If the requirements of Section 263, items 1 and 2, of the Code of Criminal Procedure are met, an application for restitutio in integrum may be filed with the authority that issued the administrative penalty order.

5) The refusal of reinstatement may be appealed to the Administrative Court.

6) Art. 85 applies mutatis mutandis to the objection instruction.

III. Section

The submission procedure Art.

150

Admissibility, purpose and effect

1) The submission procedure can take place under the following conditions:

a) If a defendant (party to confiscation, person obliged to represent) or his representative before the competent authority or official (Art. 147, para. 4) commits an administrative offence, including its facts, before or during the

admits without reservation and credibly before or during the ordinary administrative criminal proceedings until the issuance of the first-instance criminal decision and the facts, guilt and punishment appear to be sufficiently clarified for the competent office; furthermore

b) if the violation is punishable only by a fine (or imprisonment as a substitute), by confiscation (destruction, rendering useless) or by compensation for the value of the object of confiscation that can no longer be obtained, and

c) if the defendant (party to the confiscation, person obliged to represent the defendant) has entered his or her name in the record of confiscation or in the record of confiscation replacing the record of confiscation (Art. 151 par. 3), under the

The court shall be entitled to decide whether a party submits to an administrative penalty decision to be issued (administrative penalty prohibition) and whether it may be challenged. The application for submission may only be filed once in an administrative penalty case by the same party.

2) In this case, the fine, or alternatively the custodial sentence, or if applicable the confiscation or compensation for the value of the confiscated object, the amount of duty due in full, and the costs and fees of the proceedings shall be specified in the minutes with the remark that the fines or custodial sentence are to be paid immediately or, subject to protective measures (Art. 155 Para. 2), an appropriate period shall be determined within which they are to be paid or the custodial sentence is to be served.

3) If the defendant (party to the confiscation, person obliged to represent) is still a minor at the time of the submission and, to the knowledge of the office, is not in possession of his own disposable assets (Sections 151, 246, 247 of the Civil Code) and there is therefore no prospect that he will be able to pay the sums of money, if the person does not live outside the country, the written consent of the legal representative (father, guardian or curator) is required at the same time or subsequently within a period of eight days in order for the signature to be valid, subject to protective measures; If this consent is not given, the submission shall have no effect and the administrative penalty proceedings or other administrative penalty proceedings may commence or be continued.

4) If the accused (party to confiscation, person obliged to represent) submits, the penalty may be reduced to a quarter of the statutory penalty on application or by the authorities, subject to further privileges (Art. 145 ff.), by the official authority and, if the latter does not feel moved to do so, if necessary by the government, to which the submission record must be submitted, the fine or imprisonment.

5) The amounts of money determined and recognized by final judgment in the submission proceedings or the substituted term of imprisonment and confiscation may be enforced in accordance with the provisions on administrative penalty or administrative enforcement. Such a penalty may not be recorded in the criminal record or elsewhere and may not be used in subsequent proceedings.

6) If legal provisions have been violated by the legally binding submission proceedings,

because the accused and other participants did not commit the facts they admitted to, or committed them in a completely different manner, or

because the facts do not constitute an administrative criminal matter for which they are responsible, or

because a reason for exclusion or cancellation of the sentence existed or an unlawful sentence was imposed,

then, apart from other measures (Art. 164 Para. 3), the reopening proceedings may be initiated upon application or ex officio.

7) If, as a result of a reopening or judicial proceedings (Art. 164 Para. 3), it transpires that sums of money were not justifiably paid or objects were unjustifiably confiscated, restitution or compensation must be paid for this and compensation must be paid for any custodial sentence served (Art. 166 Para. 3), which may, if necessary, be asserted by the person concerned in the ordinary course of law against the Land, which may continue to have a right of recourse.

8) To the extent that this Article and the following Article do not contain a derogation or such derogation does not result from the spirit of the provisions, the provisions on administrative penal proceedings shall apply to the submission proceedings in a supplementary manner.

Art. 151

Submission protocol and its replacement

1) The record to be made in the submission proceedings shall contain briefly and as completely as possible:

a) the office character of the receiving office, the names of the cooperating or involved persons (defendants, collecting parties, persons obliged to represent), the date and place of the hearing;

b) the offense with which the defendant is charged, the applicable administrative

The court shall determine the penalty, the exact amount of the penalty to be imposed (fine or imprisonment, confiscation or its equivalent), any taxes, fees, etc. to be paid, together with the costs of the proceedings, and the time limit for payment if this cannot be made immediately;

c) an express declaration (declaration of submission) by the defendant (party to the proceedings, party obliged to represent) that he or she is

The applicant acknowledges the infringement and its facts and that he/she accepts the determinations referred to in subparagraph b) above, waiving the right to an administrative penalty order or an administrative penalty decision and to contest them.

d) the signature of the official and of the other persons participating or involved and, if the latter cannot sign, the addition of the hand sign.

2) If the record of submission has been drawn up in the absence of the accused, it shall be noted therein and served on him with the remark that part of the penalty may be waived if he signs and returns the record within eight days, but that otherwise the record shall be deemed to be an administrative penalty and he may lodge an objection or appeal within a further 14 days, avoiding res judicata (Art. 148 par. 2 and Art. 149).

3) In minor and simple administrative criminal cases, which may be specified in more detail by ordinance, instead of taking a formal record in the sense of the first paragraph, a short entry may be made in a criminal submission register sheet on the points listed in the first paragraph; if necessary, a simple book entry may be made without further formalities or another official note may be made on the payments made on the part of the submitting defendant with simultaneous handing over of a receipt (block receipt).

4) Forms should be used for the submission logs, criminal submission register sheet, or sundry entries, if possible.

IV. Section

The criminal procedure in particular

A. The proceedings at first instance

Art. 152

Responsibility

1) In the proceedings regulated below (in particular in police, disciplinary, regulatory and financial criminal proceedings), all persons within the sphere of influence of the government

to deal with administrative criminal cases to be settled in the first instance or on the basis of a complaint or an appeal against criminal decisions of the municipal authorities, if laws and ordinances do not contain any provisions or if not all of the criminal cases touched upon below are to be dealt with.

The provisions of these Terms and Conditions shall apply to the extent that they regulate the conditions or unless laws or valid ordinances contain more detailed provisions or provisions that deviate from them.

2) If an administrative criminal case coincides with a judicial one, or if doubt arises as to whether a criminal case is to be settled in the proceedings regulated herein or in the judicial proceedings, the assessment shall fall to the district court.

3) The head of the government shall, as a rule, prepare the administrative criminal proceedings until a decision is reached (preliminary proceedings); however, another member of the government or an official or employee (such as the state treasurer for financial criminal cases, the state technician for building, forestry, Rhine-Wuhr, etc. criminal cases, the forestry official for forest police criminal cases, etc.) may be entrusted by the government with the preliminary surveys or investigations by mutual agreement with the state committee (finance commission).In such cases, the head of the government or one of the above-mentioned officials may also be entrusted with the final settlement, unless it is a matter of more important administrative criminal cases reserved for the decision of the Government College.

4) Whether a case is an important or minor administrative offense within the meaning of the preceding paragraph shall be determined by the Government in agreement with the National Committee or the Finance Commission, as the case may be, by ordinance (Art. 158).

5) In the case of administrative criminal cases of minor importance, security organs, such as land officers, local chiefs, may also be entrusted with the collection of the facts and evidence, with the involvement of the parties and subject to final settlement.

6) In foreign administrative criminal cases, administrative assistance may be granted only if it is not prohibited by law or does not contradict the principles of domestic or international public law; appeals may be lodged against the granting or refusal of such assistance (Art. 25 par. 4).

Art. 153

Recovery participation and representation liability

1) The competence of administrative criminal authorities and bodies to establish and decide against the perpetrator or participant shall also include the competence of the administrative criminal authorities and bodies to establish and decide against the perpetrator or participant.

The court shall have the right to determine and decide against the third party who has a legal claim to the confiscation,

(1) The person liable for confiscation shall be the person who owns the object subject to destruction or rendering unusable (the person liable for confiscation) and, unless otherwise provided by law, the person liable for confiscation shall be a third party who, in accordance with the provisions of administrative laws or regulations in force, is jointly and severally liable for the fines, costs of proceedings, compensation for value (duties), etc., imposed on the offender or participant (the person liable for representation). The extent to which the aggravating or favorable provisions applicable to the perpetrator or participant shall also apply to the party involved in the confiscation or to the party obliged to act as a representative shall be judged in general according to the scope of the individual provisions.

2) The party liable to confiscation and the party liable to representation shall be joined as parties to the proceedings; the same shall apply to the party liable to confiscation, insofar as it appears feasible (Art. 155 par. 7), in all cases in which confiscation is to be ordered independently on the basis of a statutory provision; proceedings against the party liable to representation may only be conducted in connection with the administrative criminal case against the actual guilty party, but not in a separate proceeding.

3) The party to confiscation or the person obliged to represent shall be summoned to make a statement in writing or orally, unless it appears necessary to summon them to be heard.

4) At the request for a statement or at the interrogation, the party to the confiscation shall be informed of the administrative offense in question and who is charged with it; then he shall be questioned as to whether he accepts the guilt of the defendant (offender) and the legal validity of the confiscation or what objections he has to raise in one or the other respect.

5) The preceding paragraph shall apply to the request or questioning of the person obliged to represent, with the exception that the questioning shall cover the recognition or non-recognition of the obligation to represent instead of the legal validity of the confiscation and the reasons for this.

6) If the party to the confiscation or the person obliged to represent does not comply with the request or summons, the proceedings against him shall nevertheless be continued with those against the accused.

7) The party to the confiscation and the party obliged to represent shall, unless the nature of the case dictates otherwise, be entitled to the same remedies and

legal remedies available to the defendant. In all cases, the liability of the person obliged to represent shall cease if the

accused is acquitted or if he is cautioned or conditionally punished.

8) In all other respects, the provisions of the administrative criminal proceedings shall apply mutatis mutandis, in particular with regard to the evidence and the decision, which must expressly and precisely mention the confiscation participation or the representation obligation in the pronouncement.

9) The party to confiscation as such shall not have to pay any costs unless special costs have been un- beneficially caused by his applications; the duty of the party to be represented to bear costs shall be governed primarily by the special provisions, but if special costs have arisen as a result of the proceedings against a party to be represented, they shall be borne by him in particular when his liability is determined.

Art. 154

Applicable provisions

1) For the purposes of the first paragraph of Art. 152, the provisions of the Code of Criminal Procedure and its various supplementary laws on proceedings in the case of misdemeanors (Sections 297 to 308, 312 and 313, with the exception of the provisions of the Code of Criminal Procedure and its supplementary laws on proceedings in the case of misdemeanors (Sections 297 to 308, 312 and 313, with the exception of the provisions of the Code of Criminal Procedure and its supplementary laws) shall apply to administrative criminal proceedings.

§§ Sections 309311 and 316318) shall apply in all cases and, insofar as this Act does not contain any deviations or additions concerning administrative criminal proceedings, the other provisions of the Code of Criminal Procedure shall apply mutatis mutandis in all respects not mentioned herein.

2) The accused or his representative (advocate) shall be allowed to participate in all investigative acts, unless they are preliminary investigations, by being summoned in due time, unless an exception to this is absolutely required by the circumstances.

3) During the investigation or other inquiries, in addition to the facts of the case and the evidence, the circumstances (preconditions) for conditional or unconditional remission of the sentence, for a warning, for conditional release if applicable, and for rehabilitation and the reasons for the lapse of these privileges shall be raised. In minor administrative criminal cases (Article 152(4)), a written statement may be required instead of a summons for the examination of the accused, witnesses and experts.

4) The officials obligated to report punishable acts have to inform the Re-

The competent government shall be notified of the facts and circumstances which, according to this Act, render the beneficiary unworthy of conditional punishment or release.

5) If the accused is likely to be granted remission of punishment, or if a warning is likely to be considered, as much as possible shall be taken from any detention (Art. 157).

6) A public prosecutor may appear at the discretion of the government in more important administrative criminal cases (Art. 4 para. 3 ff.). As a rule, however, it is not necessary to have a public prosecutor if the case does not involve a decision by the government.

Art. 155

Seizure

1) All objects that are subject to confiscation or serve as evidence, with the exception of letters and items sent by a delivery service and telegrams, must be confiscated in accordance with the provisions of the Code of Criminal Procedure (Art. 156 par. 3 and 4).

2) In order to secure the fine likely to be imposed on the accused, the costs of the proceedings and any public-law dues, the head of the village, a municipal council, cops, local police officers, local women may also immediately confiscate the items required to cover the same (Art. 120) or order other measures of the security proceedings, if the accused is a foreigner or unknown or if there is otherwise danger of loss.

3) The order of seizure or other protective measures shall as a rule be issued by the head of the government or the head of the town and, in case of imminent danger, also by other officials (para. 2), who shall, however, obtain the confirmation of the head of the government within three days after the order of seizure or other protective measures.

4) The seizure or other protective measures shall remain in effect until the administrative proceedings have been fully completed or until they have been revoked by the administrative authority, unless an exception contained in the following paragraphs applies.

reason has ceased to exist and there is no other legal reason for maintaining it.

5) In particular, the seizure of an object shall be revoked if a

other sufficient security is offered, if it concerns property of third parties not involved in the administrative criminal case, not obliged to represent or not involved in the case, and if their retention is not required or does not appear to be required for other legal reasons.

6) Objects seized which do not merely serve as evidence and the storage, care or maintenance of which would involve disproportionate expense, or which are liable to perish, may, by order of the Government, be sold on the open market after the expiration of three days in accordance with the provisions of the court order, or, in case of imminent danger, immediately by order of the head of the Government; the defendant and any other parties concerned shall be notified thereof as far as possible.

7) If the seized objects are from a fugitive unknown person or acquaintance, they or their proceeds shall fall to the country without further pronouncement if the accused or other persons entitled in rem do not come forward within two months from the seizure; the alienation may in any case take place already after one week from the seizure.

Art. 156

Searches

1) The conditions for the admissibility of administrative searches of persons, property and premises shall be determined in accordance with the relevant provisions of administrative law in force, and in the absence of such provisions in this Act or in the laws and regulations in force relating to the administration, administrative searches may be conducted in accordance with the provisions of the Code of Criminal Procedure.

2) The search shall be ordered by the head of the government and, in urgent cases, by the head of the locality; in carrying it out, the rules of criminal procedure shall be strictly observed.

3) The inspection of letters and other papers, provided they do not belong to third parties, as well as of business books, may only be carried out by the district judge, who shall have the right to inspect them, except with the consent of the persons concerned.

administrative authority (official) with the documents or books related to the administrative offense.

4) In this case, the confiscated letters, papers or account books shall be sealed in front of the person concerned and handed over to the district court in this state. The court shall go through the letters, papers and account books and notify the administrative authority (official) only of the relevant information.

and to return the former sealed afterwards.

Art. 157

Provisional arrest and pre-trial detention

1) A provisional arrest for administrative criminal cases may, except for special provisions, only take place in accordance with the provisions of the criminal court procedure for transgressions, and the administrative enforcement bodies within their area of authority shall be authorized to do so.

2) The accused shall be brought without delay to the head of the government or his deputy or to the secretary or to the nearest local chief; these shall immediately set the accused at liberty if sufficient security is provided for the forfeited penalty, the costs and any other claims, or if he identifies himself as to his person and the provision of security does not appear necessary.

3) Temporary custody may only be granted in exceptional cases in accordance with the provisions governing the infraction proceedings, and as a rule, ordinary custody pending investigation shall be dispensed with altogether, subject to the provision of any security.

4) Unless there are urgent reasons for doing so, persons residing in Germany should not be remanded in custody, and care should be taken to ensure that the period of detention does not last long and is not misused for the purpose of making statements and confessions.

5) Unlawful or proven innocent detention or pre-trial detention entitles to full compensation to be paid by the state, to be determined by the court (Art. 32 of the Constitution); foreigners are entitled only if they have the right to be detained.

Art. 158

The administrative penalty decision

1) If the defendant is brought before the court and admits to the alleged crime,

or if a security body and the accused otherwise appear before the head of the government or before the official responsible for the decision at the same time and the accused agrees to the immediate hearing and decision;

further, if the defendant, waiving the issuance of a penalty decision and its challenge, complies with the pronouncement of the head of the government at the

to the matters to be decided by the College;

Furthermore, if it is a question of punishing a person who is only staying temporarily in the country (e.g. travelers),

and finally, if it is a clear administrative criminal case, in which only a fine up to a maximum of 200 francs or imprisonment for not more than four days is to be imposed,

the head of the government or the official in charge of the criminal case may, after the hearing, cancel the criminal decision (Art. 160 ff.).

2) In all other cases, as well as on the abolition of conditional remission, conditional release, granting of rehabilitation, the board of directors shall decide.

3) The college may have the investigation or inquiry supplemented and may generally decide on all legally permissible arrangements that appear to it to be necessary for the exhaustive and thorough handling and completion of an administrative criminal case, such as the scheduling of an oral hearing before it and the examination of the accused and other persons (witnesses and experts).

4) A final oral hearing shall also be held before the deciding official, subject to the provisions of the first paragraph, or before the College of Government at the request of the accused.

5) For the issuance of administrative penalty decisions, formulas shall be used as far as possible.

Art. 159

Principles for the administrative penalty decision

1) Apart from the supplementary provisions of the Code of Criminal Procedure, the criminal judgment shall state,

that a warning, a full or partial conditional punishment or an unconditional remission of punishment has or has not been granted and for what reasons.

2) After the pronouncement of the penalty decision, the decision-making authority (or office) shall inform the beneficiary who has been granted a suspension of the penalty about the purpose of the suspension and about the fact that the penalty will be executed if he/she does not prove himself/herself.

3) If the punishment has been absolutely reduced or only a warning has been given, the beneficiary shall be discharged after serious admonition to behave well.

4) The service of the penalty decision shall be omitted if the accused waives it or if he has not filed an appeal against a decision pronounced orally in his presence within four days.

5) The accused shall be informed of his right to appeal against a decision or order and that this has been done shall be noted in the minutes and such information shall also be included in the copies. Article 85 shall apply mutatis mutandis.

B. The appeal procedure Art. 160

The complaint

1) An appeal with the same effect to the Administrative Court is admissible against all procedural orders or final decisions issued in administrative criminal proceedings, if and to the extent that an appeal or an appeal in judicial proceedings is admissible in the case of transgressions (Art. 148).

2) An appeal may be lodged in particular against decisions and orders concerning conditional remission of sentence, conditional release and rehabilitation or against a warning.

3) No appeal may be lodged on the ground that, in an administrative criminal case, the Government or its head, instead of an official of the Land who has otherwise been declared competent on the basis of this Act, has issued any administrative act which may be challenged by legal means.

4) The time limit for filing an appeal under this Act against all orders or decisions issued in administrative penalty proceedings shall be 10 days from the date of service.

5) The appeal must be filed with the government within four days, unless it has been served from the outset, in which case only the execution period runs (para. 4), and as a rule it has a suspensive effect (Section 219 of the Code of Criminal Procedure).

Art. 160a

Inhibition of time limits for appeal

Between December 24 and January 6, the time limit for appeals is suspended. The remaining part of the time limit begins to run on January 7. If the beginning of a time limit falls in the period between

24. December and January 6, the period shall begin to run on January 7. Art. 161

Amendment by the government

1) If an appeal is lodged with the government against a criminal decision (order) issued by the government or any other competent official (Art. 147, 149), a complaint is lodged with the Government or a representation is made within an open period of time, either orally on the record of the Government or in writing, the College of Government may, if it finds the application of the complaint or representation to be well-founded, amend or revoke the decision or order forming the subject of the complaint (representation) on its own initiative, provided that this does not infringe rights granted to others, otherwise the representation or complaint shall be forwarded to the Administrative Court without an introductory report and with a list of files. Otherwise, the presentation or appeal shall be forwarded to the Administrative Court without an introductory report and with a list of files.

2) If the applicant is not satisfied with the new decision of the government, which is to be notified, he may appeal against it.

3) Art. 89 shall apply mutatis mutandis to the presentation and Art. 107 shall apply mutatis mutandis to the placement, but an amendment to the disadvantage of the accused on the basis of the complaint lodged in his favor shall be excluded.

Art. 162

The complaint procedure

1) The provisions of the Code of Criminal Procedure concerning the first-instance proceedings and the appeal proceedings shall apply to the appeal and its settlement by the Administrative Court, taking into account the provisions contained in this section.

2) If the appellant so requests, or if in the opinion of the Administrative Court it is deemed necessary for an exhaustive discussion and thorough evaluation of the case, an oral appeal hearing may be ordered and the case may be heard and decided anew in its entirety.

3) In general, the Administrative Tribunal may, in its discretion, collect all facts and evidence necessary for the decision on its own initiative by a member or have them collected by the lower instance.

4) Depending on the circumstances and the grounds for appeal, the Administrative Court may amend or annul or confirm the contested order or decision or refer the matter back to the lower court for a new hearing and decision.

Art. 163

The resumption

1) The reopening shall be governed by the relevant provisions of the Code of Criminal Procedure.

2) The College of Government decides on their admissibility.

3) Their refusal may be appealed.

4) The reopening is also admissible against a final administrative penalty.

V. Section

Administrative Penalty

Enforcement Art. 164

General provision

1) All penal decisions (administrative penalties) shall be enforceable if the right to appeal has been expressly waived or if the appeal has not been lodged in due form within the statutory period or if the appeal lodged has been withdrawn or if the decision is a final judgment.

2) An enforceable criminal decision shall have the effect of a final judgment; in particular, no further accusation shall be made for the same act unless the court has jurisdiction to punish the act.

3) In this case, the execution of the decision shall be suspended during the judicial proceedings, and if the court accepts its jurisdiction in full or in part in a legally binding manner, the administrative penalty decision shall cease to have effect in full or in part, depending on the court's findings.

4) The provisions on compulsory administrative execution shall apply in addition to the execution of sentences handed down in administrative criminal proceedings, insofar as the special administrative laws and valid ordinances or this Section or the Code of Criminal Procedure do not contain any provisions or do not contain more detailed provisions on execution (Art. 150 Para. 5).

5) Foreign administrative penalty decisions may not be enforced, subject to statutory exceptions.

Art. 165

Enforcement against the person obliged to represent the company

1) Enforcement against the person obliged to represent the company may, subject to special ge-

In addition to the statutory provisions, the sentence may only be pronounced in connection with a legally valid convicting decision against the actual culprit.

2) If such a decision exists, execution may be carried out in the case of joint and several liability of the third party even if execution against the actual debtor is suspended or impossible, i.e. in particular if the latter dies, is pardoned or if execution against him otherwise lapses.

3) If the person liable to act on behalf of the debtor has been declared legally liable under the applicable statutory provisions only in the event that fines, costs, etc. cannot be recovered from the actual debtor (vicarious liability), enforcement against the actual debtor must first be exhausted. cannot be recovered from the actual debtor (substitute liability), enforcement against the actual debtor must first be exhausted before it may be carried out against the liable third party; Events (such as death, pardon, limitation of enforcement) occurring against the actual debtor and postponing or frustrating enforcement before a fruitless attempt at recovery has been made against him shall also frustrate or postpone enforcement against the person liable to be represented.

4) The execution of the custodial sentence imposed on the actual debtor for the case of uncollectability may take place only after the recovery against the person obliged to represent the debtor has been attempted fruitlessly or has failed. The executing authority may, however, refrain from enforcing the sentence against the person obliged to represent the debtor and order the execution of the sentence of imprisonment against the debtor if there are serious circumstances on the part of the person obliged to represent the debtor.

5) The claim for enforcement against the party obliged to represent expires except by its voluntary or enforced performance:

a) by the fact that the person who is actually guilty performs voluntarily or by way of execution or serves the custodial sentence;

b) by the statute of limitations, which is interrupted when the liability decision becomes final and only by actions directed against the person obliged to represent, unless special laws stipulate otherwise.

c) The recovery of a part of the amounts for which the third party is liable shall leave the enforcement claim for the remaining amount against both of them.

6) If the person liable to act on behalf of the debtor who has been finally adjudicated dies, enforcement action against his estate shall remain open, unless otherwise provided for in the individual case; such amounts may not be claimed in the insolvency proceedings.

7) If the right of enforcement against the person obliged to act as a representative expires otherwise than

by performance, the enforcement claim against the actually guilty party shall remain unaffected unless, in the case of a prison sentence imposed on the actually guilty party as a substitute, the party liable to be represented has been pardoned or there are other events that make enforcement against the liable party impossible before a fruitless attempt at recovery has been made against him.

8) Both the guilty party and the party obliged to act on behalf of the principal shall have the right to appeal in order to assert the circumstances and conditions specified in the preceding paragraphs.

V. Main section

Final, introductory and application provisions Art. 166

Abuse of office compensation

1) Any coercive measure (searches, etc.) applied in the exercise of office or service contrary to the provisions contained in this Act shall be punishable as a crime of abuse of official authority (Section 101 of the Criminal Code) in the case of bad faith, but as a violation of the duties of a public office or service (under Sections 331 and 332 of the Criminal Code) except in this case.

2) In addition to imprisonment, a fine of up to 2,000 Swiss francs may be imposed and, in the case of a crime, a suspension from office may also be imposed.

3) The compensation provision under Article 32 of the Constitution shall also apply to administrative penal proceedings (Article 157); otherwise, subject to the provisions of this Act, the legislation shall determine in which cases compensation under public law is to be paid on account of lawful interference by administrative acts with the property or freedom of a person.

Art. 167

Criminal record

1) By ordinance, it may be determined that for minor administrative offenses the entry in the criminal record is to be simplified or omitted altogether or is to be replaced by a note in the file.

2) In particular, offenses against the provisions of public law (taxes, fees, contributions, etc.) shall be excluded from the entry and, if necessary, replaced by a note in the file. Administrative fines may not be entered in the criminal record.

3) The ordinance shall also specify which entries on administrative criminal cases in the criminal register and which file notes are to be deleted after the expiry of certain periods and may no longer be used in subsequent criminal proceedings.

Art. 168

Land register determination

1) Documents on the basis of which the registration or deletion of a right in rem in the land register may take place, if they otherwise contain the required land register information, are also the enforceable orders (administrative briefs) or decisions issued by the competent administrative authorities (public officials), irrespective of whether they are final or not.

2) Likewise, the registration in the land register shall take place at the request of a competent administrative authority (official) or at the request of the party if claims or other rights of the state, a municipality or other public-law entities (institutions) or public-law claims of one party against another are to be secured (Art. 120).

3) The justification of the registration by way of security shall be made in the cases mentioned in the preceding paragraph by presentation of the enforceable administrative act of the competent authority (official) which has to dispose of or decide on the existence of the secured claim.

4) If the reason for the registration or priority notice has lapsed due to any legally recognized circumstance, the owner of the

The owner of the encumbered property may request cancellation in a simple administrative procedure.

Art. 169

Fee schedule

1) The Government shall, by decree, fix the administrative fees to be paid to the State by the parties on the occasion of the conduct of any of the proceedings regulated by this Act or by other laws or valid regulations, concurrently with the costs of the proceedings.

2) Depending on the circumstances, it may set a flat fee (minimum and maximum fee) for the whole or part of the proceedings, or it may determine the individual fee related to the performance of individual administrative acts by the parties or authorities (officials).

3) The decree shall also determine whether and in which cases the fee is to be paid in advance or afterwards in cash or in stamps or, if necessary, to be secured, all subject to the poor law.

Art. 170

Repeal, amendment and supplementation of existing regulations

1) All provisions in conflict with this Act are hereby repealed.

2) In particular, are canceled:

a) The Ordinance of December 9, 1858, No. 10073, concerning the official authority of the Princely Government Office, etc.; where in existing laws or valid ordinances that Ordinance is mentioned, the relevant provisions of this Act, in particular Art. 110 ff., 140, shall take its place;

b) Sections 1 to and including 19 of the Official Instruction of May 30, 1871, LGBl. 1871 No. 1, insofar as they have not already been repealed, and the Ordinances of February 20, 1904, LGBl. 1904 No. 3, and May 14, 1915, LGBl. 1915 No. 7;

c) all limitations contained in the existing regulations under which the Government shall finally dispose or decide, unless exceptions are provided for in the said law;

d) or which set a different time limit for contestation than that contained in the relevant provisions of this Act.

3) Wherever the existing laws or ordinances mention the political authorities, this shall be understood to mean the Government, unless the content of the provisions indicates otherwise, and wherever the Court Chancellery or the political appeal body is mentioned, this shall be understood to mean the administrative appeals body.

4) The calculation of the time limits contained in the individual laws or valid ordinances, apart from the provisions contained in this Act or in special laws and ordinances, shall be made in simple administrative cases in accordance with the fourth section of the fourth book of the Commercial Code and in administrative criminal cases in accordance with the Criminal Code.

5) The penalties for impropriety established under this Act (Art. 46 and

154) shall also apply to improprieties in official acts outside a hearing and to petitions with insulting content.

6) The provisions of this Act shall not apply if this is excluded by legal principles of state or international law.

Art. 171

Time application

1) This Act shall enter into force on the day of its promulgation, and from that time on the new matters to be dealt with shall be settled by the Government or the administrative appeals body in accordance with this Act.

2) The provisions relating to the State Court or the Administrative Court shall enter into force only at the time of the establishment of these courts.

3) All administrative cases pending before the Government or the political appeals body on the date of the entry into force of this Act shall still be settled in accordance with the procedural provisions previously in force, subject to the limitation:

a) that the principles established in favor of the parties are to be observed and, in particular, that the reopening of the proceedings and the provisions on administrative coercion are immediately applicable;

b) that the provisions of the first section established in the administrative criminal proceedings in favor of the defendant shall be or may be applied.

Art. 172

Implementation

1) My Government is charged with the execution of this law.

2) Within the scope of this Act, it may issue the regulations necessary for its implementation, including rules of procedure.

3) For the practical application of this law, an official subject register shall be drawn up and forms shall be used as far as possible.

Vaduz (Vienna), April 21, 1922

III. State Court Act (StGHG)

from November 27, 2003

I. General provisions

A. Composition and

organization Art.

1

Inventory and tasks

1) The State Court shall be an independent court of public law, independent of all other constitutional organs.

2) The state court is established:

a) for the protection of constitutionally guaranteed rights;

b) to verify the constitutionality of laws and state treaties and the constitutionality of ordinances, laws and state treaties;

c) to decide on conflicts of jurisdiction between courts and administrative authorities;

d) to decide on election complaints;

e) to decide on ministerial charges;

f) to perform other duties specified by law on the basis of the Constitution.

3) The State Court consists of five judges and five substitute judges. The President, the Deputy President and one other judge as well as three substitute judges must be Liechtenstein citizens. At least three judges and three substitute judges must be legally qualified.

4) The State Court has its seat in Vaduz.

Art. 2

Designations

The personal and functional terms used in this Act shall be understood to mean members of the female and male genders.

Art. 3

Term of office and appointment

1) The term of office of the judges and substitute judges of the State Court shall be five years. The term of office shall be arranged so that each year a different judge

or substitute judge retires. Re-election is permitted. At the first appointment, the length of the term of office of the five judges and five substitute judges shall be decided by lot.

2) The five judges shall elect a president and a vice-president from among their number each year. Re-election is permitted.

3) If a judge or a substitute judge leaves office prematurely, then the successor shall be appointed for the remaining term of the departing judge.

4) The judges and alternate judges of the State Court shall remain in office until the newly elected judges take office.

5) With the exception of citizenship, the same requirements apply to the appointment as to eligibility for election to Parliament. More detailed regulations on the procedure for appointing judges shall be laid down in a special law.

Art. 4

Incompatibility

The judges of the State Court shall not be members of the Diet, the Government, the courts or the administrative authorities of the Land. Upon their appointment, they shall cease to hold such offices.

Art. 5

Oath of Office

Before taking office, the judges of the State Court shall pledge to observe the Constitution and all other laws without fail and to perform their duties conscientiously.

Art. 6

Independence

The judges of the State Court shall be independent in the exercise of their judicial office within the legal limits of their effectiveness and in the judicial procedure.

Art. 7

Official secrecy

The judges of the State Court are subject to official secrecy.

Art. 8

Management

1) The President shall be responsible for the management of the State Court and the organization of its business in accordance with a fixed rule. He shall preside over the hearings and deliberations. The President shall be the superior of the staff attached to the Court. He shall appoint and swear in the secretaries for hearings and deliberations.

2) If the President is prevented from attending, the Vice-President shall replace him. If he is also prevented, the Court shall appoint a President from among its members, if necessary from among the substitute judges.

Art. 9

Cast

1) During its hearings, deliberations and votes, the Court must be composed of five judges. The majority of these must be Liechtenstein citizens and the majority must be legally qualified.

2) If a judge is prevented from sitting, he shall be replaced by a substitute judge.

3) If the Court cannot be properly staffed even with the assistance of a substitute judge, a substitute appointment shall be made for this case.

B. Suspension, Suspension from Office, Removal from Office Art. 10

Exclusion

1) A judge of the State Court shall be disqualified from holding office:

a) in cases where there is a ground for exclusion of the administrative procedure;

b) in cases in which he has already acted ex officio or ex officio.

2) The President shall decide on the exclusion before the meeting, otherwise the Court shall decide.

Art. 11

Walkout and rejection

1) A state court judge may recuse himself or herself or may be recused by the parties:

a) in matters of a legal entity of which he is a member;

b) if between him and a party either a special friendship or

there is a personal enmity or a special relationship of duty or dependence;

c) if there are facts that show him to be caught in relation to the case to be judged.

2) The President shall decide on the recusal or refusal before the meeting, otherwise the Court shall decide.

Art. 12

Termination of office and removal from office

1) Subject to his or her right to resign, a judge of the State Court may be suspended or removed from office only by the State Court itself.

2) If a judge loses his capacity to act or if he becomes incapable of performing his official duties for a longer period of time or permanently due to physical or mental infirmities, he shall be suspended or removed from office.

3) A judge of the State Court shall hold office for the duration of a criminal trial or disciplinary proceedings.

4) A judge shall be removed from office by disciplinary decision if he suffers a criminal conviction which results in his ineligibility for election to Parliament, or if by his conduct in or out of office he has shown himself unworthy of the respect and confidence required by his office, or has grossly violated the obligation of official secrecy.

C. Miscellaneous provisions Art. 13

Public law representative

Where the law so provides or where, in the opinion of the Government, the public interest so requires in the hearing of a matter, it shall appoint a representative of public law with party status in the proceedings.

Art. 13a

State Court Registry

1) A State Court Chancellery shall be established at the State Court, headed by the President.

2) The State Court Chancellor's Office is responsible for:

a) issuance of court decisions, summonses and other notifications;

b) The registration of transactions and the keeping of records; and

c) to carry out other administrative business of the State Court, unless it is assigned to the Scientific Service.

3) The provisions of the Judicial Organization Act applicable to non-judicial employees shall apply mutatis mutandis to the staff of the State Court Registry, with the proviso that the President of the State Court shall be responsible for matters relating to service law.

Art. 13b

Scientific service

1) A scientific service shall be established at the State Court, headed by the President.

2) The scientific service is responsible for:

a) assisting the judges in the preparation of draft decisions and the President and Vice-President in all other duties;

b) final editing and publication of decisions, including their anonymization;

c) the performance of other tasks assigned to it by the Rules of Procedure.

3) Art. 13a para. 3 shall apply mutatis mutandis to the staff of the scientific service.

Art. 14

Rules of Procedure

The State Court shall adopt rules of procedure. These rules shall deal with matters of organization, procedure, management, division of business, representation by substitute judges and publication of decisions of the Court. The rules of procedure shall be published in the National Law Gazette.

II. Responsibility

A. Protection of constitutionally guaranteed rights

Art. 15

Individual complaint

1) The Constitutional Court shall decide on complaints if the complainant claims that a final decision or order of the public authority violates one of his constitutionally guaranteed rights or one of his rights guaranteed by international conventions for which the legislator has expressly recognized an individual right of complaint.

2) Rights guaranteed by international conventions within the meaning of paragraph 1 are those:

a) of the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950;

b) of the International Covenant on Civil and Political Rights of December 16, 1966;

c) of the International Convention on the Elimination of All Forms of Racial Discrimination of December 21, 1965;

d) of the Convention on the Elimination of All Forms of Discrimination against Women of December 18, 1979;

e) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984;

f) of the Convention on the Rights of the Child of 20 November 1989.

3) The Constitutional Court shall also decide on complaints if the complainant claims that a law, regulation or treaty directly infringes one of his constitutionally guaranteed rights or one of his rights guaranteed by international conventions for which the legislature has expressly recognized a right of individual complaint (para. 2) and the respective legal provision has become effective for the complainant without the issuance of a decision or order of the public authority.

4) The appeal may be filed within four weeks from the date of service of the last-instance decision or order or from the date of effectiveness of the direct violation (para. 3). In proceedings at the

In the area of international administrative assistance as well as in cases of inadmissible asylum applications and the associated removal (Art. 20 and 25 AsylA), the appeal period is 14 days.

5) In cases in which an appeal is not possible due to the exhaustion of the legal process

is finally rejected as inadmissible, the decision of the lower court may also be appealed to the State Court within the time limit for appeal of the decision to reject.

Art. 16

Content

In his complaint, the complainant shall state the facts of the case and substantiate the alleged violation. The statement of grounds shall specify the right alleged to have been infringed, the decision or order or the legal provision by which the complainant feels infringed, as well as the timeliness of the complaint and the party status in the previous proceedings.

Art. 17

Decision

1) If the Constitutional Court finds that the challenged decision or order of the public authority violates one of the rights guaranteed by the Constitution or one of the rights guaranteed by international conventions for which the legislature has expressly recognized an individual right of appeal (Article 15(2)), it shall annul the decision or order and, if necessary, order the authority against which the complaint has been lodged to take a new decision on the matter.

2) If the State Court finds that the complainant's constitutionally guaranteed rights or rights guaranteed by international conventions for which the legislature has expressly recognized a right of individual complaint (Art. 15(2)) have been directly infringed by a statute, ordinance or treaty, it shall proceed in accordance with Arts. 18 to 23.

B. Examination of the constitutionality of laws

Art. 18

Law Review

1) The State Court decides on the constitutionality of laws or individual statutory provisions:

a) At the request of the government or a municipality;

b) at the request of a court, if and to the extent that the court finds a statute or individual provisions thereof to be unconstitutional in a case pending before it.

The Court of Justice of the Republic of Austria has decided to apply the provisions of the Austrian Constitutional Court in the proceedings pending before it (precedent) and to interrupt the proceedings for the purpose of filing an application with the Constitutional Court of the Republic of Austria;

c) ex officio, if and to the extent that it has to apply a statute or individual provisions thereof which it deems unconstitutional in proceedings pending before it.

2) An application for a review of the law must contain a request to repeal a specific law in whole or in specific parts, stating the reasons for the alleged unconstitutionality.

3) In the proceedings, the Government shall be given the opportunity to comment within a period to be determined. It may intervene in the proceedings at any time.

Art. 19

Decision

1) If the Constitutional Court finds that a statute or any of its provisions is incompatible with the Constitution, it shall repeal the statute or the provisions concerned. If other directly related provisions of the law are incompatible with the Constitution for the same reasons, the Constitutional Court may repeal them ex officio even without an application.

2) If the law or individual provisions thereof have already ceased to be in force, the State Court shall determine their unconstitutionality.

3) The decision to repeal or to declare unconstitutional shall be published by the Government in the State Law Gazette without delay. The repeal shall become legally effective upon publication.

shall take effect unless the State Court specifies a period of not more than one year for this purpose, with the exception of the case of cause.

C. Examination of the conformity of ordinances with the Constitution, laws and treaties

Art. 20

Regulation Review

1) The State Court decides on the constitutionality and legality of ordinances or individual provisions of ordinances, as well as on the conformity of ordinances with the State Treaty:

a) at the request of a court or a municipal authority, if and to the extent that they have adopted an ordinance which they deem to be in violation of the constitution, the law or the treaty of the state

or individual provisions thereof in proceedings pending before them (precedent) and they have decided to interrupt the proceedings in order to submit the case to the Constitutional Court;

b) ex officio, if and to the extent that he is required to apply a decree or individual provisions thereof which appears to him to be unconstitutional, illegal or in violation of a treaty in proceedings pending before him;

c) upon request of at least 100 persons entitled to vote, if such request is made within a period of one month from the publication of the ordinance in the official gazette.

2) An application must contain a request to repeal a specific ordinance or individual provisions thereof, stating the reasons for the alleged unconstitutionality, unlawfulness or unlawfulness under an international treaty.

3) In the proceedings, the Government shall be given the opportunity to comment within a period to be determined. It may intervene in the proceedings at any time.

Art. 21

Decision

1) If the Constitutional Court finds that an ordinance or individual provisions thereof are inconsistent with the Constitution, a statute or a treaty, it shall repeal the ordinance or individual provisions thereof. If other directly related provisions are

If any of the provisions of the ordinance is incompatible with the Constitution, a statute or a treaty on the same grounds, the State Court may repeal it ex officio even without an application.

2) If the ordinance or any of its provisions have already expired, the Constitutional Court shall rule that it is unconstitutional, illegal or contrary to a state treaty.

3) Art. 19 par. 3 shall apply mutatis mutandis to the announcement and legally binding nature of the decision.

D. Examination of the Constitutionality of State Treaties Art. 22

State Treaty Audit

1) The State Court decides on the constitutionality of state treaties or individual provisions of state treaties:

a) at the request of a court or an administrative authority, if and to the extent that they are required to apply an international treaty or individual provisions thereof which they deem unconstitutional in proceedings pending before them

(precedent) and they have decided on interruption of the proceedings for filing an application to the State Court;

b) ex officio, if and to the extent that it has to apply an international treaty or individual provisions thereof which it considers unconstitutional in proceedings pending before it.

2) In the proceedings, the Government shall be given the opportunity to comment within a period to be determined. It may intervene in the proceedings at any time.

Art. 23

Decision

1) If the Constitutional Court finds that a treaty or individual provisions thereof are incompatible with the Constitution, it shall repeal their domestic application.

2) Art. 19 par. 3 shall apply mutatis mutandis to the announcement and legally binding nature of the decision.

E. Decision on conflicts of competence

Art. 24

Conflicts of competence

1) The State Court shall decide on conflicts of jurisdiction arising from the fact that:

a) a court and an administrative authority have claimed the decision of the same case or have decided in the case itself (positive com- petence conflict);

b) a court and an administrative authority have declined jurisdiction in the same matter (negative conflict of jurisdiction).

2) Competence disputes within the judicial authorities or within the administrative authorities shall be decided by the courts or the administrative authorities respectively.

Art. 25

Request

1) A motion for a decision on a positive conflict of jurisdiction may be filed only as long as a final decision has not been rendered on the merits of the case.

2) The application may be filed by the last instance involved in the proceedings or by the

The petition must be filed with the court within a non-extendable period of four weeks from the day on which the authority became aware of the conflict of jurisdiction. Failure to meet this deadline shall result in the court having jurisdiction to decide on the merits of the case.

3) The request for a decision on a negative conflict of competence may be filed only by one of the parties involved.

Art. 26

Decision

The decision on competence shall also pronounce the annulment of the administrative acts opposing this decision.

F. Decision on elections

Art. 27

Election Complaints

The State Court shall decide on appeals against elections in a constituency or in the whole country or against the election of one or more deputies or deputy deputies, to the extent provided by law.

G. Decision on ministerial charges Art. 28

Requirements

1) The State Court shall decide on charges brought by the Diet against members of the Government for violation of the Constitution or other laws, if such violation has been committed intentionally or by gross negligence in the performance of official duties.

2) The indictment may be brought only within one year after the facts on which it is based have come to the attention of the Diet.

3) The right of impeachment of the Diet shall not expire if the member of the Government concerned leaves office, whether before or after the impeachment.

4) The right of impeachment of the Diet shall expire if three years have elapsed since the commission of the violation.

Art. 29

Indictment

1) The indictment shall be filed by filing an indictment with the President of the State Court.

2) The indictment must contain the act or omission for which charges are brought and the evidence, as well as designate those provisions of the Constitution or law that are alleged to have been violated.

Art. 30

Procedure

1) The provisions of the Code of Criminal Procedure shall apply mutatis mutandis to the proceedings, unless otherwise provided for in this Act.

2) If a separate criminal court proceeding is conducted, then the state court may stay its decision pending the final disposition of that proceeding or order the criminal court to stay its decision pending the final disposition of the state court.

3) The indictment may be withdrawn by the Diet until the decision is pronounced. The withdrawal of the indictment shall become ineffective if the accused objects to it within one month.

4) The initiation and conduct of the proceedings shall not be affected by the expiry of the term of office or by retirement from office.

Art. 31

Preliminary investigation

1) The State Court shall order a preliminary investigation in preparation for the final hearing.

2) This preliminary investigation shall be entrusted to a judge of the State Court who shall neither participate in the final hearing nor be called upon to participate in the decision.

3) The investigation must be carried out with the utmost speed.

4) The preliminary investigation shall be terminated if Parliament withdraws the indictment.

5) In preparation for the final hearing, the President of the State Court may order further investigations.

Art. 32

Rights of the defendant

1) Arrest, provisional arrest and bringing the accused before the investigating judge are excluded.

2) The accused shall be given the opportunity to make an oral statement on the charges even before the final hearing.

3) All officials are released from the duty of official secrecy during their interrogation by the investigating judge and at the final hearing.

Art. 33

Final hearing

1) After the preliminary investigation has been concluded, the President of the State Court shall schedule the final hearing, summon the accused and his defense counsel, as well as those charged with representing the prosecution. The date of the final hearing shall be fixed in such a way that the accused, unless he himself requests an abbreviation, shall have at least four weeks to prepare his defense.

2) The publicity of the final hearing may be excluded only on the grounds of endangering the security of the state.

3) The final hearing shall begin with the reading of the indictment by the clerk.

4) If the accused fails to appear at the final hearing or absconds, the hearing may be held and decided without him, or he may be ordered to be brought before the court, or the accused may be prevented from absconding.

Art. 34

Decision

1) The state court shall pronounce in its judgment whether the defendant is guilty of a violation of the Constitution or of a statute to be specified.

2) In the case of conviction for intentional violation of the Constitution or a specific law, the State Court may declare the defendant to be deprived of his office. The loss of office shall take effect upon the pronouncement or service of the judgment.

3) If the defendant is convicted, the State Court shall, as a rule, also rule on any claims for damages asserted and on the defendant's salary claims, unless it wishes to conduct separate proceedings in this regard.

4) A copy of the judgment together with the reasons shall be sent to the Diet and the Government.

H. Decision in disciplinary matters Art. 35

Disciplinary Notice

The State Court shall decide on disciplinary charges against its own judges as well as against the judges of the Administrative Court. Disciplinary charges may be filed in cases referred to in Art. 12, para. 4, either by the Court concerned, by the President or the Presiding Judge of the respective Court, or by a judge himself.

Art. 36

Procedure

1) Disciplinary proceedings shall be initiated by a decision of the State Court after the accused has been heard by the President or by the judge entrusted by him with the task.

2) The disciplinary proceedings shall not be public. In all other respects, the provisions on ministerial impeachment shall apply mutatis mutandis.

3) Disciplinary proceedings shall be discontinued if the person concerned has left office at the end of the term of office or by resignation.

Art. 37

Decision

1) If the State Court finds the person concerned guilty of a disciplinary offense, he shall be removed from office.

2) The State Court shall send a copy of the disciplinary decision to the Diet and the Government.

III. Procedure

Art. 38

Principle

1) The provisions of the Act on the General Administration of the State shall apply to proceedings before the State Court, unless special procedural provisions are made in this Act or in the Act to be applied in the case. The provisions of the Act on the General Administration of the State on judicial vacations shall not apply to proceedings before the State Court.

2) The provisions of the Code of Civil Procedure shall apply mutatis mutandis to legal aid. Decisions shall be taken by the President.

3) The authorities concerned shall have the rights to which the parties are entitled in the proceedings.

Art. 39

Responsibility

The State Court shall exercise its jurisdiction ex officio in any situation of the proceedings.

Art. 40

Inputs

1) Submissions to the State Court shall be made in writing. They shall contain a statement of the facts from which the petition is derived, as well as a specific and substantiated request.

2) Submissions shall be made at least in duplicate, and if parties or authorities concerned are involved, in the corresponding number.

3) Submissions which do not comply with the statutory requirements shall, if such deficiencies are likely to be remedied, be returned by the State Court to the petitioner for improvement within a specified period of time. If this grace period is missed, the petition shall be deemed withdrawn.

4) Submissions shall be submitted to the Government for transmission to the State Court. They may also be submitted directly to the State Court.

Art. 41

Legal representation

1) The parties may file individual appeals (Art. 15) themselves and participate in the hearing or be represented by lawyers who are entered in the list of lawyers or are otherwise admitted to practice in the Principality of Liechtenstein by law or by authorization of the Government.

2) Parties represented by attorneys may participate in the hearing themselves and make submissions. In the case of representation, service shall be made on the lawyer.

Art. 42

Claim lot and withdrawal

1) If, at any stage of the proceedings, it becomes apparent that a complainant has been made without complaint, the proceedings shall be discontinued by order in closed session after the right to be heard has been granted. The proceedings shall also be discontinued by resolution if a complaint is withdrawn or if it becomes apparent that the complaint is without merit.

2) The discontinued procedure cannot be resumed.

Art. 43

Rejection

Submissions that are not suitable for hearing due to failure to meet a statutory deadline for submission or due to obvious lack of jurisdiction of the Constitutional Court or other obvious lack of admissibility shall be rejected by resolution without further proceedings in closed session.

Art. 44

Process management and reporting

1) The presiding judge shall assign any petitions that arise to a judge of the Court for the preparation of a report of the facts for the hearing and a ruling for the deliberation.

2) The presiding judge shall issue the decisions directing the proceedings, order the necessary preparatory investigations and may give the parties the opportunity to make further statements and counterstatements within a period to be determined.

3) Appeals against decisions of the President shall be decided by the Court. The time limit for appeal is 14 days.

Art. 45

Legal and administrative assistance

All judicial and administrative authorities shall provide legal and administrative assistance to the State Court.

Art. 46

Negotiation

1) The Chairman shall order the hearing.

2) All parties and authorities concerned shall be summoned to the hearing. Their absence shall not prevent the hearing and decision.

3) A hearing that has been scheduled may be adjourned only for substantial reasons. The adjournment shall be ordered by the President, or at least decided by the Court, until the hearing.

4) The Court may combine proceedings on the same matter for joint hearing and decision and separate proceedings.

5) The Chairman opens, conducts and closes the proceedings. He determines the order of speeches and requests to speak and handles the session police.

Art. 47

Public

1) The hearings before the State Court shall be public, subject to the following provisions.

2) The public shall be excluded in cases in which it is excluded under the provisions of the Civil and Criminal Procedure Codes or if the Court excludes the public by order due to legitimate interests of a party or for reasons of public safety and order.

3) A final oral hearing shall not be held if a decision is to be taken in closed session or if, after hearing the Judge-Rapporteur, the Court does not deem it necessary to hold an oral hearing on the parties' submissions.

Art. 48

Closing procedure

1) After the case has been called, the hearing shall begin with a report on the facts of the case, the motions filed by the parties and the results of the investigations conducted.

2) Submissions of the parties, statements, contested decisions and essential documents shall be read out, unless the judges of the Court and the parties waive their right to do so when they are aware of them.

3) Decisions on applications and objections relating to the procedure are made in closed session.

4) At the end of the hearing, the chairman shall announce whether and on what date the decision will be announced or whether it will be made in writing by delivery of a copy.

5) Minutes shall be kept of the hearing. The minutes shall contain the names of the presiding judge, the judges of the Court present, the parties present and their representatives, and the essential events of the hearing, in particular the motions filed by the parties. A special record shall be kept of the non-public deliberations and voting. Each record shall be signed by the chairman and the secretary.

Art. 49

Consultation and coordination

1) The deliberation begins with the presentation of the motion and the rapporteur's considerations of the motion, whereupon the debate is initiated.

2) The Court may, if it appears during the deliberations that reference is to be made to facts which are neither the subject of the hearing nor of a finding of

The court shall reopen the hearing to supplement the proceedings.

3) After the discussion has been concluded, the vote is taken. The Chairman shall decide on the questions and the order of voting. In the event of disagreement, the Court shall decide. After the Judge-Rapporteur, the Judges shall cast their votes according to seniority. The Chairman shall vote last.

4) The resolution shall be adopted by a majority of votes. Abstentions are not permitted.

5) The discussion and vote are not public.

Art. 50

Decisions

1) The decisions of the State Court shall be rendered in the form of judgments issued and executed "in the name of the Prince and the people", and in all other cases in the form of decisions. They shall be served on all parties to the proceedings.

2) Decisions of the State Court shall be final and enforceable upon service or pronouncement, unless otherwise provided.

3) Judgments shall be rendered in writing. They may be pronounced orally after the conclusion of the hearing and consultation or at an announced date with the essential reasons for the decision. The pronouncement shall not depend on the presence of the parties. Judgments pronounced orally shall be made in writing and shall also contain statements of facts and reasons for the decision.

4) Unless they are of a procedural nature and are adopted and announced at the hearing, resolutions shall be made in writing.

Art. 51

Recovery

1) Decisions of the State Court may be appealed against (reinstatement, reopening) in accordance with the provisions of the Act on the General Administration of the State; in the case of decisions on ministerial charges, the relevant provisions of the Code of Criminal Procedure shall apply.

2) Restoration may be invoked against decisions of the State Court only if they are not of a procedural nature.

Art. 52

Suspensive effect

1) Applications to the State Court shall not have suspensive effect.

2) At the request of the party, the chairman may, by order, grant suspensive effect to individual appeals (Art. 15), provided that there are no compelling public interests to the contrary and the execution would not be disproportionately detrimental to the appellant.

3) Retrieved

4) Retrieved

Art. 53

Precautionary measures

1) At the request of a party, the presiding judge may, under the conditions specified in Art. 52 Para. 2, order such precautionary measures as appear necessary, at the longest for the duration of the proceedings, to temporarily settle an existing situation or to secure threatened legal circumstances.

2) An appeal against the order of precautionary measures shall not have suspensive effect. In all other respects, Art. 44 para. 3 applies.

3) Retrieved

Art. 54

Binding nature of the decisions

The decisions of the State Tribunal shall be binding on all state and local authorities and on all courts. In the cases referred to in Articles 19, 21 and 23, the decision of the State Tribunal shall be generally binding.

Art. 55

Execution and enforcement

1) If decisions of the State Court are subject to enforcement, they shall be enforced in accordance with the provisions of the Act on General State Administrative Care.

2) Insofar as decisions of the Constitutional Court determine monetary payments, costs and fees as well as reimbursement of costs, they shall constitute an execution title in accordance with the provisions of the Execution Code.

Art. 56

Costs

1) Fees, costs of hearings and decisions shall be determined in accordance with the provisions on court fees.

2) Costs and fees may be declared uncollectible by the State Court.

Art. 57

Publication of decisions and activity report

1) Decisions of the State Court of fundamental importance shall be published in whole or in part, provided they are not merely of a procedural nature and publication would not be contrary to public interests or the protection of the rights of a party.

2) At the end of each year, the State Court shall prepare a report on its activities and the legally significant experience gained in the process, and shall bring it to the attention of the Diet and the Government.

IV. Transitional and final provisions Art. 58

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 59

Repeal of previous law

It is repealed:

a) Law of November 5, 1925, on the State Court, LGBl. 1925 No. 8;

b) Law of 18 July 1939 amending the Law on the State Court, LGBl. 1939 No. 11;

c) Law of December 28, 1949, concerning the amendment of the Law on the State Court and the Law on the General Administration of the State, LGBl. 1949 No. 24;

d) Law of May 28, 1979, concerning the amendment of the Law on the State Court, LGBl. 1979 No. 34;

e) Law of June 30, 1982, concerning the amendment of the Law on the State Court, LGBl. 1982 No. 57;

f) Act of December 15, 1982, on the amendment of the Act on the

State Court, LGBl. 1983 No. 10;

g) Act of October 22, 1998, on the Amendment of the Law on the State Court, LGBl. 1998 No. 215;

h) Act of December 18, 1998, on the Amendment of the Law on the State Court, LGBl. 1999 No. 46;

i) Law of May 7, 1931, on Disciplinary Proceedings against Members of the Regime, LGBl. 1931 No. 6.

Art. 60

Transitional provisions

1) The provisions of this Act shall apply to proceedings pending at the time of the entry into force of this Act, insofar as no diminution of rights occurs thereby.

2) The provisions on the appointment and term of office of the judges of the State Court shall come into force after the expiry of the term of office of the currently appointed members of the State Court.

Art. 61

Entry into force

This Act shall enter into force on the day of its promulgation.

IV. Asylum Act (AsylG)

from 14 December 2011

I. General provisions Art. 1

Subject

1) This law regulates:

a) the granting of asylum and the legal status of refugees in Liechtenstein; as well as

b) the temporary granting of protection in Liechtenstein.

2) Asylum comprises the protection and legal status granted to persons on the basis of their refugee status in Liechtenstein. It includes the right to be present in Liechtenstein.

Art. 2

Terms and designations

1) For the purposes of this Act shall be deemed to include:

a) "Refugees" means foreign persons who:

1. for well-founded fear of persecution on account of their race, religion, nationality, membership of a particular social group, or on account of their sex, or on account of of their political affiliation.

conviction are outside the State of which they are nationals and are unable or, owing to such fears, unwilling to avail themselves of its protection; or

2. are stateless, are outside their country of habitual residence as a result of the above circumstances and are unable to return there or do not wish to return because of the above-mentioned fears;

b) "Home State or State of origin" means the State of which the foreign national is a national or, in the case of stateless persons, the State in which he or she last resided;

c) "Persons in need of protection" means foreign persons who, pursuant to a decision of the government, are granted temporary protection for the duration of a serious general danger, in particular during war or civil war and in situations of general violence;

d) "Temporarily admitted persons": foreign persons who are not granted asylum in Liech- tenstein but for whom the execution of removal is not possible, not permitted or not reasonable;

e) "Application for asylum" means a declaration in written or oral form by which a foreign person indicates that he or she is seeking asylum in Liechtenstein;

f) "Asylum seekers" means foreign persons whose application for asylum is pending;

g) "Family members":

1. the spouse or registered partner, provided the marriage or registered partnership already existed in the home country or country of origin;

2. the minor children, regardless of whether they are legitimate or illegitimate;

3. other close relatives designated by the government by ordinance, towards whom the person admitted to Liechtenstein has a maintenance obligation that already existed in the home country or country of origin;

h) "Dublin State" means a State bound by the Dublin acquis;

i) "Dublin procedure" means a procedure carried out on the basis of the Dublin acquis.

2) A well-founded fear of persecution within the meaning of paragraph 1(a) is deemed to exist if there is a threat to life, limb or freedom.

The reasons for flight specific to women must be taken into account. The well-founded fear of persecution can also be based on events that have occurred after the asylum seeker has left his/her home country or country of origin (objective reasons for subsequent flight).

3) Persecution within the meaning of subsection 1(a) may proceed:

a) from the home country or country of origin;

b) by parties or organizations that control the home state or state of origin or a substantial part of the national territory;

c) by non-State actors, provided that the actors referred to in subparagraphs (a) and (b), including international organizations, have been shown to be unable or unwilling to provide protection from persecution.

4) Unless otherwise provided, the personal terms used in this Act shall mean members of the female and male genders.

Art. 2a

Reference to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein

If reference is made in this Act to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein, the applicable version of these legal provisions shall be derived from the promulgation of the international treaties for the further development of the Schengen or Dublin acquis in the Liechtenstein Law Gazette in accordance with Art. 3 of the Promulgation Act.

Art. 3

Prohibition of refoulement

1) No person shall be compelled in any manner whatsoever to depart for any state in which:

a) her life, limb or freedom is endangered for a reason referred to in Article 2(1)(a) or there is a risk that she will be forced to leave for such a state; or

b) she is subjected to torture or inhuman or degrading punishment or treatment, or there is a risk that she will be forced to leave for such a state.

2) A person may not invoke the prohibition on refoulement under subsection 1(a) if:

a) there are substantial grounds for believing that it poses a threat to the safety of Liech- tenstein; or

b) she poses a threat to the Liechtenstein community because she has been convicted of a particularly serious crime by a final court decision.

Art. 4

Procedure

The procedure shall be in accordance with the Act on the General Care of the State Administration, unless otherwise provided by the present Act.

II. Asylum seekers

A. General

Art. 5

Responsibility

1) The government decides on granting, denying and terminating

of the asylum.

2) The member of the Government responsible according to the allocation of duties shall decide on the inadmissibility of an application for asylum under Article 20.

3) The Office for Foreigners and Passports shall conduct the asylum procedure and submit the asylum application to the Government or the competent member of the Government pursuant to subsection 2 for a decision upon completion of the procedure.

Art. 5a

Safe home countries and countries of origin

The government, after consulting the advisory commission (Art. 85), designates the safe countries of origin and origin by decree.

Such states are those in which, according to their determination, there is in particular security against state persecution, protection against private persecution and legal protection against violations of human rights suffered.

Art. 6

Duty to cooperate

1) Asylum seekers are required to cooperate in establishing the facts of the case. In particular, they must:

a) disclose their identity;

b) hand in travel documents and identity cards when submitting the asylum application or obtain them at the request of the Aliens and Passport Office. Asylum seekers will receive a confirmation of acceptance and, after verification of the authenticity of the documents, a copy of the documents upon request, provided that they are not forged;

c) state the reasons why they are seeking asylum at the interview;

d) designate any evidence in full and submit it without delay or, insofar as this appears reasonable, endeavor to procure it within a reasonable period of time;

e) assist in the collection of the biometric data.

2) Asylum seekers may be required to arrange for the translation of foreign language documents. If the translation of the documents is arranged by the Immigration and Passport Office itself, it may charge a translation fee, provided that the asylum seeker has sufficient financial means.

3) Asylum seekers staying in Liechtenstein are obliged to keep themselves at the disposal of the Aliens and Passport Office during the procedure. They must

immediately notify the Aliens and Passport Office of their address and any change of address.

4) Once an enforceable removal order has been issued, the persons concerned are obliged to cooperate in obtaining valid travel documents.

5) The duty to cooperate is not violated if the asylum seeker could not fulfill it through no fault of his/her own.

Art. 7

Search

1) Asylum seekers and their belongings may be searched for travel and identity documents, as well as for dangerous items, narcotics, and assets of unclear origin by:

a) the Aliens and Passport Office or the National Police when submitting the asylum application;

b) the State Police when they are placed in collective housing of the Sta- tes; the search may be conducted in the presence of a representative of the Office for Foreigners and Passports.

2) At the request of the Aliens and Passports Office, the Regional Court may order the search of apartments and rooms occupied by asylum seekers if it is suspected that travel or identity documents or documents and objects relevant to the proceedings are concealed therein. The search is to be carried out by the state police.

3) The immigration and passport office and the state police shall record the results of the search in accordance with paragraphs 1 and 2 in writing. The asylum seeker and, if the search is carried out by the state police, the Immigration and Passport Office shall be given a copy of the record.

4) Asylum seekers may only be searched by persons of the same sex.

Art. 8

Evidence procedure, seizure and confiscation of documents, age appraisals

1) If an evidentiary procedure is conducted to determine the facts of the case, asylum seekers may not comment in advance on the official order to take evidence.

2) Authorities issue travel documents, identity cards or other documents that are

The asylum seeker will receive a confirmation of acceptance and, after verification of the authenticity and validity of the documents, a copy of the documents upon request, provided that they are unaltered. The asylum seeker will receive a confirmation of acceptance and, after verification of the authenticity and validity of the documents, a copy of the documents upon request, provided that they are unaltered.

3) Forged or falsified documents will be confiscated by the Aliens and Passport Office or the National Police.

4) If there are indications that an asylum seeker who is allegedly a minor has reached the age of majority, the Aliens and Passport Office can arrange for an age assessment.

Art. 9

Deliveries

Service shall be made with proof of service to the asylum seeker or to a person authorized by the asylum seeker in accordance with the provisions of the Service of Documents Act.

Art. 10

Relationship to proceedings under aliens law

Article 4 of the Aliens Act applies to the relationship between the asylum procedure and the procedure under aliens law.

Art. 11

Language

1) Decisions and orders of the government or the competent member of the government shall be translated to the asylum seeker in writing or orally into a language that he or she understands or can be presumed to understand. The translation shall include at least the decision and a summary of the reasons for the decision as well as the information on the right of appeal.

2) When communicating with the asylum seeker, it must be ensured that he or she is enabled to understand the information concerning him or her. If necessary, the Aliens and Passport Office will call in a qualified interpreter for questioning.

3) The interpreter is bound to secrecy towards third parties.

4) The government may regulate the details by ordinance.

Art. 11a

Medical clarification

1) The Office of Public Health may order a medical examination, in particular after the entry of an asylum seeker. In this regard, it works closely with the independent third parties responsible for the care (Art. 59).

2) The Immigration and Passport Office may request the Office of Public Health to order medical examinations.

3) Art. 8 par. 4 and Art. 59 par. 2 letter c remain reserved.

Art. 12

Special procedural provisions

1) The Aliens and Passport Office shall immediately apply to the Regional Court for the appointment of a curator for unaccompanied minor asylum seekers, who shall represent their legal interests and at the same time act as their procedural aide. The Regional Court shall inform the Liechtenstein Bar Association of the appointment of the guardian ad litem.

2) The Government shall, by decree, issue supplementary provisions on the asylum procedure for women, unaccompanied minors and victims of torture, taking into account the psychological condition and age of these persons.

Art. 13

Legal advice

1) The government shall take the necessary measures to ensure access to legal advice for asylum seekers. It may conclude service agreements with independent third parties for this purpose.

2) Legal advice includes in particular:

a) the explanation of the rights and obligations;

b) procedural and opportunity counseling; and

c) providing advice and support in the complaints procedure.

3) Persons who provide legal advice must have appropriate legal qualifications. They are subject to a duty of confidentiality vis-à-vis third parties and are not allowed to disclose information during the entire asylum procedure.

The asylum seeker shall not be the representative of the relief organization or the legal representative of the asylum seeker during the asylum procedure.

4) The Aliens and Passport Office informs the asylum seekers about the possibility of legal counseling at the first interview.

Art. 14

File inspection

1) The asylum seeker and persons providing legal advice must be granted access to the interview records upon request until a decision has been made in the first instance, unless there are special circumstances to the contrary.

2) After a decision has been made by the court of first instance, comprehensive access to the files must be granted.

B. Submission of asylum applications and entry Art. 15

Submission office in Liechtenstein

A person who is in Liechtenstein must submit his or her application for asylum to the Immigration and Passport Office, or outside office hours to the National Police.

Art. 16

Application for asylum at the border, after being stopped in the area near the border during illegal entry or within the country

1) Persons who submit an asylum application at the border or after being stopped during illegal entry in the area near the border or within the country are assigned to the Immigration and Passport Office.

2) The Aliens and Passport Office shall examine its competence to conduct the asylum procedure, taking into account the Dublin acquis applicable to Liechtenstein.

C. The proceedings at first instance

Art. 16a

Preparation phase

1) The preparation phase begins after the asylum application has been submitted. As a rule, it lasts ten days in the Dublin procedure and a maximum of 21 days in the other procedures.

2) The Aliens and Passport Office informs asylum seekers of their rights and obligations in the asylum procedure. It may conduct an interview in accordance with Art. 17. It can clarify with the asylum seeker whether his application for asylum is sufficiently substantiated. If this is not the case and the asylum seeker withdraws his or her asylum application, it is informally written off and the return journey is initiated.

3) The comparison of data pursuant to Art. 73 paras. 2 and 3 as well as the request for admission or readmission to the responsible Dublin State shall be made during the preparatory phase.

Art. 17

Questioning about person and travel route

1) After the asylum application has been submitted, the Foreigners and Passport Office establishes the asylum seeker's perso nal data and questions him or her about the travel route and, at least sum- marily, about the reasons why he or she is submitting an asylum application.

2) A record of the interview is prepared and signed by the representative of the Immigration and Passport Office, the asylum seeker and, if applicable, the interpreter and the asylum seeker's legal representative.

3) Asylum seekers can be accompanied by a trusted person and an interpreter of their choice who are not asylum seekers themselves.

Art. 18

Questioning about the reasons for asylum

1) If the questioning about the person and the travel route as well as the reasons for asylum does not take place together and the asylum application is not inadmissible,

the Foreigners and Passport Office usually questions the asylum seeker about the reasons for asylum within 20 days.

2) The purpose of the interview is to determine the facts relevant to the decision on the asylum application or the probability of their existence. The Aliens and Passport Office is entitled to ask all questions, the answers to which are essential for a decision on the asylum application.

3) In all other respects, Art. 17 paras. 2 and 3 shall apply mutatis mutandis.

Art. 19

Hilfswerk representation

1) The aid organizations recognized by the government shall form an umbrella organization and send a representative to the hearing on the grounds for asylum pursuant to Article 18, unless the asylum seeker refuses this or is represented in a court of law.

2) The Immigration and Passport Office shall notify the relief organizations of the hearing dates in due time. If the representative of the relief organization does not respond to the invitation, the hearing shall nevertheless have full legal effect.

3) The representative of the relief organizations observes the hearing, but has no party rights. They may ask questions to clarify the facts.

4) The representatives of the relief organizations are subject to a duty of confidentiality vis-à-vis third parties and are not allowed to act as legal advisors during the entire asylum procedure.

nor be the legal representative of the asylum seeker.

5) The representatives of the relief organizations confirm their participation in the minutes. They may raise objections and request further clarification.

6) The government may regulate the details by ordinance.

Art. 20

Inadmissibility of the asylum application

1) An application for asylum is inadmissible if:

a) another Dublin State has already recognized refugee status;

b) the asylum seeker can leave for another Dublin state that is responsible under international law for carrying out the asylum and removal procedure;

c) the asylum seeker can leave for another Dublin state in which he or she previously resided;

d) the asylum seeker has already undergone an asylum procedure in Liechtenstein or has withdrawn his/her asylum application or his/her asylum application has been dismissed in accordance with Art. 28 (2) or has returned to the country of origin or the country of origin during the pending procedure and cannot credibly demonstrate that events relevant to refugee status have occurred in the meantime;

e) the asylum seeker can return to a safe country of origin or country of origin in which he or she previously resided, provided there are no concrete indications of persecution;

f) the requirements of Art. 2(1)(e) are not met. This applies namely if the application for asylum is submitted exclusively for economic or medical reasons;

g) the asylum seeker's behavior indicates that he or she is neither willing nor able to fit into the established order. This is especially true if the asylum seeker has repeatedly committed violations or has been convicted of a misdemeanor or felony;

h) the asylum seeker violates his duty to cooperate without good reason or is not available to the Aliens and Passport Office for more than 20 days despite being in Liechtenstein.

2) Inadmissibility decisions must be justified at least summarily.

3) The Aliens and Passports Office may carry out the asylum procedure despite the existence of a ground for inadmissibility under paragraph 1 if:

a) humanitarian reasons justify it;

b) Liechtenstein is responsible for examining the asylum application on the basis of the Dublin acquis; or

c) there are concrete indications of persecution.

Art. 21

Clarifications

1) The Aliens and Passport Office makes the necessary inquiries to establish the facts of the case for the asylum decision. In particular, it may contact the Liechtenstein authorities or the authorities responsible for Liechtenstein.

The asylum seeker's representative may obtain information or hear the asylum seeker in addition.

2) The Aliens and Passports Office may call in experts who have special knowledge of the asylum seeker's home country or country of origin. In extraordinary situations, the Aliens and Passport Office may delegate the hearing to experts.

3) Retrieved

Art. 21a

First instance procedural deadlines

1) Decisions on asylum applications shall be taken within three months of the end of the preparatory phase, subject to paragraphs 2 and 3.

2) Decisions on the inadmissibility of applications for asylum must be taken within 20 working days of the application being lodged or after a ground for inadmissibility has been established, and in the cases referred to in Article 20(1)(e) within seven working days of the application being lodged. Paragraph 3 remains reserved.

3) If the complexity of the facts or the application requires longer clarifications or if there is an extraordinary situation, the deadlines according to paragraphs 1 and 2 may be exceeded. In this case, the asylum seeker must be informed of the status of the procedure by the Immigration and Passport Office.

D. Legal status of asylum seekers Art. 22

Right of residence during the asylum procedure

Asylum seekers are allowed to stay in Liechtenstein until the conclusion of the procedure.

Art. 23

Gainful employment

1) During the procedure, asylum seekers are obliged to provide for their own subsistence as far as possible.

2) The pursuit of gainful employment requires the consent of the Aliens and Passport Office. The consent may be subject to conditions.

3) If the removal procedure has been initiated, the consent may be limited in time.

4) Employment relationships of asylum seekers are subject to the provisions of labor law.

Art. 24

Compulsory education

1) Minor children of asylum seekers and unaccompanied minors are obliged to attend kindergarten, pri- mar school and secondary schools of the state within the framework of compulsory education.

2) As a rule, school attendance begins no later than 30 days after submission of the asylum application, taking into account school vacations and in consultation with the school authorities.

E. Expulsion, temporary admission and severe personal hardship-. case

Art. 25

Directions

1) If the application for asylum is rejected or the application is rejected on the grounds of inadmissibility (Art. 20), subject to Art. 29(1), removal from Liechtenstein shall be ordered at the same time as the decision and enforcement shall be ordered. The principle of family unity must be taken into account.

1a) A legally binding removal order to a Dublin state remains in force for up to one month after departure from Liechtenstein.

2) Employment relationships or training are not to be taken into account when ordering enforcement, unless there are special reasons in the individual case.

3) The government may regulate the details by ordinance.

Art. 26

Removal order

1) The removal order contains:

a) the obligation of the asylum seeker to leave Liechtenstein;

b) setting the date by which the asylum seeker must have left Liechtenstein;

c) the ordering of coercive measures in the event of a cease and desist order;

d) if applicable, the designation of those states to which the asylum seeker may not be returned;

e) if necessary, the ordering of a substitute measure instead of enforcement;

f) the instructions on how to appeal.

2) The removal order must be accompanied by an appropriate departure deadline of between seven and thirty days. A longer departure period must be set or the departure period may be extended upon request if special circumstances such as the family situation or a long duration of stay make this necessary. The person concerned will be issued with a confirmation regarding the extension of the departure period.

3) Retrieved

Art. 26a

Alert in the Schengen Information System

1) The data of third-country nationals against whom a return decision within the meaning of Directive 2008/115/EC has been issued in accordance with Articles 25 and 26 shall be entered by the competent authority in the Schengen Information System.

2) In all other respects, Articles 54b to 54e of the Aliens Act shall apply mutatis mutandis.

Art. 27

Coercive measures

Articles 55 to 63 and 69a of the Aliens Act shall apply mutatis mutandis to the application of coercive measures.

Art. 28

Measures in case of unknown residence

1) If an asylum seeker evades enforcement during a pending asylum procedure or following a removal order by concealing his or her place of residence, the Aliens and Passport Office can arrange for expulsion by the police.

2) If the asylum seeker's whereabouts are unknown for more than 20 days during a pending asylum procedure, the asylum application and related complaints and applications can be informally written off. A new application can be filed after three years at the earliest. This is subject to compliance with the Convention of 28 July 1951 relating to the Status of Refugees.

Art. 29

Preliminary recording

1) If the execution of the removal is not possible, not permissible or not reasonable, temporary admission shall be ordered.

2) Execution is not possible if the person affected by the removal cannot leave or be brought to the home country or the country of origin or to a third country.

3) Execution is not permitted if Liechtenstein's obligations under international law prevent the person subject to removal from continuing his or her journey to his or her home country.

, country of origin or to a third country.

4) Enforcement may be unreasonable for the person subject to removal if he or she is in concrete danger in situations such as war, civil war, general violence and medical emergency in the home country or country of origin.

5) Provisional admission shall be limited to a maximum of one year. It may be extended if the conditions for its order are still met. Otherwise, the government shall order the execution of the removal order after hearing the person concerned.

6) Articles 23 and 24 apply mutatis mutandis to the employment and compulsory education of provisionally admitted persons. Provisionally admitted persons shall be granted access to suitable education and training if this promotes their integration or increases their ability to return.

7) In all other respects, Articles 7 and 31 shall apply mutatis mutandis to provisionally admitted persons.

Art. 30

Family members and their reunion

1) Family members of temporarily admitted persons may be granted temporary admission.

2) Paragraph 1 does not apply to family members of persons who have been admitted on a provisional basis on grounds under Art. 36, 40 or 41.

3) The Government shall regulate the details of the temporary admission of family members by decree.

Art. 31

Advanced integration

1) The government may grant a residence permit upon request if:

a) the asylum seeker has resided in Liechtenstein for at least five years since filing the asylum application;

b) the whereabouts of the asylum seeker were always known to the authorities; and

c) the integration has progressed.

2) The legal residence status of the persons concerned is governed by the provisions of the Aliens Act.

3) The government shall regulate the details by ordinance.

III. Granting of asylum and legal status of refugees

A. Granting of asylum

Art. 32

Granting of asylum

1) A person is granted asylum if:

a) he or she proves or credibly demonstrates that he or she is a refugee within the meaning of Article 2(1)(a); and

b) there are no grounds for refusal or exclusion according to Art. 34 to 36.

2) Refugee status is deemed to have been established if the government considers its existence to be more likely than not. The difficult evidentiary situation of the asylum seeker must be taken into account.

3) In particular, claims that are insufficiently substantiated or contradictory in material respects, do not correspond to the facts or are significantly based on falsified or falsified evidence are deemed to be implausible.

4) The government can within the framework of European asylum policy:

a) asylum seekers to process their asylum application from another Dublin State take over; or

b) grant asylum to refugees who have been recognized as refugees by another Dublin state.

5) The government may remove persons whom the United Nations High Commissioner for Refugees

UNHCR (United Nations High Commissioner for Refugees) as refugees and who are in a country of first reception.

Reasons for refusal and exclusion

Art. 33

Repealed

Art. 34

b) Domestic flight and residence alternative

1) Asylum shall not be granted if there is no well-founded fear of persecution in a part of the country of origin or country from which the asylum seeker comes and the asylum seeker can reasonably be expected to stay in that part of the national territory.

2) In any case, protection against persecution is guaranteed if the actors mentioned in Art. 2 para. 3 letters a and b, including international organizations, take appropriate steps to prevent persecution, for example by means of effective legal provisions on investigation,

Prosecution and punishment of acts constituting persecution and when the asylum seeker has access to such protection.

3) When examining whether there is an alternative flight and residence within the country, the general situation in the country of origin and the personal circumstances of the asylum seeker at the time of the decision on the application must be taken into account.

Art. 35

c) Subjective reasons for post-fleeing

No asylum shall be granted if asylum seekers only became refugees within the meaning of Article 2(1)(a) as a result of their departure from the home country or country of origin or because of their conduct after departure.

Art. 36

d) Reasons for exclusion

1) Asylum will not be granted if:

a) asylum seekers enjoy the protection or assistance of a United Nations organization or institution other than the United Nations High Commissioner for Refugees (UNHCR) in accordance with Article 1(D) of the Convention relating to the Status of Refugees of 28 July 1951. If such protection is no longer granted without the situation of the persons concerned having been finally clarified in accordance with the relevant resolu

has been made, they enjoy the protection of this law;

b) asylum seekers are, in the opinion of the Aliens and Passport Office, in possession of all the rights and obligations of Liechtenstein citizens;

c) there are valid reasons to believe that asylum seekers pose a serious threat to the security of Liechtenstein;

d) asylum seekers pose a danger to the Liechtenstein community because they have been convicted of a crime by a final court decision after their arrival.

2) Moreover, asylum shall not be granted if there are serious reasons to believe that the asylum seeker:

a) a crime against peace, a war crime or a crime against humanity as defined by international treaty provisions.

The law of the Federal Republic of Germany contains provisions for the prevention of such crimes;

b) committed a serious common law crime outside Liechtenstein before submitting an application for asylum in Liechtenstein;

c) has been guilty of acts contrary to the purposes and principles of the United Nations.

B. Legal status of refugees Art. 37

Principle

The legal status of refugees in Liechtenstein is governed by the Aliens Act, unless special provisions, namely this Act and the Convention of 28 July 1951 relating to the Status of Refugees, are applicable.

Art. 38

Right of residence

Once asylum has been granted, the persons concerned have a right of residence in Liechtenstein. Unless this Act contains special provisions, their residence is governed by the Aliens Act.

Art. 39

Family members and their reunion

Family members of refugees are also granted asylum if the family has been separated by flight and wishes to reunite in Liechtenstein.

C. Termination of asylum Art. 40

Revocation of the asylum

1) The government revokes asylum or withdraws refugee status if the person:

a) has obtained the asylum through false statements or concealment of material facts;

b) has voluntarily placed himself again under the protection of the state of which he is a national;

c) has voluntarily reacquired the lost citizenship;

d) has acquired a new nationality or has been granted asylum or another permanent right of residence in another state and enjoys protection in that state;

e) has voluntarily returned to and settled in the state which he or she left or no longer entered for fear of persecution;

f) after the circumstances on the basis of which he or she has been recognized as a refugee have ceased to exist, can no longer refuse to avail himself or herself of the protection of his or her country of origin or nationality; or

g) is stateless and, after the circumstances on the basis of which he or she was recognized as a refugee have ceased to exist, is in a position to return to the state of his or her former residence.

2) Paragraphs 1(f) and (g) do not apply to refugees who refuse the protection of their country of origin or country from which they come for valid reasons based on past persecution.

3) The government revokes asylum if:

a) there are substantial grounds for believing that the refugee poses a serious threat to the security of Liechtenstein;

b) the fugitive poses a danger to the Liechtenstein community because he or she has been convicted of a crime by a final court decision after his or her arrival.

4) The revocation of asylum or the withdrawal of refugee status does not extend to the family members, unless it is proven that they do not need asylum.

Art. 41

Expiry of the asylum

The government establishes the expiration of asylum if:

a) the refugee has stayed abroad for more than two years;

b) the refugee has been granted asylum or permission to remain permanently in another state;

c) the refugee waives it;

d) the expulsion has been carried out;

e) the refugee acquires Liechtenstein citizenship.

Art. 42

Designation

Refugees who have been granted asylum in Liechtenstein may only be expelled if they endanger the internal or external security of Liechtenstein or have seriously violated public order.

IV. Temporary protection

A. General

Art. 43

Decision on granting temporary protection

1) The government shall determine by decree whether and according to what criteria and to what extent temporary protection shall be granted to groups of persons in need of protection.

2) It shall first consult the Consultative Commission (Art. 85) and the United Nations High Commissioner for Refugees (UNHCR).

Art. 44

Measures abroad

The granting of temporary protection complements measures and assistance in the home country or region of origin of the persons in need of protection.

Art. 45

Family members and their reunion

1) Family members of persons in need of protection are also granted temporary protection if the family has been separated by events due to which the government has granted temporary protection and wishes to reunite in Liechtenstein.

2) In other cases, the government decides on family reunification.

B. Procedure Art. 46

Procedure abroad

1) The Aliens and Passport Office determines who belongs to a group and who is granted temporary protection in Liechtenstein. In doing so, it takes into account the principle of family unity.

2) The decision to grant temporary protection is not subject to appeal.

3) The state may cover the cost of entry.

Art. 47

Domestic procedure

1) The filing of the application for temporary protection shall be governed mutatis mutandis by Articles 15 and 16.

2) If a person is granted temporary protection, the asylum and referral procedures are suspended. The decision does not require a hearing.

3) In all other respects, Articles 6 to 14 and 16a to 21a shall apply mutatis mutandis.

Art. 48

Reasons for exclusion

Temporary protection is not granted if the person in need of protection:

a) has violated or seriously endangered public security and order in the home country or country of origin; or

b) fulfills an act according to Art. 40, para. 3.

C. Legal status of persons in need of protection Art. 49

Presence regulation

1) The person in need of protection may stay in Liechtenstein for the duration of the temporary protection.

2) If the granting of protection lasts longer than five years, the person in need of protection receives a residence permit. His or her status under residence law is governed by the provisions of the Aliens Act.

Art. 50

Employment and education

1) Articles 23 and 24 apply mutatis mutandis to the employment and compulsory education of persons in need of protection. Furthermore, persons in need of protection may be allowed access to suitable education and training if this promotes integration or increases their ability to return.

2) The government may regulate the details by ordinance.

D. Termination of temporary protection Art. 51

Cancellation of the granting of protection and removal

1) The Government, after consultations with the Consultative Commission (Art. 85) and with the United Nations High Commissioner for Refugees (UNHCR), shall decide the date of lifting of temporary protection for certain groups of persons in need of protection; the lifting shall be done by decree.

2) If there are indications of the existence of persecution, there is a right to conduct an asylum procedure.

3) In other cases, the Aliens and Passport Office shall order the removal after hearing the person concerned. Articles 25 to 28 apply mutatis mutandis to the execution of the removal order.

Art. 52

Revocation

1) The Office for Foreigners and Passports may revoke temporary protection if:

a) it has been obtained by false statements or concealment of material facts; or

b) the person in need of protection has violated or seriously endangered public safety and order or has been convicted of a crime in Liechtenstein.

2) The revocation of temporary protection does not extend to family members unless it is shown that they are not in need of protection.

3) If temporary protection is revoked, the person concerned shall be removed by applying Articles 25 to 28 mutatis mutandis.

Art. 53

Expiration

The Aliens and Passports Office shall determine the expiration of temporary protection if the person in need of protection:

a) moved the center of life abroad;

b) waives the temporary protection; or

c) has received a residence permit in accordance with the Foreign Nationals Act or the Free Movement of Persons Act.

V. Welfare benefits, social security benefits, wage cession and reimbursement of costs

Art. 54

Welfare services

1) Asylum seekers in need of assistance, temporarily admitted persons and persons in need of protection are entitled to welfare benefits.

2) The Government shall determine by decree the amount of welfare benefits with per diems per person per day and shall provide the funds necessary for their payment.

3) Wherever possible, welfare benefits are to be paid out in kind.

4) The third parties in charge of the care are responsible for the provision of the care services.

Art. 55

Social security benefits

1) The payment of social security benefits to asylum seekers, persons admitted on a provisional basis and persons in need of protection is governed by the relevant special laws, unless this Act provides otherwise.

2) Child allowances of asylum seekers are retained during the asylum procedure. They are paid out if the asylum seeker is recognized as a refugee or is temporarily admitted in accordance with Art. 29 Para. 3 and 4.

3) The state takes over for needy asylum seekers, provisionally admitted persons and persons in need of protection:

a) The premiums and cost-sharing incurred under the mandatory health insurance plan; and

b) the costs of dental treatment, insofar as this serves to treat pain or is absolutely necessary for health reasons.

4) The Government shall regulate the procedure for the assumption of costs pursuant to subsection 3(b) by ordinance.

Wage Cession

Art. 56

a) Principle

1) If an asylum seeker, provisionally admitted person or person in need of protection is entitled to wage claims or other monetary claims of an income-replacement nature, these shall be assigned to the state subject to para. 2 (wage assignment); the funds shall be administered by the third parties entrusted with the care.

2) Asylum seekers, temporarily admitted persons and persons in need of protection are paid an amount of the withheld money during the period of the wage cession, which is determined by the government by decree.

3) The Immigration and Passport Office shall inform the employer or other debtor of the provisions of the wage assignment.

4) The government may regulate the details by ordinance.

1) The wage cession ends:

a) with the granting of asylum;

Art. 57

b) Termination

b) with the issuance of a residence permit;

c) with the verifiable departure from Liechtenstein;

d) with the dismissal of the application for asylum in accordance with Art. 28 para. 2; or

e) no later than five years after filing the application for asylum or temporary protection.

2) Upon termination of the wage assignment, the asylum seeker, provisionally admitted person or person in need of protection is entitled to payment of the administered wage.

3) Costs incurred during the stay of the asylum seeker, provisionally admitted person or person in need of protection in Liechtenstein are usually offset against the salary credit by the Aliens and Passport Office at the time of termination of the salary assignment. Upon request, the person concerned will be sent a decision on the offsetting.

4) If the asylum application has been rejected, temporary admission has not been extended or temporary protection has been revoked and removal has been ordered, the anticipated departure and enforcement costs must also be withheld.

5) The Aliens and Passport Office may, upon request, waive the offset if asylum is granted or if the offset would cause undue hardship to the person concerned.

6) The claim to payment of the salary credit shall lapse if it is not asserted within five years after termination of the salary assignment in accordance with par. 1 letters c and d.

Art. 58

Reimbursement

1) Asylum seekers, temporarily admitted persons or persons in need of protection who have sufficient assets are obliged to reimburse the costs pursuant to Art. 57 paras. 3 and 4.

2) The Office for Foreigners and Passports shall determine the amount of the refund by order; the amount shall be transferred to an account established with the National Treasury.

3) The Aliens and Passport Office and the National Police may seize assets which the asylum seekers or persons in need of protection have with them on their entry to Liechtenstein for the purpose of reimbursing the costs pursuant to para. 1. The persons concerned shall be issued with a confirmation of acceptance.

4) Art. 57 par. 5 shall apply mutatis mutandis to the exceptions to the obligation to reimburse.

5) The Government may regulate the details of the reimbursement of costs and the safeguarding of assets by ordinance.

VI. Care Art.

59

Support

1) The Government shall ensure the care of persons falling within the scope of this Act. It shall conclude service agreements with independent third parties for the independent provision of care.

2) The care includes in particular:

a) the accommodation in suitable lodgings;

b) the implementation of the payroll administration;

c) Ensuring economic, medical and psychosocial care;

d) the consultation and accompaniment during the stay in Liechtenstein;

e) promoting integration and the ability to return;

f) providing meaningful employment and job search assistance;

g) the exchange of information with the competent authorities;

h) recruiting, instructing, deploying, and monitoring relief agency representatives.

VII. Financing

Art. 60

Cost absorption

1) The state shall bear the costs
of:

a) The construction, establishment and maintenance of a reception center;

b) the rent and furnishing of any other accommodation for persons covered by this Act;

c) the accommodation, food, care, insurance and cost-sharing in the event of illness or accident of the persons covered by this Act;

d) providing legal advice to persons covered by this Act; and

e) the expenses incurred by third parties in the performance of tasks under this Act and the related administrative costs.

2) The government may regulate the details of the assumption of costs by decree.

Art. 61

More contributions

1) The state may encourage the implementation of employment programs.

2) Within the framework of international cooperation pursuant to Art. 84, the State may make contributions to the sponsorship of internationally oriented projects or to organizations active at the international level.

3) The government regulates the requirements and the procedure for the payment and settlement of contributions by ordinance.

Art. 62

Costs for entry and exit

1) The state may cover the costs of entry and exit of persons seeking asylum who have received an entry permit from the government and persons in need of protection.

2) Subject to the obligation of third parties to bear the costs, the State may bear the costs for the departure of needy persons who are required to leave Liechtenstein under this Act.

3) The government shall regulate the conditions and the procedure for the payment and settlement of contributions by ordinance. If possible, it shall set flat rates.

Art. 63

Return assistance and reintegration

1) The state may provide return assistance by:

a) Projects for return counseling as well as projects for maintaining the ability to return in Liechtenstein are fully or partially financed;

b) Fully or partially funds projects to facilitate return and reintegration in the home, origin, or third country; and

c) grants financial assistance in individual cases to facilitate integration or to ensure basic needs in the home country, country of origin or third country.

2) For the purpose of coordinating the projects under subsections (1)(a) and (b), the State may cooperate with inter-

national organizations and other states, as well as establish a co- ordination office.

3) The government regulates the requirements and the procedure for the payment and settlement of contributions by ordinance.

Art. 64

Supervision

1) The government shall check that the state contributions are being used correctly under subsidy law and that the accounts are being prepared in accordance with the regulations. It may also entrust third parties with this task.

2) Recipients of state subsidies must make the necessary files and accounting documents available to the bodies entrusted with financial supervision upon request, provide the necessary information and grant access on site. Violations of this obligation shall be sanctioned in accordance with Art. 17 of the Subsidies Act.

VIII. Administr
ative
assistance

Art. 65

Principle

1) Upon request, courts and administrative authorities shall assist the Aliens and Passport Office in fulfilling its statutory duties by providing administrative assistance, provided that this does not violate statutory duties of confidentiality or overriding public or private interests. The administrative assistance includes, in particular, the provision of information, the issuance of copies of judgments or the communication of circumstances and facts that the Aliens and Passport Office requires to fulfill its tasks.

2) Private organizations that perform public duties in the area of asylum law are also obliged to provide administrative assistance.

3) The Aliens and Passport Office shall provide administrative assistance at the request of the courts and other administrative authorities, provided that this does not violate statutory confidentiality obligations or overriding public or private interests.

IX. Privacy

A. General

Art. 66

Processing of personal data

The authorities responsible for the enforcement of this Act may process or cause to be processed personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offences, of an asylum seeker or person in need of protection and his relatives to the extent necessary for the performance of their duties under this Act.

Art. 67

Transfer of personal data to the home country or country of origin

1) Personal data, including special categories of personal data and personal data relating to criminal convictions and offences, of asylum seekers, recognized refugees and persons in need of protection may not be transmitted to the home country or country of origin if this would endanger the person concerned or his or her family members. No information may be provided about an asylum application.

2) The Aliens and Passport Office or the National Police may contact the home country or country of origin for the purpose of obtaining the travel documents necessary to execute the removal order if the asylum application has been legally rejected.

3) For the purpose of enforcing an expulsion to the home country or country of origin, the Aliens and Passport Office or the National Police may transmit the following personal data to the foreign authority:

a) Personal data (surname, first name, aliases, date of birth, place of birth, gender, nationality, surname and first name of parents and last address in the home country or country of origin) of the person concerned and, if necessary, of the family members;

b) Information about the passport or other identity documents;

c) Fingerprints and photographs;

d) other data necessary for the identification of a person;

e) Information on the state of health, insofar as this is in the interest of the person concerned;

f) the data necessary to ensure the entry into the country of destination and the safety of the accompanying persons;

g) Information on criminal proceedings, insofar as this is necessary in the specific case to process the readmission and to maintain public security and order in the home country or country of origin, and thereby to protect the person concerned.

person is not endangered.

Art. 68

Transfer of personal data to third countries and international organizations

1) The Aliens and Passport Office and the appeals authorities may, for the purposes of implementing this Act, transmit personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to foreign authorities and international organizations entrusted with corresponding tasks in accordance with data protection legislation.

2) The following personal data may be transmitted:

a) Personal data (surname, first name, aliases, date of birth, place of birth, gender, nationality, surname and first name of parents and last address in the home country or country of origin) of the person concerned and, if necessary, of the family members;

b) Information about the passport or other identity documents;

c) Fingerprints and photographs;

d) other data necessary for the identification of a person;

e) Information on the state of health, insofar as this is in the interest of the person concerned;

f) the data necessary to ensure the entry into the country of destination and the safety of the accompanying persons;

g) Details of whereabouts and itinerary;

h) Data on presence permits and visas issued;

i) Information on an asylum application (place and date of submission, status of the procedure, summary information on the content of a decision taken).

Art. 69

Cooperation with law enforcement authorities

If there are reasonable grounds to suspect that the asylum seeker or person in need of protection has committed a misdemeanor or felony, the Aliens and Passport Office shall inform the law enforcement authorities of this circumstance.

Art. 70

Biometric data

1) In order to establish the identity of asylum seekers and persons in need of protection, the Aliens and Passport Office or the State Police may collect and process biometric data.

2) The government defines by decree which biometric data are collected and regulates access.

Art. 71

Identification treatment

1) Asylum seekers and persons in need of protection are subjected to identification services. Their fingerprints are taken from all fingers and photographs are taken; fingerprinting takes place from the age of 14.

2) The Aliens and Passport Office or the State Police shall arrange for the identification of such persons in order to:

a) verify and record the identity of the person concerned;

b) to check whether they have already submitted an asylum application once;

c) verify whether there is any identifying information to corroborate or refute their statements; and

d) to check whether there are any identification data that could call into question their eligibility for asylum.

3) The identification data may only be used by the state police and the Aliens and Passport Office to fulfill their legal duties.

4) The data will be deleted:

a) if asylum is granted;

b) when a residence permit is issued;

c) at the latest ten years after a legally binding rejection, withdrawal or cancellation of the asylum application or after a decision on the inadmissibility of the asylum application;

d) in the case of persons in need of protection, no later than ten years after the temporary protection has been lifted.

Art. 72

Central Register of Persons (ZPR)

1) The Aliens and Passports Office may collect and process personal data in the ZPR, including special categories of personal data and personal data on criminal convictions and offenses,

to the extent necessary to perform its duties under this Act, in- particular to:

a) Register asylum seekers, persons in need of protection and temporarily admitted p

b) Issue identification cards under this Act;

c) Messages to be processed, especially in case of relocation;

d) to carry out the administrative deregistration due to unknown residence or deportation execution;

e) administrative measures to be recorded;

f) To maintain business control; and

g) Generate statistics.

2) Access to the ZPR is restricted to persons employed by the Aliens and Passport Office and the National Police who are entrusted with the enforcement of this Act.

B. Data processing within the scope of the Dublin Convention applicable to Liechtenstein.

SEAT POSITION

Art. 73

Eurodac

1) Within the framework of the Dublin acquis applicable to Liechtenstein, the Office for Foreigners and Passports is responsible for communication with the Central Unit of the Eurodac system.

2) The Aliens and Passport Office or the National Police shall transmit the following data to the Central Unit within 72 hours of the submission of the application:

a) the place and date of the application in Liechtenstein;

b) the gender of the person making the request;

c) the fingerprints taken in accordance with Art. 71, para. 1;

d) the Liechtenstein identification number of the fingerprints;

e) The date the fingerprints were taken; and

f) the date of transmission of the data to the central unit.

3) The transmitted data are stored in the Eurodac database and compared with the data already stored in this database.

4) The data is automatically destroyed ten years after the fingerprints have been taken. The Aliens and Passport Office shall immediately request the Central Unit to

early destruction of the data as soon as it becomes aware that the asylum seeker:

a) has obtained the nationality of a Dublin State before the expiry of this period; or

b) has obtained a residence permit in Liechtenstein.

Art. 74

Transfer of personal data to a Dublin State

The transfer of personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to the competent authorities of Dublin States shall be treated as equivalent to the transfer of such data between domestic authorities.

Art. 75

Transfer of personal data to a State not bound by the Dublin acquis

Personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, may only be transferred to third countries in accordance with data protection legislation.

X. Legal

protection

Art. 76

Appeals

1) Appeals against decisions of the Government or the competent member of the Government may be lodged with the Administrative Court within 14 days of service.

2) Art. 46a of the Act on the General Administration of the State shall not apply.

Art. 77

Competence and procedure

1) The Administrative Court decides on appeals against decisions of the Government concerning:

a) Retrieved

b) Denial of asylum;

c) Directions;

d) Termination of asylum;

e) Revocation of temporary protection.

2) A single judge of the Administrative Court shall make a final decision on:

a) Appeals against decisions concerning the inadmissibility of a request for asylum and the associated removal;

b) other complaints; and

c) Motions.

3) The government may issue supplementary procedural regulations on oral hearings, the oral opening of decrees and summary proceedings.

4) The single judge responsible for the decision under para. 2 shall be specified in the Rules of Procedure of the Administrative Court.

Art. 78

Power of review and new facts and evidence

1) The power of review of the Administrative Court and its individual judges is limited to questions of law and fact. Discretion is reviewed exclusively on a legal basis.

2) In appeal proceedings before the Administrative Court and its single judge, new facts and evidence may be presented only if:

a) they already existed at the time of the first-instance decision but were demonstrably not known to the complainant or could not have been known to him even if he had exercised due diligence; or

b) new facts have arisen only after the date of the contested decision.

Art. 79

Contestable interim rulings

1) Intermediate rulings issued in application of Art. 8 par. 2, Art. 15 to 31 and Art. 54 to 58 may only be appealed against by means of an appeal against the final ruling.

2) Precautionary measures are independently contestable if they can cause an irreparable disadvantage.

Art. 80

Procedural deadlines

1) The grace period for improving the complaint is seven days.

1a) If a request for procedural assistance is granted, the grace period for improving the appeal shall be 14 days from the appointment of the procedural assistant.

2) The time limit for the provision of means of certification is seven days if the means of certification must be obtained in Austria, and 30 days if the means of certification must be obtained abroad. Expert opinions must be provided within 30 days.

3) If, despite credible efforts on the part of an asylum seeker, the deadlines pursuant to paras. 1 to 2 cannot be met, or if the person filing the complaint or his or her representative is prevented from doing so, namely due to illness or accident, an additional deadline may be granted.

Art. 81

Suspensive effect

Appeals against decisions of the Government or the competent member of the Government shall have suspensive effect.

Art. 82

Effect of extraordinary legal remedies

The filing of extraordinary legal remedies and appeals does not suspend the execution, unless the authority responsible for the treatment decides otherwise.

Art. 83

Procedural assistance

1) Asylum seekers, temporarily admitted persons and persons in need of protection may be granted procedural assistance in accordance with the relevant provisions of the Code of Civil Procedure:

a) in the appeal procedure;

b) in the first-instance proceedings, insofar as the proceedings are complex.

1a) An application for procedural assistance may be filed at the earliest with the pleading initiating the proceedings or the appeal.

2) If a decision is rejected by the first instance, a new application for legal aid must be filed.

3) The government shall regulate the details of the complexity of the procedure by decree.

4) Procedural assistants appointed pursuant to Art. 12(1) for minor asylum seekers are not required to file an application for procedural assistance. Paragraphs 1 to 3 do not apply to them. The scope of procedural assistance is governed by the relevant provisions of the Code of Civil Procedure.

XI. International cooperation and advisory commission Art. 84

International cooperation

1) The state participates in solving refugee problems abroad and at the international level within the framework of the Law on International Humanitarian Cooperation and Development (IHCD). It cooperates with the United Nations High Commissioner for Refugees (UNHCR) and supports other international organizations and aid agencies active in the field of refugee assistance.

2) The Office for Foreigners and Passports shall provide the United Nations High Commissioner for Refugees (UNHCR), at the latter's request, with the information necessary for the performance of its duties under Article 35 of the Convention relating to the Status of Refugees of 28 July 1951.

3) Decisions on asylum applications or other information, in particular the reasons for persecution, may only be transmitted, except in anonymous form, if the asylum seeker has contacted the United Nations High Commissioner for Refugees (UNHCR) himself or if the consent of the asylum seeker is otherwise proven. The asylum seeker's consent is not required if he or she is no longer in Liechtenstein and there is no reason to assume that the asylum seeker's interests worthy of protection conflict with the transfer.

4) The data may only be used for the purpose for which it was transmitted.

Art. 85

Advisory commission

1) The government establishes an advisory commission composed of seven to eleven members.

2) The commission includes representatives of the government, municipalities, the Foreign and Passport Office, the Office of Foreign Affairs, business and

of the aid organizations. The government appoints the chairman. The term of office is four years.

3) The Commission advises the Government on all matters related to the reception of asylum seekers and persons in need of protection and makes recommendations for the attention of the Government and other competent authorities.

4) The Government or the Office for Foreigners and Passports may invite the Commission to comment on a specific issue within its remit.

5) The Commission consults with the United Nations High Commissioner for Refugees (UNHCR) on matters of principle and importance.

XII. Penal provisions

Art. 86

Deception of the authorities

The district court shall punish with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily rates any person who deceives the authorities responsible for the enforcement of this Act by making false statements or concealing material facts and thereby obtains a pecuniary advantage within the meaning of Chapter V to which he is not entitled.

Art. 87

Processing of personal data contrary to the intended purpose

Anyone who processes data stored in Eurodac for a purpose other than determining which state is responsible for examining an asylum application submitted by a third-country national in a Dublin state is liable to a fine of up to 10,000 francs imposed by the regional court for an infringement.

Art. 88

Administrative Violations

The Immigration and Passport Office shall impose a fine of up to 10,000 francs on anyone who, intentionally or negligently:

a) is gainfully employed without the consent of the Immigration and Passport Office;

b) provides gainful employment to an asylum seeker, provisionally admitted person or person in need of protection without the required consent of the Office for Foreigners and Passports or employs such a person without the required consent of the Office for Foreigners and Passports;

c) fails to comply with the duty to cooperate pursuant to Art. 6 Par. 4.

XIII. Transitional and final provisions Art. 89

Transitional provisions

1) The previous law shall apply to proceedings pending at the time of the entry into force of this Act.

2) The Commission for Refugee Affairs appointed under the previous law shall continue to conduct its business until the new advisory commission is appointed in accordance with the provisions of this Act.

3) The service agreements concluded under the previous law shall remain in force until new service agreements are concluded, unless otherwise stipulated therein.

Art. 90

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 91

Repeal of previous law

It is repealed:

a) Act of 2 April 1998 on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBl. 1998 No. 107;

b) Announcement of August 11, 1998, on the correction of the State Law Gazette 1998 No. 107, LGBl. 1998 No. 133;

c) Act of 18 December 1998 on the Amendment of the Act on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBl. 1999 No. 47;

d) Act of 19 October 2005 on the Amendment of the Act on the Reception of Asylum Seekers and Persons in Need of Protection (Refugee Act), LGBl. 2005 No. 238;

e) Act of 17 September 2008 on the amendment of the Refugees Act, LGBl. 2008 No. 314;

f) Act of 22 October 2008 on the amendment of the Refugees Act, LGBl. 2008 No. 340;

g) Act of March 16, 2011 on the Amendment of the Refugee Act, LGBl.

2011 No.

357.

Art. 92

Entry into force

This Act shall enter into force on June 1, 2012.

V. Foreign Nationals Act (AuG)

from 17 September 2008

I. General provisions

I. General provisions Art. 1

Subject

This law regulates the entry and exit, residence and family reunification of foreigners. In addition, it contains provisions on integration according to the principle of demanding and promoting.

Art. 2

Scope

1) This law applies to foreigners, insofar as they:

a) are neither nationals of a Member State of the European Economic Area (EEA Member State) nor of Switzerland;

b) are family members of persons who are neither nationals of an EEA Member State nor of Switzerland.

2) This Act shall not apply to the provision of cross-border services by self-employed persons or enterprises with

Resident or domiciled in the EEA or Switzerland and their employees who are neither nationals of an EEA member state nor of Switzerland.

3) The provisions on the visa procedure and entry and exit only apply insofar as the Schengen acquis applicable to Liechtenstein does not contain any provisions to the contrary.

Art. 3

Designations

The personal and functional terms used in this Act shall be understood to mean members of the male and female genders.

Art. 3a

Reference to legal provisions of the Schengen or Dublin acquis applicable in Liechtenstein

If this Act refers to legal provisions of the law applicable in Liechtenstein

If reference is made to the Schengen or Dublin acquis, the version of these legal provisions in force at any given time shall be derived from the promulgation of the international treaties for the further development of the Schengen or Dublin acquis in the Liechtenstein Law Gazette in accordance with Art. 3 of the Promulgation Act.

Art. 4

Relationship to the asylum procedure

1) Persons who are staying in Liechtenstein on the basis of the Asylum Act or who are not granted asylum and therefore have to leave the country may not apply for a permit on the basis of this Act. They may only apply for a permit under this Act after the asylum procedure has been completed and they have left the country in accordance with the regulations.

2) Procedures already pending for the granting of a short-term residence permit or a residence permit become invalid with the submission of an asylum application.

3) Residence permits that have already been issued remain valid and can be extended in accordance with the provisions of aliens law.

II. Principles of admission and integration Art. 5

Approval

1) The admission of employed foreigners is in the interest of the national economy; the decisive factor is the chances for sustainable integration into the world of work and society.

2) Foreigners may also be admitted if the requirements for family reunification under Articles 32 to 39 are met.

3) Foreigners are admitted only if the Schengen acquis applicable to Liechtenstein does not conflict.

Art. 6

Integration

1) The goal of integration is the coexistence of the Liechtenstein and foreign populations on the basis of the values of the Constitution and mutual respect and tolerance.

2) Integration is intended to enable legally and long-term resident foreigners to participate in the economic, social and cultural life of society.

3) Integration requires both the appropriate will and effort on the part of the

The new law presupposes the willingness of foreigners to integrate into society, as well as the openness of the Liechtenstein population.

4) Foreigners are obliged to deal with the social conditions and living conditions in Liechtenstein and in particular to learn the German language, both written and spoken.

III. Entry and exit

Art. 7

Entry requirements

1) Foreigners who want to enter Liechtenstein:

a) must have a valid passport;

a) must have a visa or travel authorization in accordance with Regulation (EU) 2018/1240(ETIAS travel authorization), if required;

b) must have sufficient financial resources for the stay;

c) must not pose a threat to public safety and order or to the country's inter-national relations;

d) Must not be affected by a remote detention measure; and

e) must not be internationally alerted for arrest.

2) They must offer a guarantee of safe re-entry if only a temporary stay is planned.

3) Foreigners who wish to take up residence in Liechtenstein and who are not required to have a visa must have a short-stay or residence permit in order to enter the country.

4) The provisions of the Schengen acquis applicable to Liechtenstein remain reserved.

Art. 8

Issuance of the visa

1) The visa is issued by the authorized representation abroad or by the Immigration and Passport Office.

2) The Government shall regulate the details of visa issuance in accordance with international agreements by decree.

3) A temporary guarantee, insurance, deposit or other security may be required to cover the costs of care and return travel.

IV. Authorization and reporting requirements

A. In general

Art. 9

Permit requirement for residence without gainful employment

1) If a stay without gainful employment of more than three months within six months is intended, a permit is required for this.

2) Within six months from the date of first entry, the permit-free stay may not exceed three months. If the visa contains a shorter duration of stay, this shall apply.

3) With the expiry of the permit-free stay according to paragraph 2, the departure must take place.

Art. 10

Permit requirement for residence with gainful employment

1) Foreigners who wish to pursue gainful employment in Liechtenstein require a permit regardless of the duration of residence. Art. 12 remains reserved.

2) Gainful employment is any employed or self-employed activity usually carried out for remuneration, even if it is unpaid.

Art. 11

Reporting obligation

1) Foreigners who require a permit must register in person at the Residents' Registration Office of their place of residence within eight days of entry.

2) The following must be submitted to the relevant residents' registration office:

a) the valid passport; and

b) the assurance for the short stay or residence permit or the valid visa.

3) A change of residence within the municipality of residence or a move to another municipality of residence must be reported in person to the relevant residents' registration office within eight days.

4) Foreigners who hold a permit must deregister in person at the Residents' Registration Office in their place of residence at least eight days before leaving the country and hand in their residence permit if they are moving abroad.

5) The provisions of this article do not apply to cross-border commuters.

B. Cross-border service Art. 12

Principle

1) Self-employed persons or companies with residence or registered office outside the EEA or Switzerland and their employees may provide a cross-border service for a maximum period of eight days within a period of 90 days. The visa requirement remains reserved.

2) The provision of a cross-border service is subject to notification. The notification must be submitted to the Immigration and Passport Office no later than two working days before the service is provided.

3) A cross-border service is a business activity in Liechtenstein for a limited period of time, which is usually provided for a fee.

4) The government shall regulate the details by ordinance.

V. Approval requirements

A. Permit for residence with gainful employment

Art. 13

Approval requirements

1) Foreigners may only be granted a short-term residence permit or a residence permit for the purpose of gainful employment if:

a) this is in the national economic interest;

b) the request of a domestic employer is available;

c) the degree of employment is at least 50% for an application for a short-term residence permit or 80% for an application for a residence permit;

d) Have no prior felony or misdemeanor convictions;

e) the professional qualification, the professional and social adaptability, the language skills and the age indicate a sustainable integration into the world of work and society;

f) sufficient financial resources are available so that social assistance does not have to be claimed;

g) the requirements according to Art. 14 to 18 are fulfilled; and

h) the cross-border commuter activity is not reasonable.

2) The government shall regulate the details by ordinance.

Art. 14

Personal requirements

A short-term residence permit or a residence permit for the purpose of gainful employment can only be issued to managers, specialists and other qualified employees who have completed an apprenticeship or have many years of professional experience.

Art. 15

Wages and working conditions

Foreigners may only be admitted to gainful employment if the usual local, professional and industry wage and working conditions are complied with.

Art. 16

Priority for nationals

1) Foreigners can only be admitted to Liechtenstein for employment if it can be proven that no suitable employees can be found on the labor market without a permit.

2) The permit-exempt labor market includes:

a) Liechtenstein nationals;

b) Persons with a valid residence or settlement permit; and

c) Cross-border commuters with a nationality of an EEA member state or Switzerland.

Art. 17

Apartment

Foreigners can only be admitted to gainful employment if they have an apartment that meets their needs.

Art. 18

Maximum numbers

1) The government may limit the number of short-stay and residence permits for the purpose of paid employment.

2) The maximum numbers do not apply to renewal applications.

B. Permit for residence without gainful employment Art. 19

Education and training

1) Foreigners can only be granted a short-term residence permit for education and training in Liechtenstein if:

a) the expected duration of the education and training is known;

b) the school management of a recognized educational institution confirms that the training or further training can be taken up or continued;

c) they have the language skills required for teaching;

d) sufficient financial means are available for living and studying, so that no social assistance has to be claimed;

e) the legally required health insurance coverage, which covers all risks in Liechtenstein, is proven;

f) a need-based apartment or accommodation is available;

g) Have no prior felony or misdemeanor convictions; and

h) the re-exit appears to be secured.

2) In the case of minors, supervision must be ensured.

3) The government shall regulate the details by ordinance.

Art. 20

Persons of special interest

1) Foreigners who are not gainfully employed can only be granted a short-term residence or stay permit if:

a) they are of particular interest to the country;

b) they have housing that meets their needs;

c) the legally required health insurance coverage, which covers all risks in Liechtenstein, is proven;

d) sufficient financial means are available so that no social assistance has to be claimed (guarantee from a bank domiciled in Liechtenstein); and

e) Have no prior felony or misdemeanor convictions.

2) The government shall regulate the details by ordinance.

C. Deviations from the licensing requirements Art. 21

Hardship or important public interests

1) The conditions of approval under Articles 13 to 20 may be waived in order to take account of serious personal hardship or important public interests.

2) Paragraph 1 applies only to the issuance of short-term or residence permits.

3) The government shall regulate the details by ordinance.

D. Permit for a cross-border commuter activity

Art. 22

Cross-border commuter permit

Foreigners may be granted a cross-border commuter permit for the purpose of employment if:

a) they have a permanent right of residence in an EEA member state or in Switzerland;

b) they return daily to their residence abroad; and

c) the requirements according to Art. 13 Para. 1 Letters a, b and d as well as Art. 15 and 16 are fulfilled.

E. Authorization for daily or weekly paid employment

Art. 22a

Approval in letter form

Foreign nationals may be granted a permit in the form of a letter for the purpose of daily or weekly employment if the requirements of Art. 13(1)(a), (b) and (d) and Arts. 14 to 16 are met.

VI. Authorization

procedure Art.

23

Issuance or extension of a permit

1) An application for a permit under this Act must be submitted to the Foreigners and Passport Office.

2) The Aliens and Passport Office may request a current extract from the criminal record from the country of origin or home country as well as other documents necessary for the procedure in the original.

3) Decisions are usually made on complete applications:

a) within two weeks of receipt in the case of applications for the issuance of a cross-border short-stay permit;

b) within three months of receipt in the case of applications for a residence or settlement permit.

4) Incomplete, illegible or unsigned applications will be returned to the applicant with a one-time deadline of 30 days for completion. If the deadline expires without completion, the application is considered withdrawn.

5) If the facts and legal situation are the same, further identical applications will be rejected informally with reference to the decided case.

6) The permit may only be issued if all documents required for the issuance of the permit, as specified by the Aliens and Passport Office, have been submitted and the personal registration at the Residents' Registration Office at the place of residence has taken place.

7) The application for the extension of a residence or cross-border commuter permit must be submitted at least two weeks before the expiry date.

Art. 24

Assurance or authorization to issue a visa

1) For a stay requiring a permit, with or without gainful employment, an assurance of a permit or an authorization to issue a visa is required. The commencement of gainful employment may only take place after receipt of the assurance or the visa.

2) Foreigners have to wait for the assurance or authorization to issue visa abroad.

3) Foreigners who have entered the country legally for a temporary stay and who subsequently apply for a permit must also wait for the permit decision abroad.

4) The validity of an assurance is limited to a maximum of six weeks for short-term residence permits, and to three months as a rule for residence permits.

VII. Regulation of residence

Art. 24a

Approval in letter form

1) An authorization in letter form may be used to exercise a daily or weekly

The certificate may be issued for a distributed period of presence of no more than 180 days within a twelve-month period of validity.

2) If an employee has already been granted a short-term residence permit in accordance with Art. 25, a permit in letter form may only be granted if at least six months have elapsed since the expiry of the period of validity of the short-term residence permit and the proper departure.

3) The permit provides information about the employer.

Art. 25

Short stay permit

1) The short-term residence permit can be issued for temporary and directly consecutive stays of up to one year in total.

2) It is issued only for a specific purpose of residence.

3) It may be extended once for a maximum of six months upon proof of an extraordinary need.

4) It can only be issued again after an interruption of at least six months since the departure and departure; this does not apply to foreigners with a short-term residence permit pursuant to Art. 19.

Art. 26

Residence permit

1) The residence permit can only be issued for stays with an expected duration of more than one year.

2) It is issued for a specific purpose of residence and may be subject to conditions. The obligations assumed and declarations made during the approval procedure, especially regarding the purpose of the stay, are considered as imposed conditions.

3) The residence permit is generally limited to one year. It can be extended if the integration agreement (Art. 41) has been complied with and there are no grounds for revocation or expulsion (Art. 48 and

53) exists. Para. 4 and Art. 36 para. 1a remain reserved.

4) Managers and specialists may be granted a residence permit for up to three years, provided that at the time of application they are employed abroad in an internationally active company with a business establishment in Liechtenstein; Art. 16 is not applicable.

5) The extension can be made only up to a maximum of one month before the expiry of the validity of the passport.

Art. 27

Settlement permit

1) The settlement permit is unlimited in time. It may not be subject to conditions.

2) The residence permit is issued to control the actual presence in the country for a period of three years. It must be presented in person for renewal no later than two weeks before the expiry of the control period.

3) Foreigners may be granted a settlement permit if:

a) they have been in possession of a residence permit without interruption for the last five years;

b) they have passed a civics examination and have the required knowledge of written and spoken German;

c) they are in a stable and livelihood-securing employment relationship or have sufficient financial means so that they do not have to claim social assistance;

d) they have not been convicted of a felony or misdemeanor within the last five years or no such criminal proceedings are pending before the Public Prosecutor's Office or a court;

e) they have not claimed social assistance in the last two years; and

f) there is no reason for revocation or expulsion.

3a) Exempt from the requirement under subsection 3(b) are persons who:

a) are permanently exempted from concluding an integration agreement in accordance with Art. 42 para. 1 let. c; or

b) have already resided in Liechtenstein for more than 15 years before this law came into force.

4) Foreigners may be reissued a settlement permit if:

a) they have already been in possession of a settlement permit for at least ten years;

b) they have not been resident abroad for more than five years;

c) they demonstrate that they have remained closely associated with Liechtenstein; and

d) the requirements according to paragraph 3 letters b, c, d and f are fulfilled.

5) Temporary stays abroad according to Art. 28 cannot be counted towards the time limits according to para. 3 let. a and 4 let. a.

6) The government shall regulate the details by ordinance.

Art. 28

Retention of residence or settlement permit

1) The retention of the residence or settlement permit may be granted for a temporary stay abroad, provided that this does not significantly impede integration:

a) for the completion of an education abroad (study, apprenticeship), if the compulsory schooling is fulfilled in the country and the desired education is not possible in the country;

b) in particularly justified cases.

2) The retention pursuant to subsection 1(b) may be granted at the earliest after a proper and uninterrupted stay of three years since the granting of the residence permit.

3) Retention under paragraph 1 may be granted for a maximum period of one year. Extensions of the retention period in accordance with paragraph 1(b) may not exceed a total period of two years.

4) The application for the granting or extension of the retention must be submitted at least two weeks before the start of the stay abroad or before the expiry of the granted retention.

Art. 29

Cross-border commuter permit

1) A cross-border commuter permit may be issued for the purpose of employment.

2) It is limited to one year and can be extended if there is no reason for revocation according to Art. 48 Para. 1 Letters a, c or Para. 2.

Art. 30

Gainful employment

1) Persons with a residence permit who are admitted to gainful employment may change their job within the country.

2) Persons with a residence or settlement permit can apply for a

self-employed in Germany, provided that the requirements under professional law are met.

Art. 31

Residence or cross-border commuter permit

1) Foreigners receive a residence or cross-border commuter permit with their permit.

2) Persons who are required to obtain a permit must present their residence permit or cross-border commuter permit to the authorities upon request.

3) The Aliens and Passport Office may withdraw the residence or cross-border commuter card for any reason.

4) In case of loss of a valid residence permit, a report must be filed with the state police. If the loss of the residence permit is not related to a criminal offense, the loss can also be reported directly to the Aliens and Passport Office. A new residence permit will not be issued until the Aliens and Passport Office has received notification of the loss.

4a) The ID card is provided with an electronic data carrier (data chip). This contains the facial image, the fingerprints of the

badge holder and the data contained in the machine-readable lines.

4b) The ID card may contain an additional electronic data carrier. At the request of the cardholder, this shall be provided with a certificate enabling him/her to use an electronic signature in private and public legal transactions.

5) The government determines by decree:

a) the form and content of the ID cards;

b) which persons have an ID card with a data chip and which data must be stored on it;

c) the details of the electronic data carrier pursuant to paragraph 4b, in particular the certificates to be used, the data to be recorded and data security.

Art. 31a

Security and reading of the data chip

1) The data chip must be protected against forgery and unauthorized reading. The government determines the relevant technical requirements by ordinance.

2) The government is authorized to enter into contracts with other countries for the reading of data stored on the data chip if they provide guarantees of adequate data protection.

VIII. Family reunification

Art. 32

Principle

1) The purpose of family reunification is the simultaneous reunification of family members in the applicant's household.

2) Family members within the meaning of paragraph 1 are:

a) the spouse or registered partner;

b) joint unmarried children under the age of 18, including adopted children and children under guardianship.

Art. 33

Requirements

1) Before issuing a residence permit or an authorization to issue a visa for family members, the applicant must prove that:

a) he/she has a valid residence or settlement permit;

b) both spouses are of age according to Liechtenstein law;

c) the spouse living abroad has a basic knowledge of the German language;

d) he/she has a dwelling suitable for his/her needs (rental or purchase contract), which offers sufficient space to accommodate the family members; and

e) he/she is in a stable employment relationship that secures his/her livelihood and that of his/her family members, or has sufficient financial means for his/her personal livelihood and that of his/her family members so that no social assistance has to be claimed (guarantee from a bank domiciled in Liechtenstein).

2) The economic circumstances of the applicant at the time of the application are decisive for the examination of the prerequisite according to Paragraph 1(e). The assets and income of family members moving in are not taken into account.

3) The requirement under paragraph 1(c) may be waived if the applicant was granted a residence permit for gainful employment and

the family members enter together with him.

4) After entry and registration have been completed, the applicant must submit the following documents within the period of validity of the assurance or visa:

a) a proof of registration of the family members with the Residents' Control at the place of residence;

b) proof of health insurance coverage as required by law, covering all risks in Liechtenstein;

c) proof of registration of school-age children with the school.

5) The Aliens and Passports Office may require original proof of the family relationship. Art. 23 para. 6 applies.

6) The government shall regulate the details by ordinance.

Art. 34

Deadlines

1) Family reunification must be claimed within three years of the granting of the permit or the establishment of the marital union at the latest. Paragraph 1a remains reserved.

1a) If the applicant has been granted a residence permit for the purpose of family reunification, family reunification may be claimed at the earliest after the expiry of an ordinary and uninterrupted period of residence of four years from the granting of the permit. After expiry of this period, the application for family reunification must be submitted at the latest within three years of the establishment of the marital union or, if the marital union was established during the four-year period, within three years of the expiry of this period.

2) Further family reunification can be granted at the earliest two years after the divorce decree has become final.

Art. 35

Interruption of the procedure

If, at the time of the application for family reunification, proceedings for revocation of the applicant's residence or settlement permit are already pending or if such proceedings are opened during the family reunification proceedings, the family reunification proceedings shall remain interrupted until a final decision on the revocation of the applicant's residence or settlement permit has been issued.

Art. 36

Validity period of the permit

1) The period of validity of the residence permit of each family member corresponds to the period of validity of the permit of the applicant from whom the right of residence is derived. Art. 26 paras. 3 and 5 apply.

1a) The period of validity of the residence permit of children who join the applicant shall correspond to the period of validity of the permit of the applicant from whom the right of residence is derived. By way of derogation from Art. 26 Para. 3, the period of validity of the residence permit may be

more than one year, provided that the child who has been reunited is exempt from concluding an integration agreement in accordance with Article 42(1)(b).

2) Children who join their parents receive an independent right of residence when they reach the age of majority. Any extension of their residence permit can be made dependent on:

a) compliance with an integration agreement; and

b) the pursuit of gainful employment or the commencement and completion of vocational training.

Art. 37

Gainful employment of family members

1) After receiving the residence permit, the spouse and the children have the right to engage in gainful employment.

2) Art. 30 par. 2 applies to the exercise of self-employment.

Art. 38

Abusive marriage

The issuance of a residence permit for the purpose of family reunification is to be refused or an already issued permit is to be revoked if there is evidence or at least sufficient indications to conclude that:

a) the marital union was entered into or continued by at least one of the spouses primarily with the intention of evading the provisions of this Act and the implementing regulations on admission and residence; or

b) one of the spouses was coerced into entering into the marriage.

Art. 39

Consequences of the dissolution of the marital union

1) If a marital union is dissolved as a result of dissolution of the common household, separation, divorce or invalidity or nullity of the marriage and the marital union has lasted less than five years

If the residence permit has existed since it was issued, the residence permit shall be revoked or its extension shall be refused.

2) Revocation or non-renewal of the residence permit may be waived if:

a) the spouse:

1. is in a stable and viable employment relationship in Switzerland and meets the requirements of Art. 13(1)(c); or

2. meets the requirements of Art. 20 Para. 1 Letters b to e; and

b) there are important personal reasons. Such reasons exist in particular if:

1. There is a lived and intact relationship with the joint children and the welfare of the minor children would be significantly jeopardized by the revocation of a parent's authorization; or

2. the spouse has demonstrably been the victim of marital violence, so that the continuation of the marital union has become unreasonable.

3) The residence permit may be extended in the event of dissolution of the marital union as defined in para. 1 if the marital union has existed for more than five years since the residence permit was issued and there has been successful integration.

Art. 39a

Registered partnership

Articles 33 to 39 apply mutatis mutandis to the registered partnership.

IX. Integration

Art. 40

Promoting integration

1) The authorities of the state and the municipalities, the social partners as well as the foreign and non-governmental organizations take integration concerns into account when fulfilling their tasks. They work together in this regard.

2) The state and municipalities create favorable conditions for equal opportunities and the participation of the foreign population in economic, social and cultural life.

3) In particular, they promote language acquisition, professional advancement, health care, the actual equality of women and men, as well as efforts that facilitate mutual understanding between the Liechtenstein and foreign population and coexistence.

4) They take into account the special concerns of the integration of women, children and young people.

5) Employers support language acquisition, especially the attendance of language courses, within the scope of their possibilities.

Art. 41

Integration agreement

1) The Foreigners and Passport Office concludes an integration agreement in German with foreigners when issuing or extending a residence permit. This also applies to the granting of permits for family reunification (Art. 32 to 39).

2) The purpose of the integration agreement is the acquisition of knowledge of the German language and basic knowledge of the legal system and the state structure of Liechtenstein.

3) Spouses or registered partners who have been granted a residence permit in the context of family reunification should learn the German language in spoken and written form within two years.

4) The integration agreement can stipulate the obligation to attend a language and civics course. If the foreigner can prove that he or she already has appropriate language skills, these must be taken into account.

5) The government shall regulate the details by ordinance.

Art. 42

Exceptions

1) Excluded from the conclusion of an integration agreement are:

a) Persons who are admitted for residence with gainful employment and declare in writing that they will reside in Liechtenstein for a maximum of three years;

b) Children until they reach the age of 16; or

c) Persons who cannot reasonably be expected to fulfill an integration agreement due to their advanced age or state of health.

2) After release from compulsory schooling, persons pursuant to subsection 1(b) may be

Integration agreement can be concluded if the desired knowledge of the German language is not yet available.

3) Persons who have been granted a residence permit in accordance with Art. 20 may be exempted from concluding an integration agreement.

Art. 43

Financial contributions

1) The country grants financial contributions for the integration of foreigners.

2) The financial contributions support in particular:

a) Projects that serve the learning of the German language as well as the acquisition of basic knowledge of the legal system and the structure of the state;

b) Projects and events to promote the social and professional in tegration of foreigners;

c) Advising and informing foreigners about measures to promote integration.

3) The government shall regulate the details by ordinance.

Art. 44

Information

1) The state and municipalities shall provide foreigners with adequate information on living and working conditions as well as on existing offers to promote integration in Liechtenstein.

2) The Office of Social Services advises private individuals and authorities on issues of integra- tion.

Art. 45

Integration coordination

1) The government promotes interagency coordination and information on integration issues.

2) The Office of Social Services coordinates the measures for integration.

Art. 46

Repealed

X. Termination of stay

A. Expiry of the authorizations

Art. 47

Cancellation reasons

1) A permit expires:

a) with the personal deregistration abroad;

b) with the expiry of the period of validity of the permit, if an application for extension has not been submitted in due time;

c) with the discontinuation of the purpose of stay of the short-term residence permit;

d) with the termination of the employment relationship for the cross-border commuter permit; or

e) with the expulsion according to Art. 53.

2) If the foreigner leaves Liechtenstein without deregistering, the residence permit expires after four months and the settlement permit after six months, unless a retention permit has been granted.

3) The time limits pursuant to paragraph 2 shall not be interrupted by stays in Austria for business or visiting purposes.

B. Revocation of permits

Art. 48

Revocation of the residence permit

1) A residence permit may be revoked if the foreigner:

a) or his representative has made false statements or concealed important facts in the approval procedure;

b) no longer meets the requirements for the granting of the residence permit or no longer complies with a condition attached to the permit (Art. 26 paras. 2 and 3);

c) indicates by his or her behavior that he or she is neither willing nor able to conform to the established order;

d) has not been employed for an uninterrupted period of six months due to unemployment;

e) or a person for whom he or she is responsible is dependent on social assistance; or

f) has not complied with the integration agreement.

2) A residence permit must be revoked if the foreigner has been sentenced to at least a partially unconditional custodial sentence for a felony or misdemeanor or if a preventive measure within the meaning of Section 3 of the Criminal Code has been ordered against him.

3) The right to revoke a residence permit issued in the context of family reunification in accordance with Art. 38 or 39 is reserved.

Art. 49

Revocation of the settlement permit

The settlement permit may be revoked if:

a) the requirements of Art. 48 par. 1 let. a or par. 2 are met; or

b) the foreigner or a person for whom he/she is responsible is permanently and substantially dependent on social assistance.

C. Removal and detention measures Art.

50

Removal order

1) Aliens shall be removed by order to their country of origin or to a country with which a readmission agreement exists or to which the alien voluntarily wishes to return and is accepted, if:

a) they do not have a required permit;

b) they do not meet or no longer meet the entry requirements pursuant to Art. 7; or

c) their permit is denied, revoked or not renewed.

1a) If foreigners have a valid residence permit from another state that is bound by the Schengen acquis (Schengen state), they must be requested informally to go to this state without delay. If they do not comply with this request, an order in accordance with paragraph 1 shall be issued. If immediate departure is indicated for reasons of public security and order or internal and external security, an order shall be issued without prior request.

2) An appeal against rulings under subsection 1(a) and (b) may be lodged with the government within five working days of the ruling being issued. The appeal shall not have suspensive effect. At the same time as the appeal, a request for restoration of the suspensive effect may be filed. The member of the Government responsible in accordance with the allocation of duties shall take a final decision on such a request within ten working days.

2a) For unaccompanied minor foreigners, at the request of the Foreigners' and

The district court shall immediately appoint a curator to represent the interests of the passport office during the deportation proceedings.

3) The provisions on coercive measures are applicable.

Art. 51

Expulsion on the basis of the Dublin acquis applicable to Liechtenstein

1) Where another State bound by the Dublin acquis (Dublin State) is responsible for conducting an asylum procedure on the basis of the provisions of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ 2013 L 241, p. 1). If a Member State is responsible for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ L 180, 29.6.2013, p. 31), a removal order shall be issued against persons illegally present in Liechtenstein.

2) An appeal against a removal order may be lodged with the government within five working days of the order being issued. The appeal has no suspensive effect. At the same time as the appeal, a request for restoration of the suspensive effect may be filed. The Government shall decide in the last instance on such a request within ten working days; it may delegate this task to the competent member of the Government by decree.

Art. 52

Expulsion order with standard form

If a person has entered Liechtenstein illegally, the deportation order pursuant to Art. 50 (1) is issued to him or her using a standard form.

Art. 52a

Informal removal

1) Aliens are informally removed if they:

a) by another Schengen State on the basis of an agreement concluded at the time of entry into force of Directive 2008/115/EC of the European Parliament and of the Council of
16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98); or

b) are listed in the Schengen Information System because they have been refused entry.

pursuant to Article 14 of the Schengen Borders Code (OJ L 77, 23.03.2016, p. 1) was refused.

2) At the immediate request of the person concerned, an order will be issued using a standard form.

Art. 52b

Time limit for departure and immediate execution

1) The removal order must be accompanied by an appropriate departure deadline of between seven and thirty days. A longer departure period must be set or the departure period can be extended upon request if special circumstances such as the family situation or a long duration of stay make this necessary. The person concerned will be issued with a confirmation regarding the extension of the departure period.

2) When determining the time limit for departure and its extension, except in the case of Art. 62, it shall be observed as far as possible that:

a) the family unit is maintained with the family members present in Liechtenstein;

b) emergency medical care and the absolutely necessary treatment of illnesses is guaranteed;

c) access to the basic education system is ensured for minors depending on the length of their stay;

d) the specific needs of vulnerable persons are taken into account.

3) The removal order may be enforced immediately or an exit deadline of less than seven days may be set if:

a) the person concerned poses a threat to public safety and order or to internal or external security;

b) there are concrete indications that the person concerned intends to evade deportation;

c) an application for a permit has been rejected as manifestly unfounded or abusive;

d) the person concerned is readmitted to another Schengen state on the basis of an applicable readmission agreement (Art. 52a para. 1 let. a);

e) the person concerned is the subject of an alert in the Schengen Information System because he or she has been refused entry pursuant to Article 14 of the Schengen Borders Code (Art.

52a para. 1 let. b);

f) the person concerned is expelled on the basis of the Dublin residence status applicable to Liechtenstein (Art. 51).

Art. 52c

Obligations after the opening of a removal order

After the opening of a deportation order, foreigners may in particular be required to:

a) report regularly (daily or weekly) to the state police;

b) to provide adequate financial security;

c) Travel documents to be deposited.

Art. 52d

Translation of the removal order

1) Upon request, the removal order shall be translated in writing or orally into a language that the person concerned understands or can be presumed to understand.

2) If the removal order is issued by means of the standard form pursuant to Art. 52, no translation shall be provided. The persons concerned are provided with an information sheet explaining the removal order.

Art. 53

Designation

1) Aliens are deported by order if they:

a) have been sentenced to an unconditional term of imprisonment of two years or more for a felony or misdemeanor, or have been ordered to undergo a preventive measure within the meaning of Section 3 of the Criminal Code; or

b) have seriously violated or endangered public security and order in Switzerland or abroad or endanger internal or external security.

2) The expulsion is immediately enforceable.

3) The expulsion is accompanied by a temporary or indefinite entry ban.

Art. 54

Entry ban

1) An entry ban is imposed on expelled foreigners if:

a) no time limit for departure has been set (Art. 52b par. 3);

b) they have not left within the set time limit;

c) they have violated or endangered public safety and order in Switzerland or abroad; or

d) they have been punished on the basis of Art. 83, 84 or 86 or have attempted to commit such an act.

2) An entry ban may be imposed on foreigners if they:

a) Retrieved

b) Have caused social welfare costs;

c) have been deported; or

d) had to be detained in accordance with Articles 58 to 59a in order to carry out the removal or expulsion.

2a) An entry ban applies to the entire Schengen area if:

a) it is entered in the Schengen Information System in accordance with Art. 54a para. 2; and

b) the foreigner does not have a valid residence permit of another state.

3) An appeal against the entry ban order does not have a suspensive effect.

4) The entry ban is issued for a maximum period of five years. It may be issued for a longer period if the person concerned represents a serious threat to public safety and order.

5) Exceptionally, for humanitarian or other important reasons, the imposition of an entry ban may be waived or, upon written request, an entry ban may be imposed definitively or provisionally.

be lifted with transitional effect. In this context, the reasons that led to the entry ban, as well as the protection of public security and order and the safeguarding of the internal or external security of Liechtenstein, must be weighed against the private interests of the person concerned in having the ban lifted. The Government shall regulate the details by ordinance.

Art. 54a

Alert in the Schengen Information System

1) Data of third-country nationals against whom the following return decisions within the meaning of Directive 2008/115/EC have been issued shall be entered in the Schengen Information System by the competent authority:

a) Removals according to Art. 50;

b) Expulsions under Art. 53;

c) Removals with enforcement order according to Art. 25 and 26 of the Asylum Act.

2) Data of third-country nationals who are subject to entry bans pursuant to Articles 53(3) and 54 shall be entered in the Schengen Information System by the competent authority, provided that the requirements of Regulation (EU) 2018/1861 are met.

3) The Government shall regulate by ordinance the procedure and responsibilities for the collection and transmission of data pursuant to paragraphs 1 and 2 for alerts in the Schengen Information System.

Art. 54b

Competent authority for the exchange of supplementary information

1) The SIRENE Bureau shall be responsible for the exchange between the competent authorities of the Schengen States of supplementary information on third-country nationals entered in the Schengen Information System pursuant to Article 54a(1) and (2).

2) As soon as the Aliens and Passport Office or the National Police establishes that a third-country national for whom an alert has been issued for return by another Schengen State has not fulfilled his or her obligation to return, the SIRENE Bureau must be notified.

3) If consultation with the competent authorities of other Schengen states is required in connection with an alert in the Schengen Information System, this shall be carried out via the SIRENE Bureau. The government shall regulate the details of the procedure by ordinance.

Art. 54c

Return confirmation

The SIRENE Bureau shall forward return confirmations from other Schengen States to the issuing authority for the purpose of deleting the alert.

Art. 54d

Deletion of alerts in the Schengen Information System

1) The deletion of alerts pursuant to Art. 54a par. 1 in the Schengen Information System shall be effected by the authority issuing the alert as soon as:

a) the person concerned has left the Schengen area;

b) the decisions have been revoked or annulled; or

c) it is known that the person concerned has obtained the citizenship of an EEA member state or Switzerland.

2) The deletion of alerts pursuant to Art. 54a para. 2 in the Schengen Information System shall be effected by the authority issuing the alert as soon as:

a) the duration of the entry ban has expired;

b) the decisions have been revoked or annulled; or

c) it is known that the person concerned has obtained the citizenship of an EEA member state or Switzerland.

3) The issuing authority shall immediately activate the alert for a person for the purposes of refusing entry and stay in the Schengen Information System as soon as:

a) the person for whom an alert has been issued for return has left the Schengen area; and

b) the authority issuing the alert has deleted the alert for the return of this person.

Art. 54e

Transmission of Schengen Information System data to third parties

1) The data obtained from the Schengen Information System, as well as additional information belonging to it, may not in principle be transmitted to third countries, international organizations, private bodies or natural persons.

2) However, the transmission of such data and information by the Aliens and Passports Office is possible in relation to the return of illegally staying third-country nationals for the purpose of identification and issuance of a travel document or identity document to a state that is not bound by the Schengen acquis, with the consent of the issuing state, provided that the conditions set out in Article 15 of Regulation (EU) 2018/1860 are met.

D. Coercive measures Art. 55

Deportation

1) Foreigners are deported when:

a) they let the deadline set for them to leave the country expire;

b) the removal or expulsion can be carried out immediately; or

c) they are in custody in accordance with Art. 58 or 59.

2) Deportation may be postponed for a reasonable period of time if special circumstances such as health problems or lack of transport facilities so require. In the event of a violation of the principle of non-refoulement, deportation must be postponed.

3) The person concerned is issued a confirmation regarding the deferral of deportation.

4) The obligations provided for in Art. 52c may be imposed on the data subject.

5) Before unaccompanied minors are deported, it must be ensured that they are handed over to a family member, guardian or reception facility in the country of return.

Art. 55a

Covid-19 test in the path or expulsion procedure

1) In order to ensure that the removal or expulsion is carried out, the persons concerned are obliged to undergo a Covid 19 test if this is required on the basis of the entry requirements of the home country or country of origin, the transit country or the responsible Dublin state or the requirements of the transporting transport company.

2) The competent authorities shall inform the person concerned in advance of this obligation and of the possibility of compulsory enforcement under paragraph 3.

3) If a person concerned does not undergo a Covid 19 test of his or her own accord, the authorities responsible for enforcing removal or expulsion may subject the person concerned to a test against his or her will if enforcement cannot be ensured by other, milder means. During the Covid 19 test, no coercion may be used that could endanger the health of the person concerned. The compulsory enforcement of Covid 19 tests on children and adolescents who have not yet reached the age of 15 is not permitted.

4) The Covid 19 tests are performed by specifically trained medical personnel. They use the test method that is mildest for the person concerned. If they believe that carrying out the Covid 19 test could endanger the health of the person concerned, they do not carry out the test.

Art. 56

Search

1) During a removal or expulsion procedure, the person concerned and his or her belongings may be searched in order to seize travel and identity documents. The search may only be carried out by persons of the same sex.

2) If a removal or expulsion decision has been issued in the first instance, the Regional Court may, at the request of the Aliens and Passport Office, order the search of a dwelling or other rooms if there is suspicion that a person to be removed or expelled is hiding in them.

3) The government shall regulate the details by ordinance.

Art. 56a

Monitoring deportations

1) The government regulates the procedure and responsibilities for monitoring deportations by ordinance.

2) It may entrust third parties with tasks relating to the monitoring of deportations.

Art. 56b

Cooperation with the European Agency responsible for the surveillance of the Schengen external borders

The Aliens and Passport Office and the National Police may cooperate with the European Agency responsible for the surveillance of the Schengen external borders in the execution of expulsions and deportations, in particular in the procurement of travel documents and the organization of the journey.

Art. 57

Short term retention

1) Persons who do not fulfill the entry requirements according to Art. 7 may be detained by the national police:

a) for clarification of the residence status;

b) to establish their identity or nationality, insofar as their personal cooperation is required for this purpose; or

c) To open an order related to their residency status.

2) If a person is detained, they must:

a) be informed of the reason for their detention;

b) have the possibility to contact the persons guarding her if she needs help.

3) The person may only be detained for the duration of the necessary cooperation or questioning and any necessary transport, but for no more than three days. If the detention lasts longer than three days, a detention order must be issued in accordance with Art. 60.

3a) If the detention is expected to last longer than 24 hours, the person concerned shall first be given the opportunity to attend to urgent personal matters or to have them attended to.

4) The duration of the detention shall not count towards the duration of any detention under Articles 58 to 59a.

Art. 58

Preparatory detention

In order to ensure the implementation of a removal procedure, a person who does not hold a short-term residence, stay or settlement permit may be detained during the preparation of the decision on his/her right of residence if he/she:

a) refuses to disclose their identity in the removal procedure;

b) enters the territory of Liechtenstein despite a valid entry ban and cannot be immediately turned away;

c) after a legally binding revocation of their permit, after a legally binding non-renewal of their permit or after an expulsion (Art.

53) submits an application for asylum;

d) a person is dangerously threatened or seriously endangered to life and limb and has therefore been prosecuted or convicted;

e) has been convicted of a misdemeanor or felony;

f) are likely to be readmitted on the basis of a readmission request to a State bound by the provisions of Directive 2008/115/EC or by a State with which a readmission agreement exists

can; or

g) does not fulfill or no longer fulfills the entry requirements according to Art. 7 and cannot be expelled immediately.

Art. 59

Detention pending deportation

1) If a first-instance removal or expulsion decision has been issued, the person concerned may request that the decision be enforced:

a) be left in custody if he or she is already in custody on the basis of Art. 58;

b) be taken into custody when:

1. she disregards a valid entry ban;

2. it poses a dangerous threat to persons or a significant risk to life and limb;

3. there are concrete indications that he or she intends to resist or evade deportation, in particular because he or she does not comply with the obligation to cooperate in obtaining his or her passport in accordance with Article 65(c);

4. he/she does not leave the country upon expiry of the visa or permit;

5. she has allowed the deadline set for her to leave the country to expire or the removal order can be enforced immediately;

6. a reason for detention pursuant to Art. 58 let. f exists;

7. he/she does not or no longer fulfills the entry requirements pursuant to Art. 7; or

8. he or she is staying in Liechtenstein illegally, files an application for asylum and thereby obviously aims to avoid the imminent execution of a removal or expulsion order.

2) Retrieved

3) The necessary arrangements for the execution of the removal or expulsion shall be made immediately.

Art. 59a

Detention under the Dublin procedure

1) The foreign person concerned may be taken into custody in order to secure removal to the Dublin State responsible for the asylum procedure if, in an individual case, concrete indications give rise to fears that the person intends to evade the implementation of the removal.

2) The person concerned may be left in custody or detained as of detention order for the period of not more than:

a) seven weeks during the preparation of the decision on responsibility for the asylum application; this includes the submission of the take-over request to the other Dublin State, the waiting period until the reply or until tacit acceptance, as well as the drafting of the decision and its opening;

b) five weeks during a procedure in the event of a negative response from the requested Dublin State;

c) six weeks to ensure enforcement between the opening of the expulsion decision or after the termination of the suspensive effect of any appeal filed against an expulsion decision issued by the first instance and the transfer of the person concerned to the competent Dublin State.

3) If a person refuses to board a means of transport for the purpose of transfer to the Dublin State responsible or otherwise prevents the transfer by his or her personal conduct, he or she may be detained in order to ensure the transfer, provided that the order of detention pursuant to paragraph 2(c) is no longer possible and a less drastic measure does not achieve the objective. Detention may only last as long as it takes to ensure that the person can be transferred again, but for no longer than six weeks. It may be extended in accordance with Art. 61 par. 4 letter b.

Art. 60

Detention order and detention review

1) Detention under Articles 58 to 59a is ordered by the Aliens and Passports Office, and outside office hours by the National Police.

1a) The order of detention shall be admissible provided that it is proportionate and less restrictive measures cannot be effectively applied.

2) It is not permissible to order the detention of children and adolescents who have not yet reached the age of 15.

3) The legality and appropriateness of detention shall be reviewed by the district court on the basis of a hearing no later than 96 hours from the opening of the detention order.

4) The district court shall also take into account the family circumstances of the detained person when reviewing the decision on ordering, continuing or lifting detention.

5) The detained person may submit a written request for release from detention to the Aliens and Passport Office one month after the detention review. If the request is not granted by the Aliens and Passport Office, it must submit the request to the district court within three working days of receipt.

The aliens and passport office can give an opinion. The Immigration and Passport Office may issue an opinion. The district court must decide on the application within eight working days of receipt. A new application for release from custody may be submitted only after one month from the last decision on release from custody.

6) Detention is terminated ex officio by the Aliens and Passports Office if:

a) the reason for detention ceases to apply or it is shown that the execution of the removal or expulsion is impracticable for legal or factual reasons;

b) a request for release from custody is granted;

c) the detained person starts a custodial sentence or preventive measure.

7) A review of the legality and appropriateness of the detention by the district court shall only take place if the detention is upheld.

8) The Aliens and Passport Office shall notify the Regional Court without delay of the execution of the deportation or expulsion and of the termination of the detention.

9) The government may regulate the details by ordinance.

Art. 61

Duration of detention

1) Detention under Articles 58 to 59a may not exceed a total of six months.

2) For minors between 15 and 18 years of age, it may not exceed three months.

3) Retrieved

4) At the request of the Office for Foreigners and Passports, the district court may extend the period of detention:

a) by a maximum of twelve months if:

1. the person concerned does not cooperate with the Aliens and Passport Office or the National Police; or

2. there is a delay in the transmission of the documents required for exit by States not bound by the Schengen acquis;

b) at most up to the maximum period of detention of three months, if the person concerned is

person indicates by his or her personal conduct that he or she will continue to oppose a transfer to the competent Dublin State.

5) Together with the application pursuant to subsection 4, the Regional Court shall be notified of any new findings relevant to the decision that have occurred since the detention review hearing pursuant to Article 60(3).

6) In the case of subsection 4(a)(2), the district court may decide without an oral hearing.

Art. 61a

Judicial proceedings

1) The detained person and the public prosecutor's office shall have party status in the proceedings relating to detention in accordance with Articles 58 to 61.

2) The detained person is not obliged to testify at the detention review hearing. The district court shall instruct him/her on this.

3) The competent authority pursuant to Art. 60 par. 1 shall transmit without delay after issuance of the detention order:

a) the district court a copy of the detention order together with a copy of the procedural file;

b) the prosecutor's office a copy of the detention order.

4) The Alien and Passport Office shall be heard at the detention review hearing.

5) If the detention is confirmed by the regional court, the detained person shall require legal counsel for the further duration of the detention. § Section 26 of the Code of Criminal Procedure shall apply mutatis mutandis.

6) The provisions of the Code of Criminal Procedure shall apply in addition.

7) The government may regulate the details by ordinance.

Art. 61b

Complaint

1) The person in custody and the public prosecutor may appeal to the higher court against decisions of the regional court within three days of the opening of the decision.

2) The Code of Criminal Procedure shall apply mutatis mutandis to the appeal proceedings.

Art. 62

Conditions of detention

1) The state prison shall ensure that the detained person can notify a person designated by him or her in the home country. Oral and written communication with an authorized party representative is permitted.

2) Detention shall be carried out in suitable premises. It is inadmissible to combine detention with persons in pre-trial detention or in the penal system.

2a) Male and female detainees shall be housed in separate premises.

3) Inmates shall be offered suitable employment to the extent possible.

4) Emergency medical care and the absolutely necessary treatment of illnesses must be guaranteed.

4a) Relevant competent national and international organizations, as well as non-governmental organizations, may visit detained persons with the prior authorization of the head of the detention center.

4b) Detained persons shall receive information from the state prison on the rights and obligations applicable therein.

5) In the case of unaccompanied minors and families with minors, detention shall be designed so that:

a) Families receive separate accommodation that ensures adequate pri- vacy;

b) the minors have the opportunity for leisure activities, including age-appropriate play and recreation, and, depending on the length of stay, access to education;

c) unaccompanied minors are placed in facilities that are staffed and equipped to meet their age-appropriate needs;

d) the best interests of the child take precedence.

6) Unless otherwise provided, the provisions of the Penitentiary System Act shall apply mutatis mutandis.

Art. 62a

Special safety measures

1) The ordering of special security measures against persons in custody shall be carried out by the supervising prison officer in analogous application of the provisions of the Prison Act.

2) The only special security measures that may be considered to impose additional restrictions on the detained person's way of life are:

a) the lighting of the detention room at night;

b) placement in a specially secured cell from which all objects with which the detained person can cause harm are removed;

c) the application of restraints or a straitjacket or restraint in a fixation bed;

d) holding a detained person in solitary confinement against his or her will.

3) The head of the institution shall inform the Aliens and Passport Office immediately of the ordering or lifting of a security measure in accordance with paragraph 2.

4) The Aliens and Passports Office, as the enforcement authority, shall decide on the maintenance of the measures. If the maintenance of a measure is ordered, its maximum permissible duration shall be determined at the same time; if the reasons which led to the order of such a measure cease to exist before the expiry of this period, the head of the institution shall immediately revoke the measure.

5) The legality and appropriateness of the special security measures must be examined by the Regional Court within 96 hours of the opening of the order by the Immigration and Passport Office. The Immigration and Passport Office shall immediately submit the necessary files to the Regional Court, together with a statement by the head of the institution and the detained person. No oral hearing shall be held. The decision of the Regional Court shall be served within 24 hours. A judicial review takes place only if the measure is upheld.

Art. 63

Detention costs

The costs of detention shall remain with the Land, unless they can be imposed in whole or in part on the person concerned or on third parties because their conduct is partly responsible for the detention.

XI. Duties

Art. 64

Possession of a valid passport

Foreigners must be in possession of a valid passport throughout their stay.

Art. 65

Duty to cooperate

Foreigners as well as third parties involved in proceedings under this Act shall be obliged to cooperate in establishing the facts relevant for the application of this Act. In particular, they must:

a) provide true and complete information on the facts essential for the regulation of the stay;

b) submit the necessary evidence without delay or endeavor to obtain it within a reasonable period of time;

c) obtain their passport or assist in obtaining it from the authorities.

Art. 66

Duty of care of employers

Before the foreigner takes up employment, the employer must ensure that the foreigner is entitled to work in Germany by inspecting the residence permit or by inquiring at the Foreigners and Passport Office.

XII. Tasks and responsibilities Art.

67

Responsibilities

1) The Government shall, with the exception of the cases referred to in Art. 26 par. 4 the decision on the initial issuance of a residence permit for employment.

2) The Office for Foreigners and Passports is responsible for:

a) the granting, refusal and extension of licenses; subject to para. 1;

b) the conclusion of integration agreements in accordance with Art. 41;

c) the issuance and amendment of confirmations, residence and border crossers cards and visas;

d) the verification of the housing conditions of the foreigner subject to the permit in cooperation with the municipalities;

e) the ordering of measures pursuant to Arts. 8, 38, 39, 47 to 54, 56 para. 1 and 89;

f) the provision of financial contributions for projects to promote integration in accordance with Art. 43 Para. 2 letter a;

g) the punishment of violations under Art. 87;

h) the performance of other tasks not expressly assigned to other authorities.

3) The state police are responsible in particular for:

a) the execution of compulsory measures pursuant to Art. 55 et seq. and Art. 69a, unless other authorities are responsible;

b) confiscation and seizure of travel documents under Art. 88.

4) The district court shall in particular:

a) the appointment of a curator pursuant to Art. 50 par. 2a;

b) ordering searches pursuant to Art. 56 par. 2;

c) the detention review and release pursuant to Art. 60 paras. 3 and 4;

d) the extension of detention under Art. 61 par. 4;

e) the punishment of misdemeanors under Articles 83 to 86 and of infractions under Article 86a and, to the extent that the proceedings are consolidated within the meaning of Article 87a, under Article 87.

5) The Office of Social Services is responsible for the payment of financial contributions for integration measures in accordance with Art. 43, unless the Office for Foreigners and Passports is responsible in accordance with Para. 2 f).

Art. 68

Exercise of discretion

1) When exercising their discretion, the competent authorities shall take into account the public interests of the country as well as the personal circumstances and the degree of integration of the foreigners.

2) If a measure is justified but not appropriate under the circumstances, the person concerned may be warned under threat of this measure.

Art. 69

Administrative assistance and official cooperation

1) The offices of the national administration, municipalities, courts and the AHV/IV/FAK institutions shall support the offices and authorities entrusted with the enforcement of this Act in the performance of their duties under this Act. They shall provide the necessary information and grant access to official files on request.

1a) Upon request, the Tax Administration shall provide the Office for Foreigners and Passports with all the

Provide data and information necessary to assess the conditions for granting, revoking, or terminating a permit.

2) Authorities and agencies under subsection 1 shall, without request and without delay, provide the Aliens and Passports Office with the required personal data, including special categories of personal data and personal data on criminal convictions and offenses, and information on foreigners if:

a) the person does not have a residence permit and is either in police custody or in pre-trial detention;

b) criminal proceedings for a felony or misdemeanor have been instituted or a criminal judgment has been rendered;

c) civil proceedings have been instituted concerning marital status, guardianship, adoption or determination of paternity;

d) a petition for marriage annulment was not granted;

e) the receipt of economic aid since the granting of the settlement permit exceeds the amount of CHF 75,000;

f) the cessation of unemployment insurance claims was decreed;

g) There are indications that the person has his or her center of life or residence abroad; or

h) there are indications that the person is staying in Liechtenstein without the appropriate authorization.

Art. 69a

Use of coercion and police measures by the national police force

1) Within the scope of its competence, the national police may use police coercion and police measures to fulfill its duties, insofar as this is justified by the legal interests to be protected.

2) The government shall regulate the details by ordinance.

Art. 69b

International contracts

The Government may conclude agreements with foreign states or international organizations regarding visa and readmission matters.

XIII. Data processing and data protection

Art. 70

Processing of personal data

The authorities responsible for the enforcement of this Act may process or have processed personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offences, of foreigners and of third parties involved in proceedings under this Act,

to the extent necessary for the performance of their duties under this Act.

Art. 70a

Data collection for identification

1) In order to establish and secure the identity of a foreigner, the Immigration and Passport Office and the state police may order the collection of biometric data and process such data when checking the entry requirements and during procedures under the law on foreigners.

2) The government determines by decree:

a) the biometric data that may be collected;

b) the procedure of data collection;

c) access to this data.

Art. 70b

Biometric data for ID cards

1) The Aliens and Passport Office may collect the biometric data required for the issuance of an ID card and process it to produce an ID card.

2) Fingerprints required for the issuance of an ID card are deleted no later than 30 days after they are collected.

3) The Government may, by ordinance, provide for exceptions to subsection 2 for certain groups of persons on the basis of age or physical or mental conditions.

Art. 70c

Transfer of personal data to third countries

1) The Aliens and Passport Office and the National Police may, in order to perform their duties, in particular to combat criminal offences under this Act, collect personal data, including special categories of personal data and personal data relating to criminal convictions.

and criminal acts by foreign nationals to the foreign authorities and international organizations entrusted with corresponding tasks in accordance with data protection legislation.

2) The following personal data may be transmitted:

a) the personal data (surname, first name, aliases, date of birth, place of birth, gender, nationality, last address in the home country or country of origin) of the foreigner and, if necessary, of the relatives;

b) Information about the passport or other identity documents;

c) biometric data;

d) other data necessary for the identification of a person;

e) Information on the state of health, insofar as this is in the interest of the data subject and the data subject has been notified;

f) the data necessary to ensure the entry into the country of destination and the safety of the accompanying persons;

g) Information on whereabouts and travel routes;

h) Information on the regulation of residence and visas issued.

Art. 70d

Transfer of personal data to the home country or country of origin

For the execution of deportations or expulsions to the home country or country of origin, the Aliens and Passport Office and the State Police may only transmit the following personal data to the foreign authorities entrusted with the corresponding tasks if this does not endanger the foreigner or the relatives:

a) the personal data (surname, first name, aliases, date of birth, place of birth, gender, nationality, surname and first name of parents and last address in the home country or country of origin) of the foreigner and, if necessary, of the relatives;

b) Information about the passport or other identity documents;

c) biometric data;

d) other data necessary for the identification of a person;

e) Information on the state of health, insofar as this is in the interest of the data subject and the data subject has been notified;

f) necessary for securing entry into the country of destination and for the security of the

Accompanying persons required data.

Art. 70e

Transfer of personal data in the case of readmission agreements

1) Within the framework of readmission agreements, the Aliens and Passport Office and the National Police may also transfer the necessary personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, to countries that do not have data protection equivalent to that in Germany. In such cases, the transfer is governed by the requirements of Article 49 of Regulation (EU) 2016/679.

2) For the purpose of readmitting its nationals, the following data may be transmitted to another Contracting State:

a) the personal data (surname, first name, aliases, date of birth, place of birth, gender, nationality, last address in the home country or country of origin) of the foreigner and, if necessary, of the relatives;

b) Information about the passport or other identity documents;

c) biometric data;

d) other data necessary for the identification of a person;

e) Information on the state of health, insofar as this is in the interest of the data subject and the data subject has been notified;

f) the data necessary to ensure the entry into the country of destination and the safety of the escorts;

g) Information on criminal proceedings, insofar as this is necessary in the specific case for the processing of the readmission and for maintaining public security and order in the home country and the person concerned is not endangered thereby.

Art. 71

Art. 71a

XIIIa. Information systems

A. Entry and Exit System (EES)

Art. 71b

Entry and exit system

1) The Entry and Exit System (EES) contains in accordance with the Regulation

(EU) 2017/2226the personal data of third-country nationals who enter the Schengen area for a stay of no more than 90 days per period of 180 days or whose entry into the Schengen area is refused.

2) The following categories of data are transmitted to the EES via the national interface:

a) the identity data on the third-country nationals concerned and the data on the travel documents;

b) the facial image;

c) the data on visas issued, if there is a visa requirement.

3) If the third-country nationals are not subject to the visa requirement, their fingerprints shall be collected by the competent authority in addition to the data pursuant to paragraph 2 and transmitted to the EES.

4) The EES data pursuant to paras. 2 letters a and b and paras. 3 are automatically stored in the Common Identity Data Repository (CIR).

Art. 71c

Acquisition, processing and retrieval of data in the EES

1) The Aliens and Passports Office can enter, process and query data online in the EES in accordance with Regulation (EU) 2017/2226.

2) The state police can query the data in the EES online.

3) The authorities pursuant to paras. 1 and 2 may query online the data provided by the automated calculation system pursuant to Art. 11 of Regulation (EU) 2017/2226.

4) The national police may request EES data from the central access point pursuant to Art. 71f(c) for the prevention, detection or investigation of terrorist or other serious crimes.

Art. 71d

Transmission of EES data

1) In principle, the data obtained from the EES may not be transferred to third countries, international organizations, private entities or natural persons.

2) However, the Aliens and Passport Office and the National Police may transmit data to a state that is not bound by the Schengen acquis or to an international organization listed in Annex I to Regulation (EU) 2017/2226 if this is necessary to establish the identity of a third-country national

is necessary for the purpose of return or for security purposes and the conditions pursuant to Art. 41 of Regulation (EU) 2017/2226 are met.

3) For EES data stored in the CIR, Art. 76i applies.

Art. 71e

Exchange of information with EU Member States that do not apply Regulation (EU) 2017/2226

EU Member States for which Regulation (EU) 2017/2226 has not yet entered into force or does not apply may address their requests for information to the authorities referred to in Art. 71c paras. 1 and 2.

Art. 71f

Implementing regulations for the EES

The government regulates by decree:

a) to which units of the authorities under Art. 71c par. 1 and 2 the powers referred to therein apply;

b) the procedure for obtaining EES data by the state police under Art. 71c(4);

c) which unit of the National Police assumes the function of the central access point within the meaning of Article 29(3) of Regulation (EU) 2017/2226;

d) the catalog of data in the EES and the access authorizations of the authorities pursuant to Art. 71c par. 1 and 2;

e) the storage and deletion of the data;

f) the modalities in terms of data security;

g) the responsibility for data processing;

h) the list of offenses under Art. 71c par. 4;

i) the procedure for the exchange of information pursuant to Art. 71e;

k) which units of the authorities can access the list of persons who have exceeded the maximum duration of authorized stay in the Schengen area, generated by the information mechanism.

B. European Travel Information and Authorization System (ETIAS)

Art. 71g

European Travel Information and Authorization System data

1) The European Travel Information and Authorization System (ETIAS) contains

according to Regulation (EU) 2018/1240the following data of third-country nationals who are exempt from the visa requirement and who wish to enter the Schengen area for a stay of 90 days per period of 180 days:

a) the identity data and the data on the travel documents;

b) the approved or rejected applications for an ETIAS travel authorization.

2) The ETIAS also contains a watch list with data of third country nationals:

a) Who are suspected of having committed or participated in a terrorist or other serious criminal offense; or

b) for whom there are specific indications or reasonable grounds for believing that they will commit or participate in a terrorist or other serious criminal offense.

3) The data of the ETIAS according to par. 1 let. a are stored automatically in the

CIR. Art. 71h

Application for an ETIAS travel permit and examination by the ETIAS and the ETIAS Central Office.

The submission of the application for an ETIAS travel authorization, the automated check by ETIAS, the manual check by the ETIAS Central Unit and the transmission of the case to the competent national ETIAS body are carried out in accordance with Regulation (EU) 2018/1240.

Art. 71i

ETIAS National Agency

1) The Immigration and Passport Office is the national ETIAS office of Liechtenstein within the meaning of Art. 8 of Regulation (EU) 2018/1240. It examines the applications for ETIAS travel authorizations that fall within the competence of Liechtenstein and ensures coordination with the other national ETIAS offices and Europol, if necessary.

2) The Immigration and Passport Office may consult other authorities in the course of the examination of applications for ETIAS travel permits or instruct them to carry out further clarifications. The government determines which authorities can be commissioned with which clarifications.

Art. 71k

Issuance, refusal, cancellation or revocation of the ETIAS travel authorization.

1) If there are no concrete indications or reasonable grounds to assume that the presence of the applicant in the Schengen area would entail a risk of illegal

migration or a risk to security or public health, the Immigration and Passport Office shall issue the ETIAS travel permit.

2) In exceptional cases, the Aliens and Passport Office may issue an ETIAS travel permit with limited territorial validity for Liech- tenstein for humanitarian reasons, reasons of national interest or on the basis of international obligations.

3) ETIAS travel authorizations are valid for three years, but not longer than the expiration date of the travel document. They do not establish a right to enter the country.

4) The Foreigners and Passport Office is responsible for the cancellation or revocation of ETIAS travel permits that have already been issued. If an ETIAS travel permit is refused, cancelled or revoked, the Immigration and Passport Office issues an order using a standard form.

Art. 71l

Capture and query of data in ETIAS

1) The following authorities can record and process data in ETIAS:

a) the Foreigners and Passport Office: within the scope of fulfilling its duties as a nati- onal ETIAS office;

b) the state police: to enter personal data in the ETIAS watch list.

2) The Aliens and Passport Office and the National Police may query ETIAS data to check the requirements for entry and residence in Liechtenstein.

3) The national police may request ETIAS data from the central access point in accordance with Art. 71n let. c for the purpose of preventing, detecting or investigating terrorist offences or other serious criminal offences.

Art. 71m

Transmission of ETIAS data

1) The personal data stored in ETIAS may not be transferred to third parties, international organizations, private entities or natural persons.

2) However, in the following cases, data may be transferred to a state that is not bound by the Schengen acquis:

a) by the Aliens and Passport Office, if this is necessary for the repatriation of a third

nationals is necessary in the individual case within the meaning of Article 65 (3) of Regulation (EU) 2018/1240;

b) by the regional police in exceptional and urgent cases where there is an imminent danger in connection with a terrorist offense or an imminent danger to life in connection with a serious offense within the meaning of Article 65(5) of Regulation (EU) 2018/1240.

3) For ETIAS data stored in the CIR, Art. 76h applies.

Art. 71n

Implementing regulations for the ETIAS

The government regulates by decree:

a) to which units of the authorities under Art. 71l the powers referred to therein apply;

b) which ETIAS data the National Police may request under Art. 71l, para. 3, and the procedure for obtaining them;

c) which unit of the national police assumes the function of the central access point within the meaning of Article 50 of Regulation (EU) 2018/1240;

d) the catalog of data in ETIAS and the access authorizations of the authorities pursuant to Art. 71l par. 1 and 2;

e) the storage and deletion of the data;

f) the modalities in terms of data security;

g) the responsibility for data processing;

h) the list of offenses under Art. 71l par. 3;

i) the modalities for the inclusion of data in the ETIAS watch list and the deletion of data from the ETIAS watch list, as well as the limitation of the right of access to the watch list;

k) Repealed

l) the further necessary modalities and procedures for the implementation of Regulation (EU) 2018/1240.

Art. 72

Repealed

Art. 73

Repealed

Art. 74

Repealed

C. Central Visa Information System (C-VIS) and National Visa System

Art. 74a

Central Visa Information System (C-VIS)

1) The Central Visa Information System (C-VIS) contains the visa data of all countries for which Regulation (EC) No. 767/2008 is in force.

1a) The identity data of visa applicants and the data on travel documents as well as the biometric data of the C-VIS are stored automatically in the CIR.

2) The following authorities can query the C-VIS data online:

a) the Immigration and Passport Office:

1. within the framework of the visa procedure;

2. for determining the State responsible for examining an asylum application in application of Regulation (EU) No 604/2013;

3. in the context of the examination of an asylum application, if Liechtenstein is responsible for the processing of the asylum application;

4. In the course of fulfilling its duties as the national ETIAS-.

Place;

b) those units of the National Police that carry out checks on persons: to identify persons who do not or no longer meet the requirements for entry into or residence in the territory of Liechtenstein;

c) the central access point referred to in Article 74e(c): for the prevention, detection or investigation of terrorist offences or other serious criminal offences within the meaning of Council Decision 2008/633/JHA.

3) The units of the National Police responsible for preventing and combating terrorist offences or other serious criminal offences may, within the meaning of Decision 2008/633/JHA, request certain C-VIS data from the central access point pursuant to Article 74e(c).

Art. 74b

National visa system

1) The Office of Foreigners and Passports operates a national visa system. The system

serves the registration of visa applications and the issuance of visas.

lation of visas issued by Liechtenstein. In particular, it contains the data transmitted to the C-VIS via the national interface (N-VIS).

2) The national visa system contains the following categories of data on visa applicants:

a) the alphanumeric data on the applicant and on the visas applied for, issued, refused, annulled, revoked or extended;

b) the photographs and fingerprints of the applicant;

c) the links between certain visa applications.

3) The Aliens and Passport Office may process data in the national visa system, in particular enter, modify, delete or query it, in order to perform the tasks required under the visa procedure. It must enter and process the data transmitted to C-VIS in accordance with Regulation (EC) No 767/2008.

Art. 74c

Query the national visa system

The Foreigners and Passport Office grants the National Police online access to the data of the national visa system to the extent necessary for the fulfillment of their tasks.

Art. 74d

Exchange of information with EU member states for which Regulation (EC) No. 767/2008 is not yet in force

Member States of the European Union for which Regulation (EC) No. 767/2008 has not yet entered into force may address their requests for information to the Central Access Point (Art. 74e(c)).

Art. 74e

Implementing provisions for the visa information systems

The government regulates by decree:

a) to which units of the authorities under Art. 74a paras. 2 and 3 and 74b par. 3 the powers referred to therein apply;

b) the procedure for obtaining C-VIS data by the authorities under Art. 74a para. 3;

c) which unit of the state police performs the function of the central access point in the

within the meaning of Article 3(3) of Decision 2008/633/JHA;

d) the scope of online access to the C-VIS and to the national visa sys- tem;

e) which data are recorded in the national visa system and the access rights of the authorities pursuant to Art. 74c;

f) the procedure for the exchange of information pursuant to Art. 74d;

g) the storage of the data and the procedure for their deletion;

h) the modalities in terms of data security;

i) the responsibility for data processing;

k) the list of offenses under Art. 74a par. 2 let. c and par. 3.

D. Eurodac

Art. 74f

Data collection and transmission in Eurodac

1) The Aliens and Passport Office as well as the National Police may take the prints of all fingers of foreigners over 14 years of age who are staying illegally in the country in order to check whether they have already applied for asylum in another state bound by the applicable Dublin acquis.

2) The fingerprints taken in paragraph 1 shall be transmitted to the Central Unit together with the Liechtenstein identification number.

3) The personal data stored in Eurodac may not be transmitted to:

a) a state that is not bound by the Dublin acquis;

b) international organizations;

c) private entities.

E. Central register of persons

Art. 75

Processing of personal data in the Central Personal Register

1) The Aliens and Passports Office may process personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offences, in the Central Personal Register to the extent necessary for the performance of its duties under this Act.

2) The Central Personal Register is used by the Aliens and Passport Office for the following purposes

following purposes:

a) Issuance of residence cards;

b) Issuance and control of visas;

b) Issuance and control of ETIAS travel permits;

c) Issuance of assurances on a residence regulation;

d) Issuance of residence confirmations;

e) Control over the presence and residence authorization as well as the departure;

f) Processing of notifications, especially move-in, move-out and move-in;

g) administrative deregistration due to naturalization;

h) Recording of administrative measures (entry ban, expulsion, detention); and

i) Recording of reasons for revocation and of administrative procedures.

Art. 76

Transmission of personal data from the Central Register of Persons

1) Upon request, the Aliens and Passports Office may transmit personal data, including special categories of personal data and personal data on criminal convictions and criminal offenses, from the Central Personal Register within the scope of administrative assistance, in particular to:

a) the state police for control and enforcement tasks;

b) the AHV/IV/FAK institutions for the clarification of benefit applications from foreigners and the calculation of the benefits to which they are entitled; and

c) the Office of Statistics for the preparation of statistics.

2) As a rule, data of uninvolved third parties pursuant to para. 1 may not be transmitted.

3) The transmission can take place in the retrieval procedure. The government shall regulate the details, in particular with regard to access rights, by ordinance.

XIIIb. Interoperability between Schengen/Dublin Information Systems

A. Shared Biometric Matching Service (sBMS)

Art. 76a

Content and purpose

1) The Shared Biometric Matching Service (sBMS) under Regulations (EU) 2019/817and (EU) 2019/818 contains the biometric mnemonic data (templates) derived from the biometric data of the following Schen-
gen/Dublin information systems were generated:

a) EES;

b) C-VIS;

c) Eurodac;

d) SIS.

2) It also includes a reference to the particular information system from which the data originated and a reference to the actual records in the-
sem system.

3) It enables the cross-system query of the information systems according to Par. 1 on the basis of biometric data.

B. Common Identity Data Repository (CIR) Art.
76b

Content of the Common Identity Data Repository (CIR)

1) The Common Identity Repository (CIR) under Regulations (EU) 2019/817 and (EU) 2019/818 contains the identity data, travel document data, and biometric data of third-country nationals recorded in the following Schengen/Dublin information systems:

a) EES;

b) ETIAS;

c) C-VIS;

d) Eurodac.

2) It also contains a reference to the respective information system from which the data originates, as well as a reference to the actual data records in this system.

Art. 76c

Query of the CIR for the purpose of identification

1) Interrogations of the CIR may be conducted by state police to identify:

a) third-country nationals if the conditions set out in Article 20(1) of Regulations (EU) 2019/817 and (EU) 2019/818 are met;

b) unknown persons who cannot identify themselves or unidentified human remains in the event of an accident, natural disaster or terrorist attack.

2) Inquiries pursuant to subsection 1(a) are only permissible for the purpose of preventing and combating illegal immigration, protecting public safety and order, and safeguarding internal security.

3) In the case of persons pursuant to paragraph 1(a), the search shall be based on the biometric data taken from the person on site during an identity check. If the biometric data of this person cannot be used or if the query based on this data is not successful, the query is based on identity data or data on the travel documents.

4) For persons in accordance with paragraph 1 letter b, the search shall be based on biometric data. Art. 76d

Query of the CIR for the purpose of detecting multiple identities

1) The Aliens and Passport Office and the State Police may access the data and references stored in the CIR to detect multiple identities of third-country nationals if:

a) there is a link to an alert in the SIS;

b) there is a link to a personal EES file containing the personal data referred to in Articles 16 to 18 of Regulation (EU) 2017/2226;

c) there is a link to a personal dossier in C-VIS;

d) there is a link to a personal ETIAS application record containing the data referred to in Article 19(3) of Regulation (EU) 2018/ 1240.

2) If there is a link in the CIR between data from several information systems that indicates identity fraud, the authorities may query the data and references stored in the CIR to the extent that they have access to the CIR, EES, ETIAS, C-VIS, Eurodac or SIS under this Act or police legislation.

Art. 76e

Query the CIR for the purpose of preventing, detecting or investigating terrorist offenses or other serious crimes.

1) The state police may, on a case-by-case basis, query the CIR for the purpose of preventing, detect-

or investigation of terrorist offenses or other serious criminal offenses if the conditions set forth in Article 22(1) of Regulations (EU) 2019/817 and 2019/818 are met.

2) If the query reveals that data is stored in the CIR, the reference to the relevant Schengen/Dublin information system is displayed as the result.

3) In order to obtain the data from this information system, the state police must request this data from the responsible central access point. The requirements and procedures that apply to the respective information system are applicable.

C. European Search Portal (ESP)

Art. 76f

Content and purpose of the European Search Portal (ESP)

1) The European Search Portal (ESP) under Regulations (EU) 2019/817 and (EU) 2019/818 enables cross-system searches of EES, C-VIS, ETIAS, Eurodac, SIS, Interpol's Stolen and Lost Travel Documents (SLTD) and Travel Documents Associated with Notices (TDAWN) databases, Europol data, and CIR.

2) The authorities authorized to access at least one of the information systems referred to in paragraph 1 may access the ESP in the retrieval procedure.

3) The query is based on identity data, travel document data or biometric data.

4) The authorities shall be shown only the data from those information systems referred to in paragraph 1 to which they are entitled to access, as well as the nature of the link between the data pursuant to Articles 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818.

D. Multiple Identity Detector (MID) Art.

76g

Purpose and content of the multiple identities detector (MID)

1) The Multiple Identity Detector (MID) under Regulations (EU) 2019/817 and (EU) 2019/818 is used to verify identity and combat identity fraud.

2) When data is entered or updated in EES, ETIAS, C-VIS, SIS or Eurodac, a check for multiple identities is automatically triggered in CIR and SIS.

3) During this check, the following data is compared with the data already available in the CIR and the SIS:

a) in sBMS: the templates;

b) in ESP: the identity data and the data on the travel documents.

4) If there is a link between the data pursuant to Art. 30 to 33 of Regulations (EU) 2019/817 and (EU) 2019/818, an identity confirmation file pursuant to Art. 34 of these Regulations shall be created and stored in the MID.

Art. 76h

Manual verification of different identities in MID

1) The Foreigners and Passport Office and the state police can access the data stored in the MID for the purpose of manual verification of various identities.

2) The authority responsible for the manual verification of the various identities is the authority that records or updates data in the Schengen/Dublin Information Systems in accordance with Article 76g(2). In the case of links with alerts in the SIS in the police sector, the SIRENE Bureau is responsible.

3) The manual verification of the various identities is carried out in accordance with Article 29 of Regulations (EU) 2019/817 and (EU) 2019/818.

4) If, in the course of the manual verification, it is established that there is an illegal multiple identity or that a person is registered in several Schengen/Dublin information systems, the procedure shall be governed by Articles 32 and 33 of Regulations (EU) 2019/817 and (EU) 2019/818, respectively.

E. Data transmission and responsibility for data processing

Art. 76i

Transmission of data of the sBMS, the CIR and the MID

The transmission of data from the sBMS, the CIR and the MID is governed by Article 50 of Regulations (EU) 2019/817 and (EU) 2019/818.

Art. 76k

Responsibility for data processing in the sBMS, the CIR and the MID

The responsibility for the processing of data in the sBMS, CIR and MID is governed by Article 40 of Regulations (EU) 2019/817 and (EU) 2019/818.

XIIIc. Data protection within the framework of the Schengen acquis applicable to Liechtenstein

Art. 77

Transmission of personal data

1) The transfer of personal data, including special categories of personal data and personal data relating to criminal convictions and offences, to the competent authorities of Schengen States shall be treated in the same way as the transfer of such data between domestic authorities.

2) The Aliens and Passports Office shall transmit personal data to the European Agency for the Management of the Schengen External Borders in accordance with Article 70c(2) if the Agency requires the data to perform its tasks under Regulation (EU) 2019/1896. The transfer shall be deemed equivalent to the transfer of such data between domestic authorities.

Art. 78

Data processing in connection with visa applications pursuant to the Schengen acquis applicable to Liechtenstein

1) The Aliens and Passport Office is the central authority for consultations in connection with visa applications in accordance with the Schengen acquis applicable to Liechtenstein.

2) In this capacity, it may transmit and retrieve data of the following categories by name using automated procedures:

a) the diplomatic mission or consular post to which the visa application was submitted;

b) the identity of the data subject (surname, first name, date of birth, place of birth, nationality, place of residence, occupation and employer) and, if necessary, the identity of their relatives;

c) Information on identity documents;

d) Details of whereabouts and travel routes.

3) Authorized diplomatic missions and consular posts may exchange with their partners from the Schengen States the data necessary for local consular cooperation, namely information on the

use of forged or falsified documents and via trafficking networks as well as data of the categories mentioned in para. 2.

4) The Government may adapt the categories of personal data mentioned in para. 2 to the latest developments in the Schen- gen acquis applicable to Liechtenstein. It shall consult the data protection authority for this purpose.

Art. 79

Duty to provide information when collecting personal data and right to information of affected persons

The obligation to provide information when personal data is collected and the right of da subjects to obtain information are governed by data protection legislation.

Art. 79aDiscontinued

Art. 80

Retrieved

XIV. Legal protection

Art. 81

Appeals

1) An appeal against the decisions of the Aliens and Passports Office may be lodged with the Aliens and Passports Office or with the government within 14 days of the decision being issued.

2) A complaint against a decision of the Government may be lodged with the Government or with the Administrative Court within 14 days from the date of notification.

3) Art. 50 par. 2 and Art. 51 par. 2 remain reserved.

4) Art. 46a of the Act on the General Administration of the State shall not apply.

Art. 82

Complaints procedure

1) The Administrative Court's power of review is limited to questions of law and fact. Discretion is reviewed exclusively on a legal basis.

2) In appeal proceedings, new facts and evidence may only be presented if they already existed at the time of the first-instance decision but were demonstrably not known to the appellant or could not have been known to him even if he had exercised due diligence.

XV. Penal provisions and administrative sanctions Art. 83

Illegal stay

1) The district court shall impose a custodial sentence of up to one year or a monetary penalty of up to

360 daily penalty for unlawful presence in the country, in particular after the expiry of the permit-free or authorized stay.

2) The district court shall impose a fine of up to 360 daily rates on anyone who commits the act through negligence.

3) Prosecution may be waived in the case of unlawfully present foreigners, provided they are deported immediately.

Art. 84

Promotion of unlawful entry as well as unlawful stay

1) The district court shall punish with imprisonment for a term of up to one year or with a fine of up to 360 daily penalty units who:

a) enables, facilitates or helps prepare the illegal entry or stay of a foreigner in the country;

b) facilitates or prepares the illegal entry, transit or exit of a foreigner or the illegal stay in a Schengen state from within the country.

2) The district court shall impose a fine of up to 360 daily rates on a person who commits the act referred to in subsection 1 negligently.

3) Any person who commits the act referred to in paragraph 1 with the intention of unlawfully enriching himself or another person shall be liable to a custodial sentence not exceeding three years or to a monetary penalty not exceeding 360 daily rates.

4) A person who commits the act referred to in para. 1 shall be punished by imprisonment for a term of six months to five years:

a) commits a commercial act;

b) with respect to at least three aliens; or

c) commits a crime in a manner that places the alien in an agonizing condition for an extended period of time, particularly during transportation.

5) A person who commits the act referred to in para. 1 shall be punished by imprisonment for a term of one to ten years:

a) commits a crime as a member of a criminal organization; or

b) in such a manner as to endanger the life of the alien to whom the criminal act relates.

6) Paragraphs 1 to 5 apply to criminal offences committed abroad, irrespective of the criminal laws of the place where the offence was committed, if Liechtenstein interests have been harmed by the offence.

Art. 85

Production, use and procurement of forged identity documents as well as u n l a w f u l use or transfer of genuine identity documents

1) The district court shall punish with imprisonment for a term of up to one year or with a fine of up to 360 daily penalty units who:

a) manufactures false alien identification documents or falsifies genuine ones, or uses or procures such documents;

b) uses genuine identification documents to which he is not entitled; or

c) leaves genuine identity documents for the use of unauthorized persons.

2) The penalty is imprisonment for up to three years or a fine of up to 360 daily sentences if the offender:

a) acts with the intent to unlawfully enrich himself or another; or

b) for a criminal organization.

Art. 86

Deception of the authorities

1) The regional court shall punish with imprisonment of up to one year or a fine of up to 360 daily rates anyone who deceives the authorities entrusted with the enforcement of this Act by making false statements or concealing material facts and thereby deceives the granting of a permit for himself or others or causes a permit not to be revoked.

2) The Regional Court shall punish with imprisonment for a term of up to one year or a fine of up to 360 daily rates anyone who, with the intention of circumventing the regulations on the admission and residence of foreigners, enters into a marriage or registered partnership with a foreigner or arranges, promotes or facilitates the conclusion of such a marriage or registered partnership.

3) The penalty is imprisonment for up to three years or a fine of up to 360 daily sentences if the offender:

a) acts with the intent to unlawfully enrich himself or another; or

b) for a criminal organization.

Art. 86a

Inappropriate processing of personal data in the information systems according to

this law

1) The processing of personal data in the information systems under this Act must be proportionate to the objectives pursued and may only be carried out to the extent that it is necessary for the performance of the statutory tasks of the competent authorities.

2) The district court shall impose a fine of up to 10,000 Swiss francs on anyone who intentionally processes personal data in the information systems under this Act for purposes other than those provided for by law.

Art. 87

Other violations

Subject to Art. 87a, the Aliens and Passports Office shall impose a fine of up to 10,000 francs on anyone who intentionally or negligently:

a) violates the entry regulations according to Art. 7;

b) violates the registration or deregistration obligations;

c) is gainfully employed without the required permit;

d) provides a foreigner with gainful employment without the required permit or employs a foreigner without the required permit;

e) fails to comply with conditions attached to the authorization;

f) fails to comply with the duty to cooperate; or

g) violates the implementing provisions of this Act, the violation of which is declared punishable by law.

Art. 87a

Merging the procedures

1) If the Regional Court has jurisdiction on the basis of an offense under the Criminal Code or Articles 83 to 86a, it shall also have jurisdiction to prosecute offenses under Article 87 instead of the Office for Foreigners and Passports.

2) In case of concurrence of several punishable acts, Art. V, para. 5 of the Criminal Law Adjustment Act shall apply.

Art. 88

Confiscation and seizure of travel documents

Forged and falsified travel documents, as well as genuine travel documents that have been misused, will be rejected by the Aliens and Passport Office, by the

The documents shall be confiscated by the border guards and by the National Police for the purpose of preserving evidence until the final conclusion of criminal proceedings in accordance with Article 85. After the final conclusion of the criminal proceedings, the confiscated documents are seized by the National Police for handing over to the entitled person.

Art. 89

Administrative sanctions and cost absorption

1) If an employer has violated the provisions of this Act and has been repeatedly penalized for such violation within a period of three years, the Aliens and Passport Office shall, for a period of two years from the date on which the last decision becomes final, reject the employer's future applications for admission of foreign employees who are not entitled to a permit.

2) The employer who has employed or intended to employ foreign workers subject to authorization who are not entitled to engage in gainful employment shall bear the costs incurred by the country for the subsistence, in case of accident and illness and for the return journey of the persons concerned and not covered.

XVI. Fees Art.

90 *Fees*

1) Fees shall be charged for official acts under this Act, in particular for the granting and revocation of permits and for special services.

2) The government sets the amount of the fees by decree.

XVII. Transitional and final provisions Art. 91

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 92

Transitional provisions

1) The previous law shall apply to proceedings that are pending when this Act enters into force.

2) In cases where the time limit for claiming family reunification specified in Article 34(1)(a) expires within six months of the entry into force of this Act, the time limit shall be extended by eighteen months.

3) This Act shall apply to offenses committed before the entry into force of this Act, provided that the offense was also punishable under the previous law and this Act is more lenient for the offender.

Art. 93

Repeal of previous law

The Act of March 11, 1999 on the Merger of the Passport Office and the Aliens Police and the Renaming of the Office for Foreigners and Passports, LGBl. 1999 No. 88, is repealed.

Art. 94

Entry into force

1) This Act shall enter into force simultaneously with the Constitutional Act of 17 September 2008 on the amendment of the Constitution of 5 October 1921, subject to paragraph 2.

2) The Government shall determine the date of entry into force of Article 2, paragraph 3, Article 7, paragraph 4, Articles 51, 77, 78 and 80 by decree. The date of entry into force shall be determined no later than the date of the full entry into force of the Protocol of
28 February 2008 between the European Union, the European Community and the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis.

VI. Appeals Commission Act

from October 25, 2000

Art. 1

Order

1) A Complaints Commission for Administrative Matters shall be established in accordance with Article 78(3) of the Constitution.

2) The members and substitute members shall each be elected by Parliament for a term of four years and shall take an oath of office before the Government.

3) Members of the government and employees of the state and municipalities are excluded from election to the Appeals Commission.

Art. 2

Composition

1) The Complaints Commission for Administrative Matters is composed of five members. Two substitute members shall also be appointed. Parliament shall appoint the president and the vice-president.

2) The terms President and Vice President shall mean members of the male and female sexes.

3) The president and the vice-president must be legally qualified.

Art. 3

Quorum and organization

1) The Appeals Commission has a quorum if at least four members, including the President or Vice President, are present. The President or Vice-President has the casting vote in the event of a tie.

2) The provisions of the National Administration Maintenance Act (LVG) on recusal, responsibility and prohibition of reporting shall apply to the members of the Appeals Commission.

3) The Appeals Commission shall adopt its own rules of procedure.

Art. 4

Responsibility

1) The Appeals Commission is responsible for appeals against orders and decisions in the field:

a) Construction:

1. of the Office of Building Construction and Spatial Planning, the Office of Civil Engineering and Geoinformation or the municipalities on the basis of the Building Act and the ordinances based thereon and the municipal building ordinances, with the exception of all matters of spatial and zoning planning;

2. of the Office of Building Construction and Spatial Planning or the municipalities on the basis of the Fire Protection Act and the ordinance based on it;

3. of the Surveying Commission and the Engineer Surveyor on the basis of the Surveying Act and the Ordinance based thereon;

b) Road traffic:

1. the authorities or heads of municipalities on the basis of the Road Traffic Act and the ordinances based thereon;

2. of the Road Traffic Office and the National Police on the basis of the Heavy Vehicle Fee Act and the ordinances based thereon;

c) electronic communication and electronic signatures:

1. the official body or commission designated or established by the government in its function as a regulatory body independent of instructions.

The Communications Act and the ordinances based on it;

2. of the Office of Communications in its function as a supervisory body independent of instructions on the basis of the Signature and Trust Services Act and the ordinances based on it;

d) Housing:

1. of the Office of Social Services on the basis of the Act on Rent Contributions for Fa- milies and the ordinances based thereon;

2. of the Office of Building Construction and Spatial Planning on the basis of the Act on the Promotion of Housing Construction and the ordinances based thereon;

e) Education:

1. the appeal authority of a higher education institution on the basis of the Act on Higher Education and the ordinances based thereon;

2. the internal university appeal authority of last resort in accordance with the Law on the University of Liechtenstein;

3. of the Scholarship Office on the basis of the Scholarship Act;

f) public procurement:

1. the contracting entity on the basis of the Public Procurement Act and

the regulation based on it;

2. the contracting entity on the basis of the Act on Public Procurement in the Field of Sectors and the Regulation based thereon.

g) Land register, commercial register, register of beneficial owners of legal entities and foundation supervision:

1. the Office of Justice in its function as a register, directory or foundation supervisory authority on the basis of the Persons and Companies Act, the EEIG Implementation Act, the SE Act, the SCE Act, the Act on the Register of Beneficial Owners of Legal Entities and the Property Act as well as the regulations based thereon;

2. the VwbP Commission on the basis of the Act on the Register of Beneficial Owners of Legal Entities and the Ordinance based thereon;

h) Law enforcement:

of the head of the prison on the basis of the Prison Act (StVG);

i) Agriculture:

of the competent enforcement authorities on the basis of the Agriculture Act and the ordinances based thereon;

k) Environmental protection:

1. of the Office for the Environment on the basis of the Emission Trading Act and the ordinances based on it;

2. of the municipalities and the Office for the Environment on the basis of the Environmental Protection Act and the ordinances based on it;

3. of the municipalities or the Office for the Environment on the basis of the Water Protection Act and the ordinances based thereon;

4. of the Office for the Environment on the basis of the Organisms Act and the ordinances based on it;

5. of the competent authorities on the basis of the Environmental Information Act;

6. of the Office for the Environment on the basis of the Act on Environmental Impact Assessment and the ordinances based thereon;

7. of the Office for the Environment on the basis of the Act on the Protection of Nature and the Countryside and the ordinances based thereon;

8. of the Office for the Environment on the basis of the Hunting Act as well as the

Regulations;

l) public health:

1. of the Food Control and Veterinary Office on the basis of the Act on the Protection of Non-Smokers and the Advertising of Tobacco Products (Tobacco Prevention Act; TPG) and the ordinance based thereon;

2. of the Office of Social Services on the basis of the Health Insurance Act (KVG) and the ordinances based on it;

m) Energy:

the Energy Commission and the Energy Agency on the basis of the Act on the Promotion of Energy Efficiency and Renewable Energies (Energy Efficiency Act; EEG) and the ordinances issued in connection therewith;

n) Forestry:

of the municipalities and the Office for the Environment on the basis of the Forest Act and the ordinances based on it;

o) Railroad:

the official body or commission designated or established by the Government in its capacity as a regulatory authority independent of instructions on the basis of the Railway Act and the ordinances based thereon;

p) Real estate transactions:

of the land transfer authority on the basis of the Land Transfer Act and the ordinance based thereon;

q) Construction, service and other trades:

1. of the Office of National Economy on the basis of the Construction Professions Act and the ordinances based on it;

2. of the Office of National Economy on the basis of the Trade Act and the ordinances based on it;

3. of the Office of National Economy on the basis of the Mortgage and Real Estate Credit Act and the ordinances based thereon;

r) official valuation:

of the Valuation Commission on the basis of the Valuation Act and the Ordinance based thereon;

s) public employment law:

of the Office of National Economy on the basis of the Posted Workers Act and the ordinance based thereon;

t) Privacy:

the data protection authority and the competent authority on the basis of data protection legislation;

u) Sports:

1. of the Staff Office for Sport on the basis of the Law on Sport as well as the ordinances based on it;

2. the institution designated by the Government on the basis of the Law on Sport and the regulations based on it;

(v) Social Security:

AHV/IV/FAK institutions on the basis of the law on old-age and survivors' insurance, the law on disability insurance, the law on supplementary benefits to old-age, survivors' and disability insurance, the law on family allowances and the ordinances based thereon, insofar as these are administrative penalties and decisions.

2) To the extent that this or other laws do not expressly open recourse to the Appeals Commission, orders or decisions of official agencies or municipalities may be appealed to the government by means of an appeal.

Art. 5

Procedure

The procedure is governed by the provisions of the State Administrative Maintenance Act (LVG).

Art. 6

Pending cases

The Appeals Commission is responsible for cases in which an appealable order or decision has not yet been issued as of July 1, 2001.

Art. 7

Entry into force

1) Subject to paragraph 2, this Act shall enter into force on the day of its promulgation.

2) Art. 4 enters into force on July 1, 2001.

VII. Probation Assistance Act (BewHG)

from 13 September 2000

I. General provisions Art. 1

Subject

This law regulates:

a) The organization and implementation of probation services in accordance with the §§ Sections 50 and 52 of the Criminal Code;

b) the voluntary continuing care;

c) the facilities for discharge assistance;

d) participation in the diversion.

Art. 2

Designations

The designations of persons and functions used in this Act shall be understood to mean persons of male and female gender.

II. Persons and institutions of probation Art. 3

Probation Officer

1) Probation officers working on a part-time or full-time basis shall be called upon to provide probation assistance in accordance with the provisions of this Act.

2) In the performance of their duties, probation officers shall be equivalent to a civil servant pursuant to Section 74(4) of the Criminal Code.

Art. 4

Management of probation services by private associations

1) The Government shall, as a rule, entrust the performance of the tasks of probationary assistance by contract to a private association which shall have the necessary facilities and suitable personnel and shall undertake to cooperate in accordance with the provisions of this Act.

2) The private association entrusted with the provision of probation assistance must have an office with a manager responsible for the provision of probation assistance (office manager).

Art. 5

Supervision

1) The supervision, in particular the financial supervision, of the office of the private association for probation assistance is the responsibility of the Office of Social Services.

2) The Office of Social Services shall ensure that probation services are provided on a consistent basis and in accordance with what is known about how they are designed for their intended purpose.

3) Retrieved

Art. 6

Compensation of the effort

The State shall reimburse the private association for the expenses it incurs in carrying out the tasks of the probationary services, on the basis of economical, efficient and expedient administration in accordance with the annual Finance Act. The Government may grant advances on the presumed expenses on the basis of the estimates of the private association.

Art. 7

Personal requirements of the probation officer

1) A probation officer must:

a) be fully capable of acting;

b) be free of a felony or misdemeanor conviction to be reported and entered in the criminal record;

c) have reached the age of 24;

d) be suitable for the tasks associated with the probation service on the basis of his/her personality.

2) The head of the office, as well as a full-time probation officer, must, in addition to the requirements set out in subsection 1, be professionally qualified to manage the probation service on the basis of special professional training. The government shall regulate the details by ordinance.

3) Not be allowed to serve as a probation officer:

a) Members of the government and their deputies;

b) Community leader;

c) Judges and prosecutors;

d) Officers and employees of the State Police, the Department of Detention and the Department of Social Services;

e) Persons who are or have been in a therapeutic relationship with the lawbreaker.

Art. 8

Determination of suitability

1) The private association must determine whether a person is suitable to act as a probation officer within the meaning of Article 7(1)(d). To this end, it must hold an interview with the applicant and inspect the documents to be submitted by the applicant concerning his or her person, training and professional activity. The applicant must enclose a certificate of criminal record.

2) The Office of Social Services shall determine whether a person appears suitable for the position of office manager. For this purpose, the same procedure as in paragraph 1 shall apply. The professional training must qualify the office manager for social work.

3) The government shall issue a performance mandate to the private probation service provider. The Office for Social Services shall be consulted to determine this performance mandate.

4) The government shall regulate the details by ordinance.

Art. 9

Office

At the office, the probation officer shall be given the opportunity to meet for discussions with the offender (probationer) for whose care he has been appointed and with other persons with whom it is expedient for the probation service.

Art. 10

Branch Manager

The head of the office shall manage the office. In addition to the duties specified in other provisions of this Act, he shall in particular be responsible for the following:

a) he shall select the appropriate probationers;

b) it shall support and supervise the activities of the probation officers

as well as to instruct probation officers in the conduct of probation services;

c) discuss with the probation officers the care plan drawn up for each probationer and ensure that it shows the agreement on objectives and, above all, the conditions and measures ordered;

d) he shall exercise direct supervision over the probation officers;

e) he/she shall establish and maintain liaison with other agencies and persons whose assistance is required for the performance of the tasks of the probation service, insofar as matters of a fundamental nature are concerned;

f) he shall schedule the hours of service in the probation office as is most expedient for the performance of probation services;

g) he shall set for himself and the probationers the time designated for party communication and notify the Office of Social Services;

h) in the event that a probation officer is temporarily prevented from performing his duties for a period not expected to exceed four weeks, he shall assign one or more other probation officers to perform the duties of the prevented probation officer on his behalf;

i) he/she shall submit a written report on the activities of the probation service and the use of funds in the previous calendar year to the responsible body of the private association in due time;

j) to the extent that this is compatible with the performance of the other duties assigned to him/her, he/she shall also perform the duties of a probation officer.

Art. 11

Meetings between the office manager and the probation officers

1) The office manager shall hold regular meetings with individual probation officers and with the team of probation officers.

2) At these meetings, the implementation of probation assistance for the individual probationers shall be discussed. The head of the office shall ensure that probation assistance is carried out in accordance with uniform principles and in such a way as to comply with the provisions of the law, the general findings on the expedient use of probation assistance and the principles of the law.

design of the probation service and is consistent with the knowledge gained from the meetings of the office manager with the Office of Social Services (Art. 14).

Art. 12

Supervision and training of probation officers

1) The probation officers shall be given the opportunity to discuss their activities with a person they trust. For this purpose, the government shall appoint persons experienced in social work who are trained and appear to be competent for this type of consultation; they shall be bound to secrecy about the subject of the discussion vis-à-vis everyone.

2) Probation officers are entitled to and obligated to receive continuing education, which the office manager shall provide.

Art. 13

Involvement of psychiatrists and psychologists

1) The Government shall appoint specialists in psychiatry and persons who have graduated in philosophy from the major in psychology (psychologists), with their consent, to advise the office and shall keep a list thereof.

2) If the office manager deems such counseling necessary at a meeting, he or she shall call in one of these psychiatrists or psychologists.

Art. 14

Meetings with the branch manager

The Office of Social Services shall convene the head of the office at least once a year for a meeting to discuss issues related to the implementation of probation assistance. The persons referred to in Articles 12 and 13 may also be called to this meeting.

Art. 15

Activity Report

The private association shall submit a written report to the Office of Social Services by March 31 of each year on the activities of the probation department and the use of funds during the preceding calendar year.

Art. 15a

Processing of personal data

The Office of Social Services and the private association may process personal data, including special categories of personal data and per- sonal data on criminal convictions and criminal offenses, to the extent necessary for the performance of their duties under this Act.

III. Implementation of the probation service

Art. 16

Preparation of the order of probation

If the court has doubts as to whether probation assistance should be ordered for an offender, it may request the head of the office to give an opinion on the advisability of such an order, disclosing the results of the proceedings required to date for the assessment of the case. The court may also consult the opinion of the Office of Social Services for its assessment. For the preparation of this statement, the provisions of Art. 20 paras. 1 to 3 shall apply in spirit.

Art. 17

Determination of the probation officer

The court shall send the decision ordering probation assistance to the head of the office and the Office of Social Services after it has become final. The head of the office shall decide on the person of the probation officer and notify the court thereof without delay. In preparation for the decision of the head of the office

The provisions of Art. 20 par. 1 to 3 shall apply to the head of the company.

Art. 18

Selection of the probation officer

1) If more than one probation officer is available, the one whose appointment appears best suited to fulfill the purpose of the probation assistance in view of his knowledge and abilities and in view of the probationer's character and personal circumstances shall be selected.

2) As a rule, a part-time probation officer shall serve no more than five probationers and a full-time probation officer no more than 30 probationers; this shall be taken into account in the selection process.

Art. 19

Instruction of the lawbreaker about the probation service

If the court orders probation assistance, it shall instruct the lawbreaker about it.

Art. 20

Rights of the probation officer in the performance of his duties

1) The probation officer has the right to meet with the probationer.

If it is otherwise not possible for the probation officer to meet with the probationer, the court shall, at the request of the probation officer, summon the probationer.

2) If a detention is imposed on the probationer or if a detention imposed on the probationer is lifted, the probation officer shall be notified thereof. The probation officer shall be entitled to visit an arrested probationer to the same extent as legal counsel for the arrested person.

3) All authorities and departments shall provide the probation officer with the necessary information on the probationer and allow him to inspect the files kept on the probationer if there are no important objections to this. The files of the criminal authority in ongoing criminal proceedings are excluded from this right of inspection.

4) If the purpose of probation assistance so requires, the legal guardian, the legal representative, the head of school, the head of vocational training and the employer shall provide the probation officer with information on the probationer's lifestyle and work performance.

Art. 21

Duties of the probation officer in the performance of his or her duties

1) The probation officer shall perform his duties with the utmost respect for the honor of the probationer and in compliance with the duty of confidentiality.

2) The probation officer shall report to the court on his activities and perceptions:

a) to the extent required by the court;

b) when it is necessary or appropriate to achieve the purpose of the probation service;

c) If there is cause to revoke probation;

d) but in any case six months after the probation order and upon its termination.

The reports shall be made in writing, unless the court decides otherwise.

3) Written reports shall be submitted by way of the head of the probation office. The head of the probation office shall have the reports supplemented or shall himself supplement the reports if this is necessary according to his own knowledge of the individual case and according to his knowledge and experience in the field of probation assistance; the supplement shall be marked as such. The essential

The probation officer shall record the contents of oral reports in his files and bring them to the attention of the head of the office.

4) The probation officer must record the main events in the supervision of his probationer in a diary. The diary must show the status of the supervision and the next objectives of the supervision work at any time.

Art. 22

Change in the person of the probation officer

1) The head of the office shall remove the probation officer appointed to a lawbreaker and appoint another probation officer in his place:

a) if the probation officer leaves the employment or contract relationship;

b) if the probation officer is likely to be prevented from continuing to provide probation assistance to the probationer for a period exceeding four weeks because of the probationer's health or for other reasons;

c) if the probation officer is no longer suitable for this purpose for other reasons.

2) The removal of the previously appointed probation officer shall not take effect until the appointment of the new probation officer. The court and the Office of Social Services shall be notified of the new appointment.

3) If the probation assistance is terminated prematurely (section 52(3) StGB), the court shall notify the Office of Social Services and the head of the office accordingly; the head of the office shall dismiss the probation officer. If the probation assistance ends on expiry of the probationary period or of the period otherwise determined by the court (section 50(3) StGB), the probation officer shall be deemed to have been removed from office on that date.

Art. 22a

Responsibility

The official acts of the court referred to in the third section shall be incumbent upon the court having jurisdiction to order probation assistance.

IV. Voluntary continuing care

Art. 23

Arrangement and termination

1) Insofar as further supervision of persons appears necessary or expedient in order to prevent them from committing criminal acts, the head of the office may order such supervision upon request or with the consent of the person concerned in the following cases:

a) in the case of unconditional release from a custodial sentence or a preventive measure involving deprivation of liberty;

b) in the case of a conditional conviction, conditional leniency of a sentence or part of a sentence, or a preventive measure involving deprivation of liberty, or a conditional release if the probationary period has expired.

2) The order shall apply for the period required by the circumstances, but at the latest for a period of three years after unconditional release or expiry of the probationary period. The appointment shall end in any case as soon as the same person has been appointed a probation officer by the court. If the supervised person expressly declares that he or she waives further supervision or persistently withdraws from the influence of the probation officer, the head of the office shall order the termination of supervision.

3) Section 52(1) of the Criminal Code and the provisions of this Act on the implementation of probation assistance shall apply mutatis mutandis to the supervision pursuant to subsection 1.

V. Facilities for discharge assistance

Art. 24

1) The state may allocate funds to the private association referred to in Article 4 for the establishment and operation of offices where persons are assisted in their efforts to obtain further assistance in finding accommodation and work and, in general, in reintegrating into the labor market after their release from the execution of a prison sentence or preventive measures associated with deprivation of liberty.

life in freedom with advice and support, including the care of such persons.

2) Any person applying for the granting of subsidies under subsection 1 shall give an undertaking to the Land that he will report annually on the use of the funds in accordance with their intended purpose, keep accounts and, for the purpose of monitoring the use of the funds in accordance with their intended purpose, permit the Office for Social Services to check that the funds have been used in accordance with their intended purpose by inspecting the books and records and by making on-site inspections and to provide it with the necessary information. Furthermore, the applicant must undertake, in the event that the funds are not used in accordance with their intended purpose or in the event of non-compliance, to provide the Office with the necessary information.

of the obligations set forth in the foregoing shall repay the same.

Va. Participation in diversion

Art. 24a

Principle

1) The private association for probation assistance is involved in the extrajudicial reconciliation of offenses (Section 22g of the Code of Criminal Procedure) as well as in the mediation and implementation of community service (Sections 22d and 22e of the Code of Criminal Procedure), training and courses (Section 51 of the Criminal Code).

2) Unless otherwise provided by the provisions of this section, the provisions of the first and second sections of this Act shall apply mutatis mutandis.

3) At the request of the public prosecutor's office or the court, the head of the office shall state what procedure would be appropriate under IIIa. The head of the office shall, at the request of the public prosecutor or the court, state which procedure would be appropriate under Section IIIa of the Code of Criminal Procedure (Section 22l(1) of the Code of Criminal Procedure).

4) If the public prosecutor's office or the court requests the assistance of a conflict adjudicator (section 22g(3) of the Code of Criminal Procedure) or a mediator (sections 22d(4) and 22f(3) of the Code of Criminal Procedure), the head of the office shall appoint such an adjudicator.

Art. 24b

Out-of-court settlement (conflict regulator)

1) At the request of the public prosecutor's office and the court, persons experienced in social work who are particularly suited to this activity shall participate in the out-of-court settlement of crimes as conflict regulators.

2) The conflict controller shall support all parties involved in achieving a reconciliation of interests. He shall contact the suspect and the injured parties and inform them of the nature of the out-of-court settlement, its essential content and procedure and the consequences associated with it. The conflict controller shall find out the willingness of the suspect to accept responsibility for the crime, to deal with its causes and to compensate for any consequences of the crime, and shall instruct the suspect in accordance with Section 22k of the Code of Criminal Procedure. He shall safeguard the justified interests of the injured party (Section 22g (2) of the Code of Criminal Procedure), clarify possible claims and expectations with him and inform him in accordance with Section 22i of the Code of Criminal Procedure.

3) The conflict adjudicator shall report to the public prosecutor's office or the court (Section 22g (4) of the Code of Criminal Procedure). In the event of an unsuccessful

attempt at mediation, the report may be limited to stating the extent to which talks have taken place, provided that further information would jeopardize the positive development of a party.

4) In the performance of his duties, the Conflict Controller is authorized, with the consent of the

The court shall be entitled to inspect judicial and administrative records of proceedings concerning the suspect or the injured person; at the request of the suspect or the injured person, copies thereof shall also be made available to the court free of charge.

5) Within the scope of his activities, the Conflict Arbitrator shall be obliged to maintain secrecy vis-à-vis everyone, insofar as such secrecy is necessary in the interest of one of the parties. This does not apply insofar as he is questioned as a witness in a court proceeding about the content of a settlement agreement reached.

Art. 24c

Arrangement of community service as well as training and courses

1) At the request of the public prosecutor, the public prosecutor shall participate in arranging community service (sections 22d and 22e of the Code of Criminal Procedure), training and courses (section 51 of the Criminal Code) and in advising the suspect during their implementation.

The court and the public prosecutor's office are experienced in social work and act as mediators.

2) The mediator shall inform the suspect about the nature of the withdrawal from prosecution under sections 22d and 22f of the Code of Criminal Procedure and about the content of the proposed community service, training or course and, if necessary, advise him or her during its implementation. He shall contact the institution (Section 22e (2) of the Code of Criminal Procedure), obtain its consent to the provision of the community service and inform it of its nature and the extent of the service to be provided. He shall guide and assist the suspect in his efforts to contribute to compensating for the consequences of the crime.

3) Upon completion of his activities, the mediator shall report to the prosecutor's office or the court.

4) Art. 24b paras. 4 and 5 shall apply mutatis mutandis to the activities of the intermediary.

VI. Final provisions Art. 25

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the personal requirements of the probationer (Art. 7);

b) determining the suitability of the probation officer (Art. 8).

Art. 26

Entry into force

This Act shall enter into force on the day of its promulgation.

VIII. Data Protection Act (DSG)

from 4 October 2018

I. General provisions

A. Purpose, scope and definitions Art. 1

Purpose

1) The purpose of this Act is to protect the personality and fundamental rights of natural persons when processing their personal data.

2) It also serves:

a) implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1);

b) the implementation of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and on the

free movement of data and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

3) The current version of the legal provisions referred to in paragraph 2 shall be determined by the publication of the decisions of the EEA Joint Committee and the state treaties on the further development of the Schengen acquis in the Liech- tensteinisches Landesgesetzblatt (Liech- tenstein Regional Law Gazette) in accordance with Art. 3(c) and (k) of the Publication Act.

Art. 2

Scope

1) This Act applies to the processing of personal data by public bodies. For non-public bodies, this Act shall apply to the processing of personal data wholly or partly by automated means and to the processing by non-automated means of personal data stored or to be stored in a filing system, unless the processing is carried out by natural persons for the exercise of exclusively personal or familial activities.

Activities.

2) Special statutory provisions on data protection shall take precedence over the provisions of this Act. If they do not govern or do not exhaustively govern a matter to which this Act applies, the provisions of this Act shall apply in a subsidiary manner. The obligation to maintain secrecy or professional or official secrets remains unaffected.

3) This Act shall apply to public entities. It shall apply to non-public entities, provided that:

a) the controller or processor processes personal data in the domestic country;

b) the processing of personal data is carried out in the context of the activities of a domestic establishment of the controller or processor; or

c) the controller or processor does not have an establishment in an EEA Member State, but it falls within the scope of Regulation (EU) 2016/679.

Unless this Act applies pursuant to sentence 2, only Articles 9 to 20 and 39 to 44 shall apply to the controller or processor.

4) For processing of personal data by public sector bodies in the context of activities not falling within the scope of the Regulation

(EU) 2016/679 and Directive (EU) 2016/680, Regulation (EU) 2016/679 and Chapters I and II of this Act shall apply mutatis mutandis, unless otherwise provided for in this Act or another law.

5) This Act shall not apply to:

a) Deliberations in the Diet and in commissions of the Diet, as well as in the Judicial Selection Board;

b) pending civil proceedings and administrative appeal proceedings;

c) pending proceedings before the State Court;

d) the activities of the country's financial control.

6) This Act shall not apply to the extent that EEA law, in particular Regulation (EU) 2016/679, is directly applicable.

Art. 3

Terms and designations

1) For the purposes of this Act shall be deemed to include:

a) "public bodies":

1. the bodies of the state, municipalities and public corporations, foundations and institutions;

2. non-public bodies, insofar as they act in fulfillment of the public duties assigned to them;

b) "non-public entities."

1. natural persons and legal entities as well as partnerships with legal capacity subject to private law, unless they fall under subparagraph (a)(2);

2. public bodies as defined in subparagraph (a)(1) if they act in the private sector.

2) The personal and functional terms used in this Act shall be understood to mean members of the female and male genders.

B. Legal basis for the processing of personal data

Art. 4

Processing of personal data by public bodies

The processing of personal data by a public body is permitted if it is necessary for the performance of the task within the competence of the controller or in the exercise of official authority vested in the controller.

Art. 5

Video surveillance of publicly accessible spaces

1) The observation of publicly accessible rooms with optical-electronic equipment (video surveillance) is only permitted insofar as:

a) it is required:

1. for the performance of tasks by public bodies;

2. for the exercise of domiciliary rights; or

3. to safeguard legitimate interests for specifically defined purposes; and

b) there are no indications that the interests of the data subject merit protection.

2) The following protection applies to video surveillance of the following facilities and equipment

of life, health or freedom of persons residing there as a particularly important interest:

a) Large-scale facilities open to the public, such as, in particular, sports

, places of assembly and entertainment, shopping centers, or parking lots; or

b) Vehicles and publicly accessible large-scale public transport facilities.

3) The circumstance of the observation and the name and contact details of the person responsible must be made known at the earliest possible time by means of suitable measures.

4) The storage or use of data collected in accordance with paras. 1 and 2 is permissible if it is necessary to achieve the purpose pursued and there are no indications that the interests of the data subject merit protection. Paragraph 2 shall apply accordingly. The data may only be further processed for another purpose if this is necessary for the defense against

of threats to state or public security, to avert a serious threat to life, limb, freedom or property, or to prosecute criminal offenses or to preserve evidence; in the latter cases, the state police may demand the transmission of the data collected.

5) If data collected through video surveillance is attributed to a specific person, there is an obligation to inform the data subject about the processing in accordance with Art. 13 and 14 of Regulation (EU) 2016/679. Art. 32 applies accordingly.

6) The data must be deleted immediately if it is no longer required to achieve the purpose or if the interests of the data subject that are worthy of protection conflict with further storage.

7) The use of video surveillance must be reported to the data protection office before it is put into operation. Real-time image transmissions without the possibility of recording or other further processing are exempt from notification. The government regulates the details by ordinance.

8) Any person who wilfully breaches the obligation to report under paragraph 7 shall be liable to a fine of up to 5,000 Swiss francs imposed by the data protection authority for an infringement. Art. 40 paras. 3 to 6 shall apply accordingly.

C. Data protection officers of public bodies Art. 6

Naming

1) Public bodies shall appoint a data protection officer. This also applies to public bodies pursuant to Art. 3 (1) (b) (2) that act in the private sector.

2) A joint data protection officer may be appointed for several public bodies, taking into account their organizational structure and size.

3) The Data Protection Officer shall be appointed on the basis of his/her professional qualifications and, in particular, the expertise he/she possesses in the field of data protection law and practice, as well as his/her ability to perform the tasks referred to in Art. 8.

4) The data protection officer may be an employee of the public body or perform his/her duties on the basis of a service contract.

5) The public body shall publish the contact details of the data protection officer and communicate these details to the data protection authority.

Art. 7

Position

1) The public body shall ensure that the data protection officer is involved properly and at an early stage in all issues related to the protection of personal data.

2) The public body shall assist the data protection officer in the performance of his/her duties under Art. 8 by providing the resources and access to personal data and processing operations necessary for the performance of those duties, as well as the resources necessary to maintain his/her expertise.

3) The public body shall ensure that the data protection officer does not receive any instructions regarding the performance of his/her duties. The data protection officer shall report directly to the management of the public body. The data protection officer may not be dismissed or disadvantaged by the public body because of the performance of his/her duties.

4) The data protection officer may only be dismissed by applying Art. 24 of the State Personnel Act accordingly.

5) Data subjects may consult the Data Protection Officer on all matters related to the processing of their personal data and the exercise of their rights under Regulation (EU) 2016/679, this Act and other laws on data protection. The data protection officer is bound to secrecy regarding the identity of the data subject.

The data controller shall be obligated to disclose information about the data subject and about circumstances that allow conclusions to be drawn about the data subject, unless the data subject releases the data controller from this obligation.

6) If, in the course of his or her work, the data protection officer becomes aware of data for which the management or a person employed by the public body has a right to refuse to testify for professional reasons, the data protection officer and the employees reporting to him or her shall also have this right.
About the exercise of this right

The person entitled to refuse to testify for professional reasons shall make the decision, unless this decision cannot be made in the foreseeable future. Insofar as the data protection officer's right to refuse to testify extends, his or her files and other documents are subject to a prohibition on seizure.

Art. 8

Tasks

1) The Data Protection Officer shall be responsible for at least the following tasks in addition to those specified in Regulation (EU) 2016/679:

a) Informing and advising the public body and the employees carrying out processing operations on their obligations under this Law and other regulations on data protection, including the laws adopted to implement Directive (EU) 2016/680;

b) Monitoring compliance with this Law and other regulations on data protection, including laws adopted to implement Directive (EU) 2016/680, as well as the public body's policies for the protection of personal data, including the allocation of responsibilities, awareness-raising and training of employees involved in processing operations, and reviews in this regard;

c) Advice in connection with the data protection impact assessment and monitoring of its implementation pursuant to Art. 66;

d) Cooperation with the data protection authority;

e) Acting as a point of contact for the data protection authority on issues related to the processing, including prior consultation under Art. 68 and advising on any other issues as appropriate.

2) In the case of a data protection officer appointed at a court, the duties under para. 1 shall not relate to the court's actions within the scope of its judicial activities.

3) The data protection officer may perform other tasks and duties. The public body shall ensure that such tasks and duties do not lead to a conflict of interest.

4) In the performance of his or her duties, the Data Protection Officer shall duly take into account the risk associated with the processing operations.

He shall take into account the nature, scope, circumstances and purposes of the processing.

D. Data protection authority Art. 9

Position and organization

1) The Data Protection Authority is the national supervisory authority pursuant to Article 51 of Regulation (EU) 2016/679 and Article 41 of Directive (EU) 2016/680.

2) The data protection unit consists of the head of the data protection unit and the other staff.

3) Unless otherwise provided by Regulation (EU) 2016/679 or this Act, the State Personnel Act shall apply mutatis mutandis to the employment relationship of the head of the data protection unit and the other staff of the data protection unit.

Art. 10

Responsibility

1) The Data Protection Authority is responsible for the supervision of processing operations carried out by public and non-public bodies.

2) The Privacy Board is not responsible for oversight of:

a) processing operations carried out by the government in the course of its activities;

b) the processing operations carried out by the courts in the course of their judicial activities.

Art. 11

Independence

1) The data protection agency shall act completely independently in the performance of its duties and in the exercise of its powers. It is not subject to any direct or indirect external influence and neither requests nor accepts instructions.

2) The data protection unit is subject to audit by the financial control pursuant to the

Financial Control Act.

Establishment and termination of employment relationships

Art. 12

a) Head of the Data Protection Office

1) Parliament elects the head of the data protection agency for a period of six years on the proposal of the government. Re-election is possible.

2) If the employment relationship ends at the end of the contract period, the government may, in justified cases, extend the employment relationship by up to six months until a successor is hired.

3) The employment of the head of the data protection unit shall end upon expiry of the term of the contract, subject to paragraph 4.

4) The employment of the head of the data protection unit may be terminated or dissolved by the government only if:

a) he is prevented from performing the duties due to illness or accident; or

b) there is good cause for termination without notice.

Art. 13

b) Other staff of the data protection unit

1) The remaining staff of the data protection unit is employed by the government on the proposal of the head of the data protection unit.

2) Provisions on the transfer and termination of employment under Articles 16 and 18 to 27 of the State Personnel Act shall apply to the other staff of the data protection unit, with the proviso that the transfer or termination of employment by the government shall require a request by the head of the data protection unit.

Art. 14

Rights and duties

1) The head of the data protection agency shall refrain from all actions incompatible with the duties of his office and shall not, during his term of office, engage in any other paid or unpaid activity incompatible with his office. The head of the data protection agency may not be a member of Parliament, the Government, a court or an administrative authority, nor may he exercise the function of a head of a municipality or a municipal council of a Liechtenstein municipality. With his appointment, he shall resign from such offices. He may

not provide out-of-court opinions for a fee.

2) The head of the data protection agency shall be entitled to refuse to testify about persons who have entrusted him/her with facts in his/her capacity as head of the data protection agency, as well as about these facts themselves. This shall also apply to the other staff of the data protection agency, provided that the head of the data protection agency shall decide on the exercise of this right. Insofar as the right of the head of the data protection agency to refuse to testify extends, the production or delivery of files or other documents may not be demanded of him.

3) The head of the data protection unit is obliged to maintain secrecy about matters that become known to him/her in the performance of his/her duties, even after termination of his/her employment. This shall not apply to communications in the course of official business or to facts which are obvious or which, in view of their significance, do not require secrecy. The head of the data protection unit shall decide at his/her own discretion whether and to what extent he/she shall testify or make statements about such matters in or out of court; if he/she is no longer in office, the approval of the acting head of the data protection unit shall be required. The statutory obligation to report criminal offenses remains unaffected.

4) Articles 84 and 85 of the Tax Act shall not apply to the head of the data protection unit and the other staff of the data protection unit. This shall not apply insofar as the tax authorities require the knowledge for the conduct of proceedings for a tax offence and related tax proceedings in the prosecution of which there is a compelling public interest, or insofar as it concerns intentionally false information provided by the party required to provide information or the persons acting on his behalf. If the data protection authority establishes a data protection breach, it shall be

authorized to report this and to inform the data subject thereof.

5) The head of the privacy office may testify as a witness, unless the testimony would:

a) are detrimental to the welfare of the country, in particular detrimental to security or relations with other states; or

b) Violate fundamental rights.

6) If the testimony pursuant to subsection 5 relates to ongoing or completed processes which are or could be within the government's sphere of responsibility, the head of the data protection agency may testify only in consultation with the government. The latter may refuse permission only if the welfare of the country so requires.

7) The head of the data protection unit shall issue organizational regulations, which shall be brought to the attention of the government.

Art. 15

Tasks

1) The Data Protection Authority has the following tasks in addition to those mentioned in Regulation (EU) 2016/ 679:

a) monitor and enforce the application of this Law and other regulations on data protection, including laws adopted to implement Directive (EU) 2016/680;

b) raise awareness and educate the public about the risks, rules, safeguards and rights related to the processing of personal data, with special attention to specific measures for children;

c) advise the Diet, the Government and other institutions and bodies on legislative and administrative measures to protect the rights and freedoms of natural persons with regard to the processing of personal data;

d) to make the controllers and processors aware of their obligations arising from this Law and other regulations on data protection, including the laws adopted to implement Directive (EU) 2016/680;

e) upon request of any data subject, information on the exercise of his or her rights under this Act and other provisions on data protection, including those implementing Directive (EU)

2016/680, and, where appropriate, to cooperate with the supervisory authorities in other Member States for this purpose;

f) deal with complaints from a data subject or complaints from a body, organization or association pursuant to Article 55 of Directive (EU) 2016/680, investigate the subject matter of the complaint to a reasonable extent and inform the complainant of the progress and outcome of the investigation within a reasonable period of time, in particular if further investigation or coordination with another supervisory authority is necessary;

g) cooperate with other supervisory authorities, including by exchanging information, and provide them with administrative assistance in order to ensure the consistent application and enforcement of this Law and other provisions on data protection, including laws adopted to implement Directive (EU) 2016/680;

h) Conduct investigations into the application of this Law and other provisions on data protection, including laws adopted to implement Directive (EU) 2016/680, including on the basis of informa- tion from another supervisory authority or another authority;

i) to follow relevant developments insofar as they have an impact on the protection of personal data, in particular the development of information and communication technology and business practices;

k) Provide advice in relation to the processing operations referred to in Art. 68; and

l) Contribute to the activities of the European Data Protection Board.

2) In the scope of Directive (EU) 2016/680, the data protection authority also performs the task pursuant to Art. 60.

3) In order to perform the task referred to in subsection 1(c), the Data Protection Agency may, on its own initiative or upon request, address opinions to Parliament or one of its commissions, the Government, other institutions and bodies on all issues related to the protection of personal data. At the request of Parliament, one of its commissions or the Government, the Data Protection Agency shall

also follows up on indications of data protection matters and processes at the public bodies.

4) The data protection agency shall facilitate the submission of the complaints referred to in paragraph 1(f) by taking measures such as providing a complaint form that can also be filled out electronically without excluding other means of communication.

5) The performance of the tasks of the data protection agency shall be free of charge for the data subject. In the case of manifestly unfounded or excessive requests, especially in the case of frequent repetition, the data protection agency may charge an appropriate fee based on the effort involved or refuse to act on the request. In this case, the data protection agency shall bear the burden of proving the manifestly unfounded or excessive nature of the request. The Government shall regulate the details of the fee by ordinance.

Art. 16

Activity Report

The data protection authority shall prepare an annual report on its activities, which may include a list of the types of breaches reported and the types of measures taken, including sanctions imposed and measures taken pursuant to Article 58(2) of Regulation (EU) 2016/679. It shall send the report to the Diet and the Government for information and make it available to the public, the European Data Protection Board and the EFTA Surveillance Authority.

Art. 17

Powers

1) Within the scope of application of Regulation (EU) 2016/679, the data protection authority shall exercise the powers under Art. 58 of Regulation (EU) 2016/679. If the data protection authority comes to the conclusion that breaches of the provisions on data protection or other deficiencies in the processing of personal data have occurred, it shall notify this to the competent specific supervisory authority and, before exercising the powers of Art. 58(2)(b) to (g), (i) and (j) of Regulation (EU) 2016/679, shall give the controller the opportunity to comment within a reasonable period of time. The opportunity to comment may be waived if an immediate decision is necessary due to imminent danger or in the public interest.

appears necessary or is contrary to an overriding public interest. The statement shall also contain a description of the measures taken on the basis of the notification by the data protection authority.

2) If the data protection authority discovers violations of the provisions of this Act or of other provisions on data protection or other deficiencies in the processing or use of personal data in the case of data processing by non-public or public bodies for purposes outside the scope of Regulation (EU) 2016/679, it shall lodge a complaint with the controller. In the case of a public body, it shall additionally inform the government of the complaint. It shall give the data controller, and in the case of a public body also the government, the opportunity to respond within a reasonable period of time to be determined by it. The data protection agency may refrain from making a complaint or from issuing a statement, especially if the deficiencies are insignificant or have been remedied in the meantime. The statement shall also include a description of the measures

The data protection authority may also warn the data controller that the intended processing operations are likely to violate the provisions of this Act. The data protection authority may also warn the data controller that intended processing operations are likely to violate data protection regulations contained in this Act and other regulations applicable to the respective data processing.

3) The powers of the Data Protection Authority shall also extend to:

a) personal data obtained from public or non-public bodies concerning the content and details of correspondence, postal and telecommunications traffic; and

b) personal data subject to official secrecy, in particular tax secrecy pursuant to Art. 83 of the Tax Act.

4) The public or non-public entities are obliged to notify the data protection authority and the persons appointed by it to monitor compliance with the provisions on data protection:

a) after prior notification by the data protection agency or authorized persons, grant access to the properties and premises, including all data processing facilities and equipment, and to all personal data and information necessary for the performance of its duties; and

b) provide all information necessary for the fulfillment of its tasks. In the case of non-public bodies, the infor-

The person obliged to provide information may refuse to do so if the provision of such information would expose him or her or one of the relatives referred to in Section 108 (1) of the Code of Criminal Procedure to the risk of criminal prosecution. The person required to provide information shall be informed of this.

5) The control activities under paragraph 4 shall be carried out with the greatest possible protection of the rights of public or non-public bodies and third parties.

6) The data protection authority advises and supports the data protection officers with regard to their typical needs. It may demand the dismissal of the data protection officer if he or she does not possess the expertise required to perform his or her duties or, in the case of Art. 38(6) of Regulation (EU) 2016/679, if there is a serious conflict of interest.

7) The data protection authority may only process the data it stores for supervisory purposes; in doing so, it may transfer data to other supervisory authorities. Processing for another purpose is permitted beyond Art. 6 (4) of Regulation (EU) 2016/679 if:

a) it is obvious that it is in the interest of the data subject and there is no reason to assume that he or she would refuse consent if he or she were aware of the other purpose;

b) it is necessary to avert significant disadvantages to the common good or a threat to public safety, defense or national security or to safeguard significant interests of the common good; or

c) it is necessary for the prosecution of criminal offenses, the execution or enforcement of penalties or measures under the Criminal Code or educational measures or other measures within the meaning of the Juvenile Court Act or for the enforcement of fines.

E. Representation in the European Data Protection Board and cooperation with other supervisory authorities

Art. 18

Representation in the European Data Protection Board

The Data Protection Agency represents the country in the European Data Protection Committee.

Art. 19

Cooperation with other supervisory authorities

Before transmitting a position to the supervisory authorities of other EEA member states, the EFTA Surveillance Authority or the European Data Protection Board, the data protection authority shall involve other national supervisory authorities in accordance with Articles 85 and 91 of Regulation (EU) 2016/679, insofar as they are affected by the matter.

F. Legal protection Art. 20

Appeals

1) Appeals against decisions and rulings of the Data Protection Office may be lodged with the Appeals Commission for Administrative Matters within four weeks of notification.

2) Appeals against decisions and orders of the Complaints Commission for Administrative Matters may be lodged with the Administrative Court within four weeks of notification; the data protection agency also has this right.

3) The data protection authority may not withdraw the suspensive effect of decisions and orders against a public body.

II. Implementing rules for processing operations for purposes referred to in Article 2 of Regulation (EU) 2016/679

A. Legal basis for the processing of personal data

1. Processing of special categories of personal data and processing for other purposes

Art. 21

Processing of special categories of personal data

1) By way of derogation from Article 9(1) of Regulation (EU) 2016/679, the processing of special categories of personal data within the meaning of Article 9(1) of Regulation (EU) 2016/679 is permitted:

a) by public and non-public entities when they:

1. necessary to exercise the rights and fulfill the obligations arising from the law on social security and social protection;

2. is necessary for the purposes of preventive health care, the assessment of the employee's fitness for work, medical diagnosis, health or social care or treatment, or the management of health and social care systems and services, or on the basis of a contract between the data subject and a health professional, and such data is processed by or under the responsibility of medical staff or other persons subject to an appropriate duty of confidentiality; or

3. is necessary for reasons of public interest in the area of public health, such as protection against serious cross-border health hazards or to ensure high standards of quality and safety in health care and in medicinal products and medical devices; in addition to the measures referred to in Para. 2, the requirements of professional law and criminal law for maintaining professional secrecy must be complied with in particular;

b) By public bodies when they:

1. is absolutely necessary for reasons of overriding public interest;

2. is necessary to avert a significant threat to public safety;

3. is absolutely necessary to avert considerable disadvantages for the common good or to safeguard considerable interests of the common good; or

4. is necessary for compelling reasons of defense or the fulfillment of supranational or intergovernmental obligations of a public body of the country in the field of crisis management or conflict prevention or for humanitarian measures

and insofar as the interests of the controller in the data processing in the cases referred to in point b) outweigh the interests of the data subject.

2) In the cases referred to in paragraph 1, appropriate and specific measures shall be provided for to safeguard the interests of the data subject.

Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing, as well as the varying likelihood and severity of the risks to the rights and freedoms of natural persons represented by the processing, these may include in particular:

a) technical organizational measures to ensure that the processing is carried out in accordance with Regulation (EU) 2016/679;

b) Measures to ensure that it is possible to check and establish retrospectively whether and by whom personal data has been entered, modified or removed;

c) Raise awareness of those involved in processing operations;

d) Appointment of a data protection officer;

e) Restriction of access to personal data within the responsible entity and by processors;

f) Pseudonymization of personal data;

g) Encryption of personal data;

h) Ensuring the capability, confidentiality, integrity, availability and resilience of systems and services related to the processing of personal data, including the ability to rapidly restore availability and access in the event of a physical or technical incident;

i) to ensure the security of the processing, the establishment of a procedure for the regular monitoring, assessment and evaluation of the effectiveness of the technical and organizational measures; or

k) specific procedural arrangements to ensure compliance with the requirements of this Act and Regulation (EU) 2016/679 in the event of transfer or processing for other purposes.

Art. 22

Processing for other purposes by public bodies

1) The processing of personal data for a purpose other than that for which the data were collected by public bodies in the course of their duties is permitted if:

a) it is obvious that it is in the interest of the data subject and there is no reason to assume that he or she would refuse consent if he or she were aware of the other purpose;

b) The information provided by the data subject must be verified because there are factual indications that it is incorrect;

c) it is necessary for the prevention of significant disadvantages for the common good or a threat to public safety, defense or national security, for the safeguarding of significant interests of the common good or for the safeguarding of tax and customs revenue;

d) it is necessary for the prosecution of criminal offenses, the execution or enforcement of penalties or measures under the Criminal Code or educational measures or other measures within the meaning of the Juvenile Court Act or for the enforcement of fines;

e) it is necessary to prevent a serious impairment of the rights of another person; or

f) it serves the purpose of exercising supervisory and control powers, auditing or conducting organizational investigations of the person responsible; this also applies to processing for training and auditing purposes by the person responsible, insofar as this does not conflict with interests of the data subject which merit protection.

2) The processing of special categories of personal data within the meaning of Art. 9(1) of Regulation (EU) 2016/679 for a purpose other than that for which the data were collected is permitted if the conditions of para. 1 and an exceptional circumstance pursuant to Art. 9(2) of Regulation (EU) 2016/679 or Art. 21 are met.

Art. 23

Processing for other purposes by non-public bodies

1) The processing of personal data for a purpose other than that for which the data were collected by non-public bodies is permitted if:

a) it is required:

1. To prevent threats to state or public security or to prosecute criminal offenses; or

2. To assert, exercise or defend civil claims; and

b) the interests of the data subject in the exclusion of processing do not override.

2) The processing of special categories of personal data within the meaning of Art. 9(1) of Regulation (EU) 2016/679 for a purpose other than that for which the data were collected is permitted if the conditions of para. 1 and an exceptional circumstance pursuant to Art. 9(2) of Regulation (EU) 2016/679 or Art. 21 are met.

Art. 24

Data transfers by public authorities

1) The transmission of personal data by public bodies to public bodies is permissible if it is necessary for the fulfillment of the tasks for which the transmitting body or the third party to which the data are transmitted is responsible and the conditions exist that would permit processing in accordance with Art. 22. The third party to whom the data are transferred may only process them for the purpose for which they were transferred. Processing for other purposes is permitted under the conditions of Art. 22.

2) The transfer of personal data by public bodies to non-public bodies is permitted if:

a) it is necessary for the performance of the tasks within the competence of the transmitting agency and the conditions exist that would permit processing pursuant to Art. 22;

b) the third party to whom the data is transferred credibly demonstrates a legitimate interest in knowing the data to be transferred and the data subject has no interest worthy of protection in the exclusion of the transfer; or

c) it is required for the assertion, exercise or defense of legal claims

and the third party has undertaken vis-à-vis the transmitting public body to process the data only for the purpose for which they are transmitted to it. Processing for other purposes is permissible if transmission pursuant to sentence 1 would be permissible and the transmitting agency has consented.

3) The transfer of special categories of personal data within the meaning of Article 9(1) of Regulation (EU) 2016/679 is permitted if the conditions of paragraph 1 or 2 and an exceptional circumstance pursuant to Article 9(2) of Regulation (EU) 2016/679 or Article 21 apply.

2. Special processing situations

Art. 25

Restriction of the right to information for media professionals

1) If personal data are processed exclusively for publication in the editorial section of a periodical medium, the person responsible may refuse, restrict or postpone the disclosure in accordance with Art. 15 of Regulation (EU) 2016/679 if:

a) the personal data provide information about the sources of information;

b) insight into drafts for publications would have to be given; or

c) the public's freedom of opinion would be jeopardized.

2) Media professionals may also refuse, restrict or postpone access pursuant to Art. 15 of Regulation (EU) 2016/679 if the processing of personal data serves them exclusively as a personal work instrument.

Art. 26

Data secrecy

Anyone who processes personal data or has such data processed shall keep personal data from processing operations entrusted to him or made accessible to him on the basis of his professional employment secret, without prejudice to other statutory duties of confidentiality, unless there is a legally permissible reason for disclosing the data entrusted or made accessible.

Art. 27

Data processing for scientific or historical research and statistical purposes

1) By way of derogation from Art. 9(1) of Regulation (EU) 2016/679, the processing is

special categories of personal data within the meaning of Article 9(1) of Regulation (EU) 2016/679 is also permissible without consent for scientific or historical research purposes or for statistical purposes if the processing is necessary for these purposes and the interests of the controller in the processing outweigh the interests of the data subject in excluding the processing.

outweigh. The controller shall provide for appropriate and specific measures to safeguard the interests of the data subject in accordance with the second sentence of Article 21(2).

2) For scientific or historical research or statistical purposes in the public interest, the controller may process all personal data not covered by the first sentence of paragraph 1 if the processing is necessary for these purposes and if:

a) the data is publicly accessible;

b) the data is pseudonymous personal data for the controller and the controller cannot determine the identity of the data subject by lawful means; or

c) obtaining the data subject's consent is impossible due to the data subject's inaccessibility or otherwise involves a disproportionate effort.

Para. 1 sentence 2 shall apply accordingly. Art. 4 remains unaffected.

3) The provisions of subsections 1 and 2 shall also apply to personal data that the data controller has legitimately obtained for other investigations or also for other purposes.

4) The rights of the data subject provided for in Articles 15, 16, 18 and 21 of Regulation (EU) 2016/679 are limited to the extent that these rights are likely to render impossible or seriously prejudice the achievement of the research or statistical purposes and the limitation is necessary for the fulfilment of the research or statistical purposes. Furthermore, the right of access pursuant to Art. 15 of Regulation (EU) 2016/679 does not apply if the data are required for scientific research purposes and the provision of information would require a disproportionate effort.

5) In addition to the measures mentioned in Art. 21 (2), personal data processed for scientific or historical research purposes or for statistical purposes shall be made anonymous as soon as this is possible in accordance with the research or statistical purpose, unless this conflicts with the legitimate interests of the data subject. Until then, the characteristics shall be separately

The data must be stored in such a way that individual data on personal or factual circumstances can be assigned to a specific or identifiable person. They may only be combined with the individual data if this is required for the purpose of research or statistics.

6) The controller may only publish personal data if the data subject has consented or if this is essential for the presentation of research results.

Art. 28

Data processing for the purposes of personal, family and genealogical research as well as the maintenance and publication of family chronicles and biographies.

The processing of personal data is also permitted without the consent of the person concerned for the purposes of personal, family and genealogical research as well as the maintenance and publication of family chronicles and biographies if the processing is necessary for these purposes. Insofar as the processing of special categories of personal data within the meaning of Article 9(1) of Regulation (EU) 2016/679 is concerned, this is permissible by way of derogation from Article 9(1) of Regulation (EU) 2016/679 if the processing is necessary for these purposes and the interests of the controller outweigh the interests of the data subjects in excluding the processing. The controller shall provide for appropriate and specific measures to safeguard the interests of the data subject in accordance with the second sentence of Article 21(2).

Art. 29

Data processing for archiving purposes in the public interest

1) By way of derogation from Article 9(1) of Regulation (EU) 2016/679, the processing of special categories of personal data within the meaning of Article 9(1) of Regulation (EU) 2016/679 is permitted if it is necessary for archiving purposes in the public interest. The controller shall provide for appropriate and specific measures to safeguard the interests of the data subject in accordance with the second sentence of Article 21(2).

2) For archiving purposes in the public interest which do not aim at personal results, the controller may process any personal data not covered by the first sentence of paragraph 1 if the processing is necessary for these purposes and if:

a) the data is publicly accessible;

b) the data for the person responsible pseudonymized personal data

and the data controller is unable to determine the identity of the data subject by lawful means; or

c) obtaining the data subject's consent is impossible due to the data subject's inaccessibility or otherwise involves a disproportionate effort.

Para. 1 sentence 2 shall apply accordingly. Art. 4 remains unaffected.

3) The provisions of subsections 1 and 2 shall also apply to personal data that the data controller has legitimately obtained for other investigations or also for other purposes.

4) The right of access of the data subject pursuant to Art. 15 of Regulation (EU) 2016/679 does not exist if the archived material is not identified by the name of the person or if no information is provided that would allow the archived material in question to be located with a reasonable administrative effort.

5) The right of rectification of the data subject under Article 16 of Regulation (EU) 2016/679 does not exist if the personal data are processed for archiving purposes in the public interest. If the data subject disputes the accuracy of the personal data, he or she must be given the opportunity to submit a counterstatement. The competent archive is obliged to add the counterstatement to the records.

6) The rights provided for in Art. 18(1)(a), (b) and (d), Art. 20 and 21 of Regulation (EU) 2016/679 do not exist insofar as these rights are likely to render impossible or seriously impair the achievement of archiving purposes in the public interest and the exceptions are necessary for the fulfillment of those purposes.

Art. 30

Rights of the Data Subject and Supervisory Authority Powers in the Case of Confidentiality Obligations

1) The following applies to the rights of the data subject under Articles 14, 15 and 34 of Regulation (EU) 2016/679:

a) the obligation to inform the data subject pursuant to Article 14(1) to (4) of Regulation (EU) 2016/679, in addition to the exceptions set out in Article 14(5) of Regulation (EU) 2016/679, does not apply insofar as its fulfillment would disclose information that:

1. are subject to a statutory duty of confidentiality; or

2. must be kept secret by their nature, in particular because of the overriding legitimate interests of a third party;

b) the right of access of the data subject pursuant to Article 15 of Regulation (EU) 2016/679 does not exist insofar as the access would disclose information that:

1. are subject to a statutory duty of confidentiality; or

2. must be kept secret by their nature, in particular because of the overriding legitimate interests of a third party;

c) the obligation to notify pursuant to Article 34 of Regulation (EU) 2016/679 shall not apply, in addition to the exception set out in Article 34(3) of Regulation (EU) 2016/679, to the extent that the notification would disclose information that:

1. are subject to a statutory duty of confidentiality; or

2. must be kept secret by their nature, in particular because of the overriding legitimate interests of a third party.

By way of derogation from the exception in point (c)(2), the data subject must be notified in accordance with Art. 34 of Regulation (EU) 2016/679 if the interests of the data subject, in particular taking into account the threat of harm, outweigh the interest in confidentiality.

2) If data of third parties are transferred to a professional secre- tary in the course of admission or in the context of a mandate relationship, the obligation of the transferring body to inform the data subject pursuant to Art. 13 (3) of Regulation (EU) 2016/679 does not exist, unless the interest of the data subject in the provision of information prevails.

3) The investigative powers of the data protection authority pursuant to Article 58(1)(e) and (f) of Regulation (EU) 2016/679 shall not apply to the persons referred to in Section 121(1), (3) and (4) of the Criminal Code or their processors if the use of the powers would lead to a breach of the confidentiality obligations of these persons. If the data protection authority obtains knowledge of data subject to a confidentiality obligation within the meaning of sentence 1 in the course of an investigation, the confidentiality obligation shall also apply to the data protection authority.

Art. 31

Protection of commercial transactions in the case of scoring and credit reports

1) The use of a probability value about a certain future behavior of a natural person for the purpose of deciding on the establishment, performance or termination of a contractual relationship with this person (scoring) is only permitted if:

a) the provisions of data protection law have been complied with;

b) the data used for the calculation of the probability value are demonstrably relevant for the calculation of the probability of the specific behavior on the basis of a scientifically recognized mathematical-statistical method;

c) the calculation of the probability value did not exclusively use address data; and

d) in the case of the use of address data, the data subject has been informed about the intended use of this data before the calculation of the probability value; the information must be documented.

2) The use of a probability value determined by credit agencies regarding the ability and willingness of a natural person to pay shall only be permissible in the case of the inclusion of information on claims if the prerequisites pursuant to paragraph 1 are met and only such claims regarding an owed service that has not been rendered despite being due are taken into account:

a) established by an execution title pursuant to Art. 1 of the Execution Code;

b) determined in accordance with Article 66 of the Insolvency Code and not disputed by the debtor at the verification hearing;

c) which the debtor has expressly acknowledged;

d) with them:

1. the debtor has been reminded in writing at least twice after the due date of the claim;

2. the first reminder was sent at least four weeks ago;

3. the debtor has been informed in advance, but no earlier than at the time of the first reminder, of a possible consideration by a credit agency; and

4. the debtor has not disputed the claim; or

e) whose underlying contractual relationship can be terminated without notice due to payment arrears and for which the debtor has previously been informed of a possible consideration by a credit agency.

3) The permissibility of processing, including the determination of probability values, of other data relevant to creditworthiness under general data protection law remains unaffected.

B. Rights of the data subject Art. 32

Duty to provide information when collecting personal data from the data subject

1) The obligation to inform the data subject pursuant to Article 13(3) of Regulation (EU) 2016/679, in addition to the exception set out in Article 13(4) of Regulation (EU) 2016/679, does not apply if the provision of the information on the intended further processing:

a) concerns further processing of analogously stored data, where the controller directly addresses the data subject through the further processing, the purpose is compatible with the original purpose of collection under Regulation (EU) 2016/679, the communication with the data subject is not in digital form and the interest of the data subject in the disclosure of information is to be regarded as minor under the circumstances of the individual case, in particular in view of the context in which the data were collected;

b) in the case of a public body, would jeopardize the proper performance of the tasks falling within the competence of the controller within the meaning of Article 23(1)(a) to (e) of Regulation (EU) 2016/679 and the interests of the controller in not providing the information outweigh the interests of the data subject;

c) would endanger public security or order or otherwise be detrimental to the welfare of the country and the interests of the person responsible in not providing the information outweigh the interests of the data subject;

d) would prejudice the assertion, exercise or defense of legal claims and the interests of the responsible party.

the interests of the data subject in not receiving the information outweigh the interests of the data subject; or

e) would jeopardize confidential transmission of data to public authorities.

2) If the data subject is not informed in accordance with paragraph 1, the controller shall take appropriate measures to protect the data subject's legitimate interests, including providing the public with the information referred to in Article 13(1) and (2) of Regulation (EU) 2016/679 in a precise, transparent, comprehensible and easily accessible form in plain and simple language. The responsible person shall record in writing the reasons for which he has refrained from providing the information. Sentences 1 and 2 shall not apply in the cases referred to in paragraph 1 letters d and e.

3) If the notification is omitted in the cases of Paragraph 1 due to a temporary impediment, the controller shall fulfill the duty to inform within a reasonable period of time after the impediment has ceased to exist, but no later than within two weeks, taking into account the specific circumstances of the processing.

Art. 33

Duty to provide information if the personal data have not been collected from the data subject

1) The obligation to inform the data subject under Art. 14(1), (2) and (4) of Regulation (EU) 2016/679, in addition to the exceptions set out in Art. 14(5) of Regulation (EU) 2016/679 and the exception set out in Art. 30(1)(a), does not apply if the provision of the information:

a) in the case of a public body:

1. would jeopardize the proper performance of the tasks within the competence of the controller within the meaning of Article 23(1)(a) to (e) of Regulation (EU) 2016/679; or

2. would endanger public safety or order or otherwise be detrimental to the welfare of the country

and therefore the interest of the data subject in the provision of information must take a back seat;

b) in the case of a non-public body:

1. would prejudice the assertion, exercise or defense of legal claims or the processing of data on grounds of

civil law contracts and serves the prevention of damage caused by criminal acts, unless the legitimate interest of the data subject in the disclosure of information prevails; or

2. the competent public authority has determined vis-à-vis the data controller that disclosure of the data would endanger public safety or order or otherwise be detrimental to the welfare of the country; in the case of data processing for law enforcement purposes, no determination pursuant to the first half-sentence is required.

2) If the data subject is not informed in accordance with paragraph 1, the controller shall take appropriate measures to protect the data subject's legitimate interests, including providing the data subject with the information specified in Art. 14

(1) and (2) of Regulation (EU) 2016/679 in a precise, transparent, comprehensible and easily accessible form in clear and simple language. The responsible person shall record in writing the reasons for not providing the information.

3) If the provision of information relates to the transmission of personal data by public bodies to the state police for the performance of their duties within the framework of state protection, it shall be permissible only with the consent of the state police.

Art. 34

Right to information of the data subject

1) The right of access of the data subject under Article 15 of Regulation (EU) 2016/679, in addition to the exceptions set forth in Articles 27(4), 29(4) and 30(1)(b), does not exist if:

a) the data subject is not to be informed pursuant to Art. 33 para. 1 let. a, b no. 2 or para. 3; or

b) the data:

1. are only stored because they may not be deleted due to legal or statutory retention requirements; or

2. exclusively for the purposes of data security or data protection control.

and the provision of information would require a disproportionate effort and processing for other purposes is excluded by appropriate technical and organizational measures.

2) The reasons for the refusal to provide information shall be documented. The refusal to provide information shall be justified to the data subject, unless the communication of the factual and legal grounds on which the decision is based would jeopardize the purpose pursued by the refusal to provide information. The data stored for the purpose of providing information to the data subject and for the preparation thereof may only be processed for this purpose and for data protection control purposes; for other purposes, processing shall be restricted in accordance with Article 18 of Regulation (EU) 2016/679.

3) If the data subject is not provided with information by a public body, the information shall be provided to the data protection agency at the request of the data subject, unless the government determines in an individual case that this would jeopardize the security of the country. The notification by the data protection agency to the data subject of the result of the data protection review shall not contain any

allow conclusions to be drawn about the level of knowledge of the person responsible, unless the latter consents to further information being provided.

4) The right of the data subject to obtain information on personal data that is neither processed by automated means nor processed in a non-automated manner by a public body and stored in a file system shall exist only to the extent that the data subject provides information that enables the data to be located and the effort required to provide the information is not disproportionate to the interest in information asserted by the data subject.

Art. 35

Right to deletion

1) If, in the case of non-automated or automated data processing, erasure is not possible or possible only with disproportionate effort due to the special type of processing or storage, and if the interest of the data subject in erasure is to be regarded as minor, the right of the data subject to and the obligation of the controller to erase personal data exist pursuant to Art. 17(1) of Regulation (EU) 2016/679 in addition to the obligations set out in Art. 17(1) of Regulation (EU) 2016/679.

3 of Regulation (EU) 2016/679 do not apply. In this case, the restriction of processing pursuant to Article 18 of Regulation (EU) 2016/679 shall take the place of erasure. Sentences 1 and 2 shall not apply if the personal data have been processed unlawfully.

2) In addition to Art. 18(1)(b) and (c) of Regulation (EU) 2016/679, the first and second sentences of paragraph 1 shall apply mutatis mutandis in the case of Art. 17(1)(a) and (d) of Regulation (EU) 2016/679, as long as and insofar as the controller has reason to believe that erasure would adversely affect the data subject's legitimate interests. The controller shall inform the data subject of the restriction of processing, unless such information proves impossible or would involve a disproportionate effort.

3) In addition to Art. 17(3)(b) of Regulation (EU) 2016/679, paragraph 1 shall apply mutatis mutandis in the case of Art. 17(1)(a) of Regulation (EU) 2016/679 if statutory or contractual retention periods prevent deletion.

Art. 36

Right of objection

The right to object pursuant to Article 21(1) of Regulation (EU) 2016/679 vis-à-vis a public body does not exist insofar as there is a compelling public interest in the processing that outweighs the interests of the data subject or a statutory provision obliges the processing.

Art. 37

Automated decisions in individual cases including profiling

1) The right under Article 22(1) of Regulation (EU) 2016/679 not to be subject to a decision based solely on automated processing does not exist, beyond the exceptions set out in Article 22(2)(a) and (c) of Regulation (EU) 2016/679, if the decision is taken in the context of:

a) the provision of services under an insurance contract and

1. concerns the determination of the insurance premium;

2. the request of the data subject has been granted; or

3. the decision is based on the application of binding fee regulations for medical treatment;

b) The Board of Directors is responsible for the implementation of due diligence when entering into a business relationship, risk-adequate monitoring and risk assessment in accordance with Articles 5, 9 and 9a of the Due Diligence Act;

c) of the credit business pursuant to Art. 3 para. 3 let. b of the Banking Act; or

d) the provision of an investment service or ancillary securities service pursuant to Art. 3 (4) of the Banking Act or Art. 3 of the Asset Management Act.

2) With the exception of subsection 1(a)(2) and subsection 1(b), the data controller shall take appropriate measures to safeguard the data subject's legitimate interests. b, the controller shall take appropriate measures to safeguard the data subject's legitimate interests, including at least the right to obtain the data subject's intervention, to express his or her point of view and to contest the decision; the controller shall inform the data subject of these rights at the latest at the time of the notification indicating that the data subject's request will not be fully complied with or that the data subject may be adversely affected by the automated decision.

3) Decisions pursuant to paragraph 1 letter a may be based on the processing of health data within the meaning of Art. 4 No. 15 of Regulation (EU) 2016/ 679. The controller shall provide for appropriate and specific measures to safeguard the interests of the data subject pursuant to Art. 21 (2) sentence 2.

C. Obligations of controllers and processors Art. 38

Data protection officers of non-public bodies

1) If the appointment of a data protection officer is mandatory in the case of non-public bodies, the dismissal of the data protection officer shall only be permissible under the conditions of the provisions of labor law on termination without notice for good cause pursuant to Section 1173a Art. 53 ABGB.

2) The data protection officer shall be bound to secrecy regarding the identity of the person concerned as well as regarding circumstances that could lead to conclusions about the person's identity.

The data controller shall be obligated to allow the data subject to use the data, unless he is released from this obligation by the data subject.

3) If, in the course of his or her work, the data protection officer becomes aware of data for which the controller or processor has a right to refuse to testify, the data protection officer and the employees reporting to him or her shall also have this right. The person entitled to the right to refuse to testify shall decide on the exercise of this right, unless this decision cannot be made in the foreseeable future. Insofar as the data protection officer's right to refuse to testify extends, his or her records and other documents are subject to a prohibition on seizure.

Art. 39

Accreditation

1) The authorization to act as a certification body in accordance with Art. 43 Para. 1 Sentence 1 of Regulation (EU) 2016/679 is granted by the Liechtenstein Accreditation Body.

2) The Government may regulate the details of accreditation by ordinance.

D. Penal provisions Art. 40

Infringements under Regulation (EU) 2016/679

1) The data protection authority shall impose a fine pursuant to paragraph 2 on anyone who violates the provisions of Regulation (EU) 2016/679, even if only negligently, in accordance with Article 83 paragraphs 4 to 6 of Regulation (EU) 2016/679.

2) The fine is:

a) in the cases referred to in Article 83(4) of Regulation (EU) 2016/679: up to 11 milli- onen Swiss francs or, in the case of a legal entity, up to 2% of its total annual worldwide turnover in the preceding financial year, whichever is higher;

b) in the cases referred to in Article 83(5) and (6) of Regulation (EU) 2016/679: up to 22 million Swiss francs or, in the case of a legal entity, up to 4% of its total annual worldwide turnover in the preceding financial year, whichever is higher.

3) The data protection authority shall impose fines on legal entities if the violations are committed in the course of business of the legal entity (incidental offenses) by persons who acted either alone or as members of the board of directors, executive board, management board or supervisory board of the legal entity or by virtue of another management position within the legal entity by virtue of which they:

a) are authorized to represent the legal entity externally;

b) Exercise supervisory authority in a managerial position; or

c) otherwise exercise significant influence on the management of the legal entity.

4) The legal entity shall also be liable for infringements committed by employees of the legal entity, even if not culpably, if the infringement was made possible or substantially facilitated by the fact that the persons referred to in paragraph 3 failed to take the necessary and reasonable measures to prevent such incidental acts.

5) The liability of the legal person for the incidental offense and the criminal liability of the persons named in para. 3 or of employees pursuant to para. 4 for the same offense are not mutually exclusive. The data protection authority may refrain from punishing a natural person if a fine has already been imposed on the legal person for the same infringement and there are no special circumstances that preclude refraining from punishment.

6) The data protection authority will apply the catalog of Art. 83 (2) to (6) of Regulation (EU) 2016/679 in such a way that proportionality is maintained. In particular, in the case of first-time infringements, the data protection authority will make use of its remedial powers in accordance with Art. 58 of Regulation (EU) 2016/679, especially by issuing warnings.

7) No fines are imposed on public authorities and other public bodies.

Art. 41

Unauthorized acquisition of personal data

Any person who obtains personal data that is not freely accessible from a data processing system without authorization shall, at the request of the violated party, be exempted from the

District Court for misdemeanor punishable by imprisonment for a term not exceeding six months or a fine not exceeding 360 daily penalty units.

Art. 42

Violation of data secrecy

1) Any person who intentionally makes secret personal data accessible to another without authorization, publishes or exploits such data, of which he has learned in the course of exercising his profession requiring knowledge of such data, shall, at the request of the injured party, be punished by the regional court for a misdemeanor with imprisonment of up to six months or a fine of up to 360 daily rates.

2) Whoever commits the act in order to gain a pecuniary advantage for himself or another or to inflict a disadvantage on another shall, at the request of the offender, be punished by imprisonment for not more than one year or by a fine of not more than 360 daily penalty units.

3) Likewise, anyone who intentionally makes secret personal data available to another without authorization, publishes or exploits such data, of which he has learned during his work for the person obliged to maintain secrecy or during his training with that person, shall be punished.

4) The unauthorized disclosure or publication of secret personal data to another person is punishable even after the end of the professional practice or training.

Art. 43

Prohibition of use

A report pursuant to Article 33 of Regulation (EU) 2016/679 or a notification pursuant to Article 34(1) of Regulation (EU) 2016/679 may be used in criminal proceedings pursuant to Articles 41 and 42 against the person required to report or notify or his relatives referred to in Section 108(1) of the Code of Criminal Procedure only with the consent of the person required to report or notify.

E. Liability

Art. 44

Liability and right to compensation

1) Any person who has suffered material or immaterial damage as a result of a breach of Regulation (EU) 2016/679 or of the provisions of Chapter I or II shall be entitled to claim damages against the controller or the processor in accordance with Article 82 of Regulation (EU) 2016/679. In detail, the general provisions of civil law shall apply to this claim for damages.

2) If the controller or processor has appointed a representative pursuant to Art. 27(1) of Regulation (EU) 2016/679, the representative shall also be deemed to be authorized to accept service in civil proceedings. Art. 12 of the Service of Documents Act remains unaffected.

III. Provisions for processing for purposes pursuant to Art. 1(1) of Directive (EU) 2016/680

A. Scope, definitions and general principles for the processing of personal data

Art. 45

Scope

The provisions of this Chapter shall apply to the processing of personal data by public bodies responsible for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, insofar as they process data for the purpose of fulfilling these tasks. In this regard, the public bodies shall be deemed to be the data controllers. The prevention of criminal offences within the meaning of sentence 1 includes the protection against and the prevention of threats to public safety. Sentences 1 and 2 shall also apply to those public bodies that are responsible for enforcing penalties, criminal law enforcement measures, educational measures or other measures within the meaning of the Juvenile Courts Act and fines. Insofar as this chapter contains provisions for processors, it shall also apply to them.

Art. 46

Definitions

For the purposes of this chapter, the following shall be considered:

a) "personal data" means any information relating to an identified or identifiable natural person (data subject); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or one or more special identifiers.

characteristics that are an expression of that person's physical, physiological, genetic, psychological, economic, cultural or social identity;

b) "Processing" means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, filing, adaptation, alteration, extraction, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment, combination, restriction, erasure or destruction;

c) "Restriction of processing" means the marking of stored personal data with the aim of limiting their future processing;

d) "Profiling" means any type of automated processing of personal data that consists in using such personal data to evaluate certain personal aspects relating to a natural person, in particular to analyze or predict aspects relating to that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behavior, location or change of location;

e) "Pseudonymization" means the processing of personal data in such a way that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organizational measures which ensure that the personal data are not disclosed to any third party.

data cannot be assigned to an identified or identifiable natural person;

f) "File system" means any structured collection of personal data accessible according to specified criteria, whether such collection is maintained in a centralized, decentralized, or functional or geographic manner;

g) "Controller" means the competent authority which alone or jointly with others determines the purposes and means of the processing of personal data;

h) "Processor" means a natural or legal person, public authority, agency or other body that processes personal data on behalf of the Controller;

i) "Recipient" means a natural or legal person, public authority, agency or other body to whom personal data are disclosed, whether or not a third party; however, public authorities that receive personal data in the context of a specific investigation mandate under EEA/Schengen or other laws are not considered recipients; the processing of such data by the aforementioned public authorities shall be carried out in accordance with the applicable data protection legislation in accordance with the purposes of the processing;

k) "Personal data breach" means a breach of security that results, whether accidentally or unlawfully, in the destruction, loss, alteration of, or unauthorized disclosure of, or access to, personal data that has been transmitted, stored, or otherwise processed;

l) "genetic data" means personal data relating to the inherited or acquired genetic characteristics of a natural person which provide unique information about the physiology or health of that natural person and which have been obtained, in particular, from the analysis of a biological sample from the natural person concerned;

m) "biometric data" means personal data, obtained by means of special technical procedures, relating to the physical, physiological or behavioral characteristics of a natural person which enable or confirm the unique identification of that natural person, in particular facial images or dactyloscopic data;

n) "Health data" means personal data that relates to the physical or mental health of a natural person, including.

The data relate to the people involved in the provision of health care services and provide information about their health status;

o) "special categories of personal data":

1. Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership;

2. genetic data;

3. biometric data for the unique identification of a natural person;

4. Health data; and

5. Data on sex life or sexual orientation;

p) "Supervisory Authority" means an independent governmental body established by an EEA/Schengen State pursuant to Article 41 of Directive (EU) 2016/680;

q) "international organization" means an organization under international law and its subordinate bodies or any other body established by or pursuant to an agreement concluded between two or more States;

r) "Consent" means any freely given specific, informed and unambiguous indication of wishes in the form of a statement or other unambiguous affirmative act by which the data subject signifies his or her agreement to personal data relating to him or her being processed.

Art. 47

General principles for the processing of personal data

Personal data must:

a) processed in a lawful manner and in good faith;

b) collected for specified, explicit and legitimate purposes and not processed in a manner incompatible with those purposes;

c) adequate to the purpose of the processing, necessary for achieving the purpose of the processing and their processing is not disproportionate to that purpose;

d) be factually correct and, where necessary, up to date, taking all reasonable steps to ensure that personal data is kept confidential.

related data that are inaccurate with regard to the purposes of their processing shall be erased or rectified without undue delay;

e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data are processed; and

f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorized or unlawful processing, accidental loss or destruction, or accidental damage by means of appropriate technical and organizational measures.

B. Legal bases for the processing of personal data Art. 48

Processing of special categories of personal data

1) The processing of special categories of personal data is only permitted if it is absolutely necessary for the performance of the task and:

a) a law expressly provides for it;

b) serves to protect the vital interests of a person; or

c) relates to personal data that the data subject has obviously made public himself/herself.

2) If special categories of personal data are processed, appropriate safeguards for the legal interests of the data subjects shall be provided. Suitable safeguards can be in particular:

a) specific data security or data protection control requirements;

b) the establishment of special segregation testing periods;

c) raising the awareness of those involved in processing operations;

d) the restriction of access to personal data within the controller;

e) processing separate from other data;

f) the pseudonymization of personal data;

g) the encryption of personal data; or

h) specific procedural rules ensuring the lawfulness of the processing in case of transfer or processing for other purposes.

Art. 49

Processing for other purposes

Processing of personal data for a purpose other than that for which it was collected is permitted if the other purpose is one of those specified in Art. 45, the controller is authorized to process data for this purpose and the processing is necessary and proportionate for this purpose. The processing of personal data for another purpose not mentioned in Art. 45 is permitted if there is a legal basis for it.

Art. 50

Processing for archival, scientific and statistical purposes

Personal data may be processed within the scope of the purposes referred to in

Art. 45 in

processed in archival, scientific or statistical form if there is a public interest in doing so and appropriate safeguards are provided for the legal rights of the data subjects. Such safeguards may consist of making the personal data anonymous as soon as possible, taking precautions against unauthorized access by third parties, or processing the data separately from other specialized tasks in terms of space and organization.

Art. 51

Consent

1) Insofar as the processing of personal data can be carried out on the basis of consent in accordance with a statutory provision, the controller must be able to prove the consent of the data subject.

2) If the consent of the data subject pursuant to paragraph 1 is given by means of a written declaration that also relates to other matters, the request for consent must be made in an understandable and easily accessible form.

be made in clear and simple language in such a way that it can be clearly distinguished from other factual behavior.

3) The data subject shall have the right to revoke his/her consent pursuant to para. 1 at any time. The revocation of consent shall not affect the lawfulness of the processing carried out on the basis of the consent until the revocation. The data subject shall be informed of this before giving consent.

4) Consent pursuant to Par. 1 is only effective if it is based on the free decision of the data subject. When assessing whether consent has been freely given, the circumstances surrounding the granting of consent must be taken into account. The data subject must be informed of the intended purpose of the processing. If this is necessary under the circumstances of the individual case, or if the data subject so requests, he or she must also be informed of the consequences of refusing consent.

5) Insofar as special categories of personal data are processed, the consent pursuant to para. 1 must expressly refer to these data.

Art. 52

Processing on the instructions of the controller

Any person subordinate to a controller or processor who has access to personal data may only use such data in the following ways

process data according to the instructions of the data controller, unless it is legally obliged to do so.

Art. 53

Data secrecy

Persons involved in data processing may not process personal data without authorization (data secrecy). They must be bound by data secrecy when they take up their duties. Data secrecy shall continue to apply even after the termination of their activities.

Art. 54

Automated individual decision

1) A decision based exclusively on automatic processing which entails an adverse legal consequence for the data subject.

person or significantly affects him or her is only permissible if there is a legal basis for doing so.

2) Decisions pursuant to para. 1 may not be based on special categories of personal data unless appropriate measures have been taken to protect the legal interests and the legitimate interests of the data subjects.

3) Profiling that has the effect of discriminating against data subjects on the basis of special categories of personal data is prohibited.

C. Rights of the data subject Art. 55

General information on data processing

The responsible person must provide information in a general form and accessible to everyone about:

a) the purposes of the processing operations carried out by him;

b) the data subjects' rights of access, rectification, erasure and restriction of processing with regard to the processing of their personal data;

c) the name and contact details of the data controller and the data protection officer;

d) the right to appeal to the data protection authority; and

e) the accessibility of the data protection office.

Art. 56

Notification of affected persons

1) If the notification of data subjects about the processing of personal data concerning them is provided for or ordered by special legal provisions, in particular in the case of covert measures, this notification shall contain at least the following information:

a) the information referred to in Art. 55;

b) the legal basis of the processing;

c) the storage period applicable to the data or, if this is not possible, the criteria for determining this period;

d) The categories of recipients of the personal data, if any; and

e) further information if necessary, in particular if the personal data was collected without the knowledge of the data subject.

2) In the cases referred to in paragraph 1, the responsible person may postpone, limit or omit the notification to the extent and as long as otherwise:

a) the performance of the tasks referred to in Art. 45,

b) public safety or

c) Legal interests of third parties

would be impaired if the interest in avoiding these dangers outweighs the data subject's interest in information.

3) If the notification relates to the transmission of personal data to the state police for the performance of their duties in the context of state protection, it is only permissible with the consent of the state police.

4) In case of restriction according to par. 2, Art. 57 par. 7 shall apply mutatis mutandis.

Art. 57

Right to information

1) The controller shall provide data subjects, upon request, with information on whether it is processing data relating to them. Data subjects also have the right to obtain information about:

a) the personal data that are the subject of the processing and the category to which they belong;

b) the available information on the origin of the data;

c) the purposes of the processing and its legal basis;

d) the recipients or categories of recipients to whom the data have been disclosed, in particular in the case of recipients in third countries or in- ternational organizations;

e) the storage period applicable to the data or, if this is not possible, the criteria for determining this period;

f) the existence of a right to rectification, erasure or restriction of processing of the data by the controller;

g) the right under Art. 60 to appeal to the data protection authority; and

h) Information on how to reach the data protection office.

2) Par. 1 does not apply to personal data that is only processed because it may not be deleted due to legal retention requirements or that is used exclusively for purposes of data security or data protection control, if the provision of information would require a disproportionate effort and processing for other purposes is precluded by appropriate technical and organizational measures.

3) The information shall not be provided if the data subject does not provide any information that would enable the data to be located and the effort required to provide the information is therefore disproportionate to the interest in information asserted by the data subject.

4) The data controller may, under the conditions of Art. 56 (2), refrain from providing information pursuant to (1) sentence 1 or restrict the provision of information pursuant to (1) sentence 2 in part or in full.

5) If the provision of information relates to the transmission of personal data to the state police for the performance of their duties in the context of state protection, it is only permissible with the consent of the state police.

6) The data controller shall immediately inform the data subject in writing about the waiver or restriction of information. This shall not apply if the provision of such information would already result in an impairment within the meaning of Art. 56 (2). Reasons shall be given for the notification pursuant to sentence 1, unless the communication of the reasons would jeopardize the purpose pursued by the waiver or restriction of the information.

7) If the data subject is informed of the waiver or restriction of the right of access pursuant to paragraph 6, he or she may also exercise his or her right of access via the data protection authority. The data controller shall inform the data subject about these

The data subject shall be informed of the possibility of such disclosure and of the fact that he or she may appeal to the data protection agency pursuant to Art. 60 or request a legally enforceable ruling. If the data subject exercises his or her right under sentence 1, the information shall be provided to the data protection agency at his or her request, unless the government determines otherwise in the individual case,

that this would jeopardize the security of the country. The data protection agency shall at least inform the data subject that all necessary checks have been carried out or that a check has been carried out by it. This notification may include information as to whether any violations of data protection law have been detected. The data protection agency's notification to the data subject must not allow any conclusions to be drawn about the controller's state of knowledge, unless the controller agrees to provide further information. The data controller may refuse consent only to the extent that and for as long as he or she could refrain from providing information or limit it in accordance with paragraph 4. The data protection agency shall also inform the data subject of his or her right to judicial redress.

8) The responsible person must document the factual or legal reasons for the decision.

Art. 58

Rights of rectification and erasure and restriction of processing

1) The data subject shall have the right to obtain from the controller the rectification of inaccurate data concerning him or her without undue delay. In particular, in the case of statements or assessments, the question of accuracy does not concern the content of the statement or assessment. If the accuracy or inaccuracy of the data cannot be established, the rectification shall be replaced by a restriction of the processing. In this case, the controller shall inform the data subject before lifting the restriction. The data subject may also request that incomplete personal data be completed, if this is appropriate in view of the purposes of the processing.

2) The data subject has the right to demand that the data controller delete data relating to him or her without undue delay if the processing is unlawful, knowledge of the data is no longer necessary for the performance of the task, or the data must be deleted in order to comply with a legal obligation.

3) Instead of deleting the personal data, the controller may restrict their processing if:

a) there is reason to believe that deletion would harm the interests of the

of a data subject would be impaired;

b) the data must be retained for evidentiary purposes in proceedings serving the purposes of Art. 45; or

c) deletion is not possible or only possible with disproportionate effort due to the special nature of the storage.

Data restricted in their processing in accordance with sentence 1 may only be processed for the purpose that prevented their deletion.

4) If the controller has made a rectification, it shall notify an entity that previously transmitted the personal data to it of the rectification. In cases of rectification, erasure or restriction of processing pursuant to paragraphs 1 to 3, the controller shall notify recipients to whom the data have been communicated of these measures. The recipient shall correct, delete or restrict the processing of the data.

5) The controller shall inform the data subject in writing about the decision not to rectify or erase personal data or about the restriction of processing in place of rectification or erasure. This shall not apply if the provision of such information would already result in an impairment within the meaning of Art. 56 (2). Reasons shall be given for the notification pursuant to sentence 1, unless the communication of the reasons would jeopardize the purpose pursued by refraining from the notification.

6) Art. 57 par. 7 and 8 shall apply accordingly.

Art. 59

Procedure for the exercise of the rights of the data subject

1) The data controller shall communicate with data subjects using clear and simple language in a precise, understandable and easily accessible form.

2) In the case of requests, the data controller shall inform the data subject in writing without delay of the procedure followed, without prejudice to Art. 57, par. 6 and Art. 58, par. 5.

3) The provision of information under Art. 55, the notifications under Arts. 56 and 65 and the processing of requests under Arts. 57 and 58 shall be free of charge. In the case of manifestly unfounded or excessive requests under Arts. 57 and 58, the controller may either charge a reasonable fee or refuse to act on the request. In this case, the responsible person must

prove the manifestly unfounded or excessive nature of the request

can.

4) If the data controller has reasonable doubts about the identity of a data subject who has submitted a request pursuant to Art. 57 or 58, he may request additional information from him that is necessary to confirm his identity.

Art. 60

Appeal to the data protection authority

1) Without prejudice to other legal remedies, any data subject may lodge a complaint with the data protection authority if he or she considers that his or her rights have been infringed as a result of the processing of his or her personal data by public bodies for the purposes referred to in Article 45. This does not apply to the processing of personal data by courts, insofar as they have processed the data in the course of their judicial activities. The data protection authority shall inform the data subject of the status and outcome of the complaint and, in doing so, inform the data subject of the possibility to lodge a complaint pursuant to Art. 20.

2) The data protection authority shall forward without delay to the competent supervisory authority of the other state a complaint lodged with it about a processing operation which falls within the competence of a supervisory authority in another EEA/Schengen state. In this case, it shall inform the data subject of the forwarding and provide him/her with further assistance at his/her request.

D. Obligations of controllers and processors Art. 61

Job processing

1) If personal data are processed on behalf of a data controller by other persons or bodies, the data controller shall ensure compliance with the provisions of this Act and other provisions on data protection. In this case, the rights of the data subjects to information, correction, deletion, restriction of processing and compensation shall be asserted against the controller.

2) A controller may only entrust the processing of personal data to processors who ensure, by means of appropriate technical and organizational measures, that the processing is carried out in compliance with the legal requirements and that the rights of the data subjects are protected.

3) Processors may not involve other Processors without the prior written consent of the Controller. If the Controller has granted the Processor general permission to involve additional Processors, the Processor shall inform the Controller of any intended involvement or replacement. In this case, the controller may prohibit the involvement or substitution.

4) If a Processor involves another Processor, it shall impose the same obligations on the latter under its contract with the Controller pursuant to paragraph 5 as apply to the Processor, unless these obligations are already binding on the other Processor under other provisions. If a further Processor does not fulfill these obligations, the Processor commissioning it shall be liable to the Controller for compliance with the obligations of the further Processor.

5) Processing by a processor shall be carried out on the basis of a contract or other legal instrument binding the processor to the controller and specifying the subject matter, duration, nature and purpose of the processing, the type of personal data involved, the categories of data subjects and the rights and obligations of the controller. The contract or other legal instrument shall provide in particular that the processor:

a) acts only on the documented instructions of the controller; if the processor believes that an instruction is unlawful, it must inform the controller immediately;

b) ensures that the persons authorized to process the personal data are bound to confidentiality insofar as they are not subject to an appropriate legal duty of confidentiality;

c) assists the data controller with appropriate means to ensure compliance with the provisions on the rights of the data subject;

d) returns all personal data after completion of the provision of the processing services, at the choice of the controller, or

deleted and existing copies destroyed, unless there is a legal obligation to store the data;

e) provides the person responsible with all the necessary information, in particular the logs drawn up in accordance with Art. 75, to prove compliance with its obligations;

f) Enables and contributes to reviews conducted by the responsible party or an auditor appointed by the responsible party;

g) complies with the conditions for using the services of another processor specified in paras. 3 and 4;

h) takes all measures required under Art. 63; and

i) taking into account the nature of the processing and the information at his disposal, assists the controller in complying with the obligations referred to in Articles 63 to 66 and 68.

6) The contract referred to in paragraph 5 shall be made in writing or electronically.

7) A processor who determines the purposes and means of processing in violation of this provision shall be deemed to be a controller with respect to such processing.

Art. 62

Jointly responsible

If two or more controllers jointly determine the purposes and means of processing, they shall be deemed to be joint controllers. Jointly responsible parties must define their respective tasks and responsibilities under data protection law in a transparent manner in an agreement, insofar as these are not already defined in a law. In particular, the agreement must specify who is to fulfill which information obligations and how and vis-à-vis whom data subjects can exercise their rights. A corresponding agreement does not prevent the data subject from asserting his or her rights against each of the jointly responsible parties.

Art. 63

Data processing security requirements

1) The controller and the processor, taking into account the state of the art, the implementation costs, the

The controller shall implement the appropriate technical and organizational measures to ensure a level of protection appropriate to the risk represented by the processing of personal data, in particular with regard to the processing of special categories of personal data, in view of the nature, scope, context and purposes of the processing and the likelihood and severity of the risks posed to the rights and freedoms of natural persons.

of personal data. In doing so, the person responsible must take into account the relevant generally recognized technical guidelines and recommendations in the field of information technology.

2) The measures referred to in para. 1 may include, inter alia, pseudonymization and encryption of personal data, to the extent that such means are possible in view of the purposes of processing. The measures referred to in para. 1 shall result in:

a) the confidentiality, integrity, availability and resilience of the systems and services related to the processing are ensured on an ongoing basis; and

b) the availability of and access to personal data can be quickly restored in the event of a physical or technical incident.

3) In the case of automated processing, the controller and the processor shall, after a risk assessment, take measures aimed at the following:

a) Denying unauthorized persons access to processing equipment with which processing is performed (access control);

b) Prevention of unauthorized reading, copying, modification or deletion of data carriers (data carrier control);

c) Prevention of unauthorized entry of personal data as well as unauthorized knowledge, modification and deletion of stored personal data (storage control);

d) Preventing the use of automated processing systems using data transmission equipment by unauthorized persons (user control);

e) Ensuring that those authorized to use an automated processing system have access only to the personal data covered by their access authorization (access control);

f) Ensuring that it is possible to verify and establish to which entities personal data have been or may be transmitted or made available by means of data transmission equipment (transmission control);

g) Ensuring that it is possible to check and determine retrospectively which personal data has been entered or modified in automated processing systems, at what time and by whom (input control);

h) Ensuring that, when personal data is transferred, as well as

the confidentiality and integrity of data is protected during the transport of data media (transport control);

i) Ensuring that deployed systems can be restored in the event of a malfunction (recoverability);

k) Ensuring that all functions of the system are available and that any malfunctions that occur are reported (reliability);

l) Ensuring that stored personal data cannot be damaged by system malfunctions (data integrity);

m) Ensuring that personal data processed on behalf of the client can only be processed in accordance with the client's instructions (order control);

n) Ensuring that personal data is protected against destruction or loss (availability control);

o) Ensure that personal data collected for different purposes can be processed separately (separability).

4) A purpose pursuant to Para. 3 Letters b to f can be achieved in particular by the use of state-of-the-art encryption methods.

Art. 64

Notification of personal data breaches to the data protection authority

1) The data controller shall notify the data protection authority of a personal data breach without undue delay and, if possible, within 72 hours of becoming aware of it, unless the breach is unlikely to result in a risk to the rights and freedoms of natural persons. If the notification is made to

the data protection agency does not respond within 72 hours, the delay shall be justified.

2) A processor shall notify a personal data breach to the controller without undue delay.

3) The notification under paragraph 1 shall contain at least the following information:

a) a description of the nature of the personal data breach, including, to the extent possible, information on the categories and approximate number of data subjects, the categories of personal data involved

and the approximate number of personal data records involved;

b) the name and contact details of the data protection officer or other person or body who can provide further information;

c) A description of the likely consequences of the injury; and

d) A description of the measures taken or proposed by the responsible party to address the breach and the measures taken to mitigate its potential adverse effects.

4) If the information pursuant to paragraph 3 cannot be submitted together with the notification, the person responsible shall submit it without delay as soon as it is available to him.

5) The data controller shall document personal data breaches. The documentation shall include all facts related to the incidents, their effects and the corrective measures taken.

6) To the extent that a personal data breach affects personal data transmitted by or to a controller in another EEA/Schengen State, the information referred to in paragraph 3 shall be provided to the controller there without undue delay.

7) The prohibition of use under Art. 43 shall apply mutatis mutandis.

8) Further obligations of the data controller to notify violations of the protection of personal data remain unaffected.

Art. 65

Notification of data subjects in case of personal data breaches

1) If a personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall notify the data subjects of the incident without undue delay.

2) The notification under paragraph 1 shall describe in clear and simple language the nature of the personal data breach and shall contain at least the information and measures specified in Article 64(3)(b) to (d).

3) Notification pursuant to paragraph 1 may be dispensed with if:

a) the controller has taken appropriate technical and organizational security precautions and these precautions have been applied to the data affected by the personal data breach; this applies in particular to precautions such as encryption that have made the data inaccessible to unauthorized persons;

b) the responsible person has ensured by measures taken following the breach that in all probability there is no longer a significant risk within the meaning of paragraph 1; or

c) this would involve a disproportionate effort; in this case, a public announcement or a similar measure must be made instead, by which the persons concerned are informed in a comparably effective manner.

4) If the data controller has not notified the data subjects of a personal data breach, the data protection authority may formally determine that, in its opinion, the conditions set forth in paragraph 3 have not been met. In doing so, it shall take into account the likelihood that the breach will result in a high risk as defined in paragraph 1.

5) Notification of the data subjects under paragraph 1 may be postponed, restricted or omitted under the conditions specified in Art. 56, paragraph 2, unless the interests of the data subject prevail due to the high risk posed by the breach as defined in paragraph 1.

6) The prohibition of use under Art. 43 shall apply mutatis mutandis.

Art. 66

Carrying out a data protection impact assessment

1) Where a form of processing, in particular where new technologies are used, is likely to result in a high risk to the rights and freedoms of natural persons by virtue of the nature, scope, context and purposes of the processing, the controller shall carry out a prior assessment of the impact of the intended processing operations on the data subjects.

2) For the examination of several similar processing operations with similar high risks, a joint data protection impact assessment can be carried out.

3) The data controller shall involve the data protection authority in conducting the impact assessment.

4) The impact assessment shall take into account the rights of the data subject of the processing.

Persons to include, at a minimum, the following:

a) a systematic description of the intended processing operations and the purposes of the processing;

b) an assessment of the necessity and proportionality of the processing operations in relation to their purpose;

c) an assessment of the risks to the rights and freedoms of the data subjects; and

d) the measures to address existing risks, including the safeguards, security measures and procedures to ensure the protection of personal data and to demonstrate compliance with the law.

5) To the extent necessary, the controller shall conduct a review to determine whether the processing complies with the measures resulting from the impact assessment.

Art. 67

Cooperation with the data protection authority

The data controller shall cooperate with the data protection authority in the performance of its duties.

Art. 68

Consultation of the data protection authority

1) The data controller shall consult the data protection authority prior to the commissioning of new file systems to be created if:

a) a data protection impact assessment pursuant to Article 66 indicates that the processing would result in a high risk to the rights and freedoms of natural persons if the controller did not take mitigating measures; or

b) the form of processing, in particular when using new technologies, mechanisms or procedures, entails a high risk for the rights and freedoms of data subjects.

The data protection authority may draw up a list of processing operations subject to the obligation to consult pursuant to the first sentence.

2) In the case of para. 1, the data protection authority shall be provided with:

a) the data protection impact assessment carried out in accordance with Art. 66;

b) where applicable, information on the respective responsibilities of the controller, the joint controllers and the processors involved in the processing;

c) Information on the purposes and means of the intended processing;

d) Information on the measures and safeguards provided for the protection of the legal interests of the data subjects; and

e) Name and contact details of the data protection officer.

Upon request, it shall also be provided with any other information necessary to assess the lawfulness of the processing and, in particular, the risks and safeguards for the protection of the personal data of the data subjects.

3) If the data protection authority is of the opinion that the planned processing would violate legal requirements, in particular because the person responsible has not adequately identified the risk or has not provided sufficient information, the data protection authority shall inform the data protection authority.

If the data protection authority has not taken sufficient remedial measures, it may submit written recommendations to the controller and, if applicable, to the processor within a period of six weeks after the initiation of the consultation as to which measures should still be taken. The data protection authority may extend this period by one month if the planned processing is particularly complex. In this case, it must inform the controller and, if applicable, the processor of the extension within one month of the initiation of the consultation.

4) If the intended processing is of considerable importance for the performance of the controller's tasks and is therefore particularly urgent, the controller may start processing after the start of the consultation but before the expiry of the period specified in the first sentence of paragraph 3. In this case, the recommendations of the data protection authority shall be taken into account subsequently and the type and manner of processing shall be adapted as necessary.

Art. 69

Directory of processing activities

1) The controller shall keep a register of all categories of processing activities that fall under its responsibility. This register shall contain the following information:

a) the name and contact details of the person responsible and, where applicable, of the person jointly responsible with him/her, as well as the name and contact details of the

or the data protection officer;

b) the purposes of the processing;

c) the categories of recipients to whom the personal data have been or will be disclosed;

d) a description of the categories of data subjects and the categories of personal data;

e) the use of profiling, where appropriate;

f) where applicable, the categories of transfers of personal data to entities in a third country or to an international organization;

g) Information on the legal basis of the processing;

h) the time limits foreseen for the deletion or the review of the necessity of the storage of the different categories of personal data; and

i) a general description of the technical and organizational measures according to Art. 63.

2) The processor shall keep a register of all categories of processing operations that it carries out on behalf of a controller, which shall contain the following:

a) the name and contact details of the processor, of any controller on whose behalf the processor is acting and, if applicable, of the data protection officer;

b) where applicable, transfers of personal data to entities in a third country or to an international organization, specifying the country or organization; and

c) a general description of the technical and organizational measures according to Art. 63.

3) The records referred to in paragraphs 1 and 2 shall be kept in writing or electronically.

4) Controllers and processors shall make their directories available to the data protection authority upon request.

Art. 70

Data protection through technology design and data protection-friendly default settings

1) The responsible party shall, both at the time of determining the means for the

The data controller shall take appropriate measures, both at the time of the processing and at the time of the processing itself, which are suitable for effectively implementing the data protection principles, such as data minimization, and which ensure that the legal requirements are met and the rights of the data subjects are protected. In doing so, it shall take into account the state of the art, the implementation costs and the nature, scope, circumstances and purposes of the processing, as well as the varying likelihood and severity of the risks to the rights and freedoms of natural persons associated with the processing. In particular, the processing of personal data and the selection and design of data processing systems shall be guided by the objective of ensuring that only the necessary personal data are processed.

to process. Personal data shall be anonymized or pseudonymized at the earliest possible point in time, insofar as this is possible according to the purpose of the processing.

2) The controller shall take appropriate technical and organizational measures to ensure that, by means of default settings, only personal data whose processing is necessary for the respective specific processing purpose can be processed as a matter of principle. This concerns the amount of data collected, the scope of its processing, its storage period and its accessibility. In particular, the measures must ensure that the data cannot be made accessible to an indefinite number of persons in an automated manner by means of default settings.

Art. 71

Distinction between different categories of affected persons

When processing personal data, the controller shall distinguish as far as possible between the different categories of data subjects. This concerns in particular the following categories:

a) Persons against whom there are reasonable grounds for suspecting that they have committed a criminal offense;

b) Persons against whom there is a reasonable suspicion that they will commit a criminal offense in the near future;

c) convicted felons;

d) Victims of a crime or persons for whom certain facts indicate that they may be victims of a crime; and

e) other persons such as, in particular, witnesses, whistleblowers or persons in contact or connected with the persons referred to in subparagraphs (a) to (d).

Art. 72

Distinction between facts and personal assessments

When processing, the controller shall distinguish as far as possible whether personal data are based on facts or on personal assessments. For this purpose, the controller shall, to the extent possible and appropriate in the context of the processing in question, identify assessments based on personal evaluations as such.

must be made clear. It must also be possible to determine which office keeps the documents on which the assessment based on a personal evaluation is based.

Art. 73

Procedure for transmissions

1) The controller shall take reasonable measures to ensure that personal data that is inaccurate or no longer up to date is not transmitted or otherwise made available. To this end, the data controller must check the quality of the data before it is transmitted or made available, insofar as this is possible with reasonable effort. For each transmission of personal data, he/she must also include information that allows the recipient to assess the accuracy, completeness and reliability of the data as well as their up-to-dateness, insofar as this is possible and appropriate.

2) If special conditions apply to the processing of personal data, the transmitting agency must inform the recipient of these conditions and the obligation to observe them when transmitting data. The obligation to inform can be fulfilled by marking the data accordingly.

3) The transmitting agency may not apply to recipients in other EEA/Schengen States and to entities and other bodies established under Chapters 4 and 5 of Title V of the Treaty on the Functioning of the European Union conditions that do not also apply to corresponding domestic data transfers.

Art. 74

Correction and deletion of personal data and restriction of processing

1) The controller shall correct personal data if they are inaccurate.

2) The data controller shall delete personal data without undue delay,

if their processing is inadmissible, they must be deleted for the fulfillment of a legal obligation or their knowledge is no longer required for the fulfillment of its tasks.

3) Art. 58 paras. 3 and 4 shall apply accordingly. If incorrect personal data or personal data have been transmitted unlawfully, this must also be notified to the recipient.

4) Without prejudice to any maximum retention or deletion periods established by law, the controller shall provide for reasonable periods for the deletion of personal data or for a regular review of the need for their retention, and shall ensure that these periods are complied with by means of procedural safeguards.

Art. 75

Logging

1) In automated processing systems, controllers and processors shall log at least the following processing operations:

a) Survey;

b) Change;

c) Query;

d) Disclosure including transmission;

e) Combination; and

f) Deletion.

2) The logs of queries and disclosures must make it possible to determine the reason, date and time of these operations and, as far as possible, the identity of the person who queried or disclosed the personal data and the identity of the recipient of the data.

3) The logs may be used exclusively for the verification of the lawfulness of the data processing by the data protection officer, the data protection authority and the data subject, as well as for self-monitoring, for ensuring the integrity and security of personal data and for criminal proceedings.

4) The log data shall be deleted at the end of the year following its generation.

5) The controller and the processor shall make the logs available to the data protection agency upon request.

Art. 76

Confidential reporting of violations

The person responsible must enable confidential reports of violations of data protection regulations occurring in his area of responsibility to be forwarded to him.

E. Data transfers to third countries and international organizations

Art. 77

General requirements

1) The transfer of personal data to bodies in third countries or to international organizations is permissible if the other conditions applicable to data transfers are met:

a) the body or international organization is competent for the purposes referred to in Art. 45; and

b) the European Commission has adopted an adequacy decision pursuant to Art. 36 (3) of Directive (EU) 2016/680 which is applicable in Liechtenstein.

2) Despite the existence of a decision of appropriateness within the meaning of paragraph 1(b) and the public interest in the transfer of data to be taken into account, the transfer of personal data shall not take place if, in an individual case, the recipient does not sufficiently ensure that the data will be handled in a manner that is adequate from the point of view of data protection law and that respects fundamental rights, or if there are otherwise overriding interests of a data subject that are worthy of protection. In its assessment, the controller must take into account whether the recipient guarantees adequate protection of the transmitted data in the individual case.

3) If personal data transmitted or made available from another EEA/ Schengen State is processed in accordance with para.

1, this transfer must be authorized in advance by the competent authority of the other EEA/Schengen State. Transfers without prior authorization are only permitted if the transfer is necessary to avert an immediate and serious threat to the public security of a State or to the essential interests of an EEA/Schengen State, and the prior authorization is granted by the competent authority of the other EEA/Schengen State.

previous approval cannot be obtained in time. In the case of sentence 2, the authority of the other EEA/Schengen State which would have been responsible for granting the authorization shall be informed immediately of the transmission.

4) The controller who transfers data pursuant to paragraph 1 shall take appropriate measures to ensure that the recipient only transfers the transferred data to other third countries or other international organizations if the controller has authorized such transfer in advance. In deciding whether to grant authorization, the controller shall take into account all relevant factors, in particular the seriousness of the crime, the purpose of the original transfer and the level of protection of personal data existing in the third country or international organization to which the data are to be further transferred. Authorization may be granted only if a direct transfer to the other third country or international organization would also be permissible. The responsibility for granting the authorization may also be differentiated.

be regulated.

Art. 78

Data transfer with appropriate guarantees

1) If, contrary to Art. 77(1)(b), there is no decision pursuant to Art. 36(3) of Directive (EU) 2016/680, transmission is also permitted if the other conditions of Art. 77 are met:

a) appropriate safeguards for the protection of personal data are provided for in a legally binding instrument; or

b) the controller, having assessed all the circumstances surrounding the transfer, considers that appropriate safeguards for the protection of personal data are in place.

2) The controller shall document transfers pursuant to paragraph 1(b). The documentation shall contain the time of the transmission, the identity of the recipient, the reason for the transmission and the personal data transmitted. It must be made available to the data protection authority upon request.

3) The data controller shall inform the data protection authority at least annually about transfers that have taken place on the basis of an assessment pursuant to paragraph 1(b). In the notification, the data controller may appropriately categorize the recipients and the purposes of the transfers.

Art. 79

Data transfer without appropriate safeguards

1) If, contrary to Art. 77(1)(b), there is no decision pursuant to Art. 36(3) of Directive (EU) 2016/680 and there are also no appropriate safeguards within the meaning of Art. 78(1), a transfer is also permitted if the other conditions pursuant to Art. 77 are met and the transfer is necessary:

a) to protect vital interests of a natural person;

b) to protect the legitimate interests of the data subject;

c) to avert a present and grave danger to the public safety of a state;

d) on a case-by-case basis for the purposes specified in Art. 45; or

e) in individual cases for the assertion, exercise or defense of legal claims in connection with the purposes referred to in Art. 45.

2) The controller shall refrain from transferring data pursuant to paragraph 1 if the fundamental rights of the data subject outweigh the public interest in the transfer.

3) Art. 78 par. 2 shall apply mutatis mutandis to transmissions pursuant to par. 1.

Art. 80

Other data transfer to recipients in third countries

1) Provided that the other requirements for data transfers to third countries are met, data controllers may, in a specific case, transfer personal data directly to entities in third countries not mentioned in Article 77 (1) (a) if the transfer is absolutely necessary for the performance of their tasks and:

a) in the specific case, no fundamental rights of the data subject outweigh the public interest in a transfer;

b) the transmission to the bodies referred to in Art. 77 para. 1 let. a would be ineffective or inappropriate, in particular because it cannot be carried out in time; and

c) the controller informs the recipient of the purposes of the processing and points out that the transmitted data may only be processed to the extent that their processing is necessary for these purposes.

2) In the case referred to in paragraph 1, the controller shall comply with the provisions of Art. 77 para. 1 let. a

The information shall be provided without delay to the relevant authorities, unless this would be ineffective or inappropriate.

3) Art. 78 paras. 2 and 3 shall apply mutatis mutandis to transmissions under para. 1.

4) In the case of transfers pursuant to paragraph 1, the data controller shall oblige the recipient to process the personal data transferred without the data controller's consent only for the purpose for which they were transferred.

5) Agreements in the area of judicial cooperation in criminal matters and police cooperation remain unaffected.

F. Cooperation between supervisory authorities Art. 81

Mutual assistance

1) The data protection authority shall provide information and assistance to data protection supervisory authorities in other EEA/Schengen States to the extent necessary for the consistent implementation and application of Directive (EU) 2016/680. The administrative assistance relates in particular to requests for information and supervisory measures, for example requests for consultation or for carrying out inspections and investigations.

2) The data protection authority shall take all appropriate measures to comply with requests for official assistance without delay and at the latest within one month of receiving them.

3) The Data Protection Office may refuse requests for administrative assistance only if:

a) it does not have jurisdiction over the subject matter of the request or over the measures it is to carry out; or

b) to respond to the request would violate the law.

4) The data protection authority must inform the requesting supervisory authority of the other EEA/Schengen state of the results or, if applicable, of the progress of the measures taken to comply with the request for assistance. In the case of para. 3, it shall explain the reasons for refusing the request.

5) The data protection authority shall provide the information requested by the supervisory authority of the other EEA/Schengen State, as a rule electronically and in a standardized format.

6) The data protection authority shall execute requests for administrative assistance free of charge, unless it has agreed in individual cases with the supervisory authority of the other EEA/Schengen state

has agreed on the reimbursement of expenses incurred.

7) A request for administrative assistance from the data protection agency must contain all the necessary information; this includes in particular the purpose and the grounds for the request. The information provided in response to the request may only be used for the purpose for which it was requested.

G. Liability and sanctions Art. 82

Damages and compensation

1) If a controller has caused damage to a data subject by processing personal data which was unlawful under this Act or under other provisions applicable to its processing, the controller or its legal entity shall be obliged to compensate the data subject for the damage. The obligation to compensate shall not apply if, in the case of non-automated processing, the damage is not attributable to the fault of the controller.

2) The affected person may demand appropriate monetary compensation for damage that is not pecuniary damage.

3) If, in the case of automated processing of personal data, it is not possible to determine which of several controllers involved caused the damage, each controller or its legal entity shall be liable.

4) If fault on the part of the person concerned has contributed to the occurrence of the damage, Sections 1301 to 1304 of the General Civil Code shall apply mutatis mutandis.

5) Claims for compensation become time-barred three years after the end of the day on which the damage became known to the injured party.

Art. 83

Penalty provision

Articles 41 and 42 shall apply accordingly to the processing of personal data by public bodies in the course of activities pursuant to Article 45, sentences 1, 3 or 4.

IV. Specific provisions for processing operations carried out in the context of contracts not falling within the scope of Regulation (EU) 2016/679 and Directive (EU)

2016/680 fal-

activities Art. 84

Processing of personal data in the context of activities falling outside the scope of Regulation (EU) 2016/679 and Directive (EU) 2016/680

1) The transfer of personal data to a third country or to supra- or international organizations in the context of activities not falling within the scope of application of Regulation (EU) 2016/679 and Directive (EU) 2016/680 is also permissible, in addition to the cases already permitted under Regulation (EU) 2016/679, if it is necessary for the performance of the state's own tasks for compelling reasons of defense or for the fulfillment of contractual obligations of the state in the field of crisis management or conflict prevention or for humanitarian measures. The recipient must be informed that the data transmitted may only be used for the purpose for which it was transmitted.

2) Article 17(4) shall not apply to processing by the National Police within the scope of activities not falling within the scope of Regulation (EU) 2016/679 and Directive (EU) 2016/680, insofar as the Government determines in an individual case that the fulfillment of the obligations referred to therein would jeopardize the security of the country.

3) For processing operations carried out by public sector bodies in the context of activities not falling within the scope of Regulation (EU) 2016/679 and Directive (EU) 2016/680, there is no information obligation under Article 13(1) and (2) of Regulation (EU) 2016/679 if:

a) the cases in question are those referred to in Art. 32 Para. 1 Letters a to c; or

b) its fulfillment would disclose information that must be kept secret by law or by its nature, in particular because of the overriding legitimate interests of a third party, and therefore the interest of the data subject in the disclosure of the information must take a back seat.

4) If the data subject is not to be informed in the cases under para. 3, there is also no right to information. Art. 32 par. 2 and Art. 33 par. 2 do not apply.

V. Transitional and final provisions Art. 85

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the conditions under which a public body may collect personal data.

have data processed by a third party or process it for a third party;

b) the notification of video surveillance in accordance with Art. 5;

c) the adequacy decisions of the EU Commission applicable in Liechtenstein pursuant to Art. 45 of Regulation (EU) 2016/679 and the standard data protection clauses issued by the EU Commission pursuant to Art. 46 of Regulation (EU) 2016/679;

d) the fees for official acts of the Data Protection Office.

Art. 86

Repeal of previous law

The Data Protection Act (DSG) of March 14, 2002, LGBl. 2002 No. 55, as amended, is repealed.

Art. 87

Data protection officer and other staff

The data protection officer elected under the previous law shall take over the management of the data protection agency after the entry into force of this Act (Art. 12) and shall exercise this function in accordance with the new law until the end of the term of office.

December 31, 2025. The existing employment relationships of the remaining staff of the data protection unit shall continue to apply.

Art. 88

Data Protection Commission

1) Upon the entry into force of this Act, the term of office of the existing Data Protection Commission shall end.

2) Complaint proceedings pending before the Data Protection Commission at the time of the entry into force of this Act or proceedings in connection with recommendations of the Data Protection Commission shall be handled by the Complaints Commission for Administrative Matters in accordance with the previous law.

Art. 89

Video surveillance

1) Authorizations for video surveillance granted under the previous law shall remain in force until their expiry date.

2) If it is intended to continue video surveillance after the expiry of the period of validity of the authorization, a notification must be made in accordance with Art. 5 Para. 7.

Art. 90

Accreditations and certifications

Accreditations and certifications granted under the previous law shall remain valid until their expiry. The previous law shall apply to accreditation or certification procedures pending at the accreditation or certification body at the time of the entry into force of this Act.

Art. 91

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on January 1, 2019, otherwise on the day following its promulgation.

Treaty between the Principality of Liechtenstein and the Swiss Eidge-
nossenschaft on the

IX. Cooperation within the framework of the Swiss information systems

for fingerprints and DNA profiles Concluded in

Vaduz on December 15, 2004 Approval by

Parliament: December 14, 2005

Entry into force: May 1,

2006 The Principality of

Liechtenstein

and

the Swiss Confederation, hereinafter

referred to as the Contracting States,

mindful of the time-honored friendship between the two states,

with the intention of cooperating in the pursuit of common security interests,

With the intention of further developing police cooperation in the sense of the Treaty between the Swiss Confederation, the Republic of Austria and the Principality of Liechtenstein on cross-border cooperation between security and customs authorities of 27 April 1999, in force since 1 July 2001,

with the intention of cooperating more closely, particularly in the area of police information systems,

in an effort to effectively counter cross-border threats through close security cooperation,

have agreed as follows:

Chapter I

General provisions

Art. 1 Subject matter and purpose

1) This agreement regulates the cooperation between the Swiss Confederation and the Principality of Liechtenstein in the areas of the Automated Fingerprint Identification System (AFIS) and the DNA Profile Informati- on System.

2) Its purpose is to improve the efficiency of law enforcement while maintaining data protection and, in particular, to detect crime connections and identify living, dead and missing persons.

Art. 2

Contract principle

1) The Principality of Liechtenstein shall incorporate into its national law the substantive provisions of Swiss federal legislation listed in the Annex to this Treaty in accordance with the following provisions. In addition, the authorities responsible in the Principality of Liechtenstein shall observe the directives and regulations issued in this respect by the Swiss federal authorities. Amendments and additions to the Annex shall be made in accordance with the procedure set out in paragraphs 2 and 3.

2) The Annex forms an integral part of the Treaty. It may be amended through diplomatic channels.

3) The Swiss Confederation shall notify the Principality of Liechtenstein in good time of any planned changes to the law relating to the provisions in the Annex and its application with a view to its adoption by the Principality of Liechtenstein. In the event of possible conflicts of interest, the Contracting States shall endeavor to find joint solutions.

Art. 3

Principle of cooperation

Unless otherwise provided in this Treaty, the competent authorities of the Principality of Liechtenstein shall have the same rights and obligations in respect of cross-border cooperation under this Treaty as the corresponding cantonal authorities of the Swiss Confederation. The Swiss federal authorities shall exercise the same rights and obligations vis-à-vis the Principality of Liechtenstein as they do vis-à-vis the cantonal authorities.

Art. 4

Competent authorities

The Federal Office of Police in the Federal Department of Justice and Police in the Swiss Confederation and the National Police in the Principality of Liechtenstein shall be responsible for the execution of this Agreement and the procedure pursuant to Art. 2 Para. 2 and 3.

Art. 5

Mixed commission

The two Contracting States shall establish a Joint Commission. This commission shall deal with questions relating to the interpretation and application of this Treaty. It shall act by mutual agreement.

Art. 6

Data

protection

Unless otherwise specified in this Agreement, the respective national data protection provisions shall apply to the cooperation under this Agreement.

Art. 7 Transfer

to third countries

The data transmitted under this Agreement may be transferred to third countries only with the prior written consent of the Contracting State that collected and transmitted the data.

Art. 8

Right to

information

1) Every person has the right to request information on whether a DNA profile or biometric identification data is stored under his or her name in the information systems.

2) The Liechtenstein authorities shall forward requests addressed to them directly to the Federal Office of Police.

3) For applicants whose data has been collected by Liechtenstein authorities, the Federal Office of Police usually responds to the request in writing and free of charge after prior consultation with the National Police of the Principality of Liechtenstein. The Principality of Liechtenstein may prevent, restrict or postpone the provision of information by the Federal Office of Police if:

a) it is provided for by a law of the Principality of Liechtenstein;

b) it is necessary due to overriding interests of a third party;

c) it is necessary due to overriding public interests, in particular the internal or external security, of the Principality of Liechtenstein;

d) the information calls into question the purpose of a criminal investigation or other investigative proceedings.

Art. 9

Data processing in other systems

The data transmitted by the Liechtenstein authorities under this Agreement may be processed with regard to the process control number and the corresponding personal data or crime scene data in the computerized personal record, file record and administration system (IPAS) or in the Central Migration Informati- on System (ZEMIS).

Art. 10

Archiving of data

Insofar as the competent Swiss authorities offer and also deliver data to the Swiss Federal Archives, the prior consent of the Government of the Principality of Liechtenstein shall be obtained with respect to data accepted by the Liechtenstein authorities and transmitted under this Agreement.

Art. 11

Liability

1) If damage is unlawfully caused to a person by the execution of the present Treaty, the Contracting States shall be liable in accordance with their national law.

2) The requested Contracting State may have recourse to the other Contracting State, in whole or in part, for compensation paid to the injured parties or their successors in title, according to the degree of fault of the other Contracting State.

Art. 12

Costs

1) The Principality of Liechtenstein shall pay the Swiss Confederation an annual lump sum of CHF 30,000 for the provision of infrastructure, personnel, data transmission, the organization of education and training, ensuring the maintenance and support of the Automated Fingerprint Identification System (AFIS) and the DNA Profile Information System, as well as for the administrative work involved in processing correspondence. The lump sum can be changed through diplomatic channels.

2) Further costs for services of other service providers are not subject of this contract.

Chapter II Special

provisions

A. DNA profiles

Art. 13

Sampling, transmission and processing

With regard to samples taken by Liechtenstein authorities and transmitted for processing in the Swiss information systems, the conditions for sampling and profiling must be fulfilled in accordance with the relevant provisions of Swiss federal legislation as set out in the Annex, and the comparability of the DNA profiles must be ensured.

B. Biometric identification service data (AFIS)4 Art.

14

Acceptance, transmission and processing in the asylum system

The relevant provisions of Swiss federal legislation apply to the collection of biometric identification data from asylum seekers and persons in need of protection by Liechtenstein authorities and transmitted for processing in Swiss information systems.

Chapter III Final

Provisions Art. 15

Entry into force and termination

1) This Treaty is subject to ratification. It shall enter into force on the day following the exchange of the instruments of ratification.

2) This treaty is concluded for an indefinite period. It may be terminated in writing by any Contracting State through diplomatic channels. It shall cease to be in force six months after receipt of the notice of termination.

3) The registration of the treaty with the General Secretariat of the United Nations according to Art. 102 of the Charter of the United Nations is carried out by the Swiss side.

In witness whereof, the Plenipotentiaries have affixed their signatures to this Agreement.

Done at Vaduz, in duplicate, in the German language, on 15 December 2004.

For the Principality of Liechtenstein:	For the Swiss Confederation:
counted *Adrian Hasler*	c.e.o. *Jean-Luc Vez*
Chief of the state police	Director, Federal Office of Police

Attachment

List of Swiss legal provisions applicable in the Principality of Liechtenstein pursuant to Art. 2 of this Treaty:

SR No.	Decree	AS
312.0	Swiss Code of Criminal Procedure of October 5, 2007 (Code of Criminal Procedure, StPO) Art. 255-259 on DNA analysis concerning sampling and profiling in the context of criminal proceedings with a view to transmission to the Swiss authorities for further processing are *applicable.*	*2010* 1881 *2014* 2055
363	Federal law of June 20, 2003 on the use of DNA profiling in criminal proceedings and identification of unknown or missing persons (DNA profile-Law) *applicable* are art. 1a, 2, 6, 8, 9, 11 par. 1, 2 and 4, art. 13 Para. 2, Art. 14, 15 Para. 1, Art. 16 Para. 1 Letters a-f and Paras. 2-4, Art. 17 par. 1, Art. 18, 19, 20 par. 2 and Art. 23 par. 1	*2004* 5269 *2010* 1573 *2014* 2055
363.1	Ordinance of December 3, 2004 on the use of DNA profiles in criminal proceedings and for the identifi- Identification of unknown or missing persons (DNA-Profile Regulation) *applicable* are Art. 1, 2 par. 1, Art. 6, 6a, 8, 9, 10, 11, 12 par. 1 and 2, Art. 14 - 15a and 19	*2004* 5279 *2005* 3337 *2008* 4943 *2014* 3467

361.3	Ordinance of December 6, 2013 on the processing of biometric identification service data	*2014* 4479
	applicable are Art. 2, 8 par. 1 letters a-c and e, Art. 9, 10, 14, 16 par. 1, 17 - 22 and Art. 26	

X. Municipal Act (GemG)

from 20 March 1996

I. General provisions Art. 1

Scope

1) This law regulates the existence, duties and organization of the political communes. They are referred to in this law and other decrees as "municipalities".

2) Wherever the law uses the masculine form of a personal designation, this shall also include the feminine form.

3) Special legal provisions apply to citizens' cooperatives. The present law shall apply to them insofar as this is expressly provided.

Art. 2

Stock

The Principality of Liechtenstein comprises the municipalities of Vaduz, Balzers, Planken, Schaan, Triesen and Triesenberg in the landscape of Vaduz (Oberland) and Eschen, Gamprin, Mauren, Ruggell and Schellenberg in the landscape of Schellenberg (Un- terland).

Art. 3

Term

Municipalities are territorial authorities under public law. They encompass the territory defined by their municipal boundaries and exercise sovereignty over all persons and property located within their territory within the limits of their legal competence.

Art. 4

Autonomy

The municipalities shall independently organize and administer their affairs within their own sphere of action under the supervision of the State. They shall take care of the tasks of the State in the sphere of action transferred to them.

Art. 5

Political rights

Political rights in the municipality include the right to vote, the right to stand for election, and the right of initiative and referendum.

Art. 6

Change of municipal boundaries

Changes in municipal boundaries shall be made by law. Such a law can only be enacted if the municipalities involved decide on such a measure in unanimous resolutions of the municipal assemblies.

Art. 7

Special-purpose associations

1) Municipalities may form or join special-purpose associations for the joint fulfillment of public tasks.

2) The special-purpose association is established by agreement of the municipalities on the association and the approval of the agreement by the government.

3) The agreement shall contain the information required for the expedient and proper performance of the tasks. In particular, termination and dissolution as well as their consequences shall be regulated.

Art. 8

Name, coat of arms, colors and seal

1) The municipalities use their traditional names and the coats of arms, colors and seals granted by the sovereign.

2) Changes in the name shall be made by law if the Municipal Assembly decides on such a measure.

3) The municipalities are entitled to enact more detailed provisions on the use of the municipal coat of arms and municipal flags in regulations.

Art. 9

Municipal regulations; regulations

1) The municipalities shall lay down the rights and duties of the inhabitants, the organization of the authorities and the procedure before the authorities in the municipal bylaws, unless statutory regulations exist.

2) Within the framework of the municipal regulations, certain areas of responsibility may be ordered and transferred by means of regulations.

Art. 10

Local police regulations

Unless otherwise provided by law, the municipalities may enact regulations to prevent or remedy grievances that disrupt local community life. They may declare non-observance or violation of the regulations to be punishable and impose fines of up to 10,000 francs.

Art. 11

Official announcements

1) The municipalities shall lay down in regulations how decisions and orders which must be published in accordance with the law or with regard to interests worthy of protection are to be officially announced.

2) The official announcement shall be made by publication on the website of the Authority for a period of 14 days or by written notice to each person concerned. It may additionally be made by:

a) Inclusion in a community newsletter distributed to all households;

b) Advertisement in official publication organs;

c) Transmission on radio and television.

2a) Generally binding resolutions of municipal bodies must in any case be publicly accessible during their entire period of validity.

3) Other types of publication required by law are reserved.

II. Tasks Art.

12

Own sphere of activity

1) The municipality's own sphere of activity includes everything that initially affects the interest of the municipality and can be ordered and administered by it to a considerable extent. In addition, the municipality can perform tasks in free self-administration, insofar as there are no legal restrictions to the contrary.

2) The company's own sphere of activity includes in particular:

a) the election of the municipal bodies;

b) the organization of the community;

c) the granting of municipal citizenship;

d) the management of the municipality's assets and the construction of public buildings and facilities;

e) the imposition of levies and assessment of tax surcharges;

f) the promotion of social, cultural and religious life, including personal, family and genealogical research and the keeping and publication of family chronicles and biographies;

g) the establishment and maintenance of kindergartens and elementary school;

h) the maintenance of peace, security and order;

i) the local planning;

k) water supply and sewage and waste disposal.

Art. 13

Transferred scope

1) The transferred sphere of action includes matters of the state, which the municipalities take care of on the basis of the laws.

2) The municipalities are obliged to participate in the enforcement of laws. They shall receive the necessary funds for this purpose.

3) Laws providing for the participation of municipalities shall determine whether a matter belongs to the municipalities' own sphere of action or to the sphere of action transferred to them.

III. Municipal citizenship Art.

14

Principle

Every citizen of the state must be a citizen of one municipality, with the exception of members of the Princely House. It is excluded to be a citizen of more than one municipality or to be a citizen of a municipality at all without having the right of citizenship.

Art. 15

Content

Municipal citizenship confers on the citizen the right of domicile in the municipality concerned. The right of domicile includes the right to participate in the admission of citizens of other municipalities and foreign citizens to the municipality's citizenship and the right to the issuance of a certificate of domicile.

Acquisition of municipal citizenship

Art. 16

The right of municipal citizenship is acquired:

a) by birth, adoption in the place of a child or by finding a child of unknown parentage (foundling);

b) by admission upon application:

aa) of the state citizen residing in the municipality; bb) of the child of a common citizen;

c) by admission under the facilitated procedure as a result of marriage, establishment of a registered partnership, long-term residence or statelessness;

d) by admission in the ordinary procedure.

Art. 17

a) Birth, adoption in lieu of a child and finding a child of unknown p a r e n t a g e (foundling)

1) The municipal citizenship of children of Liechtenstein mothers and fathers and of elective children is based on the municipal citizenship of the parent whose name the child bears.

2) If not both parents possess Liechtenstein citizenship, the children acquire the municipal citizenship of the Liechtenstein parent.

3) Foundlings are granted citizenship of the municipality in which they are found.

b) Admission upon request

Art. 18

aa) National citizens residing in the municipality

1) Citizens of another municipality are admitted to municipal citizenship upon application if they have resided in that municipality for the five years preceding the application and are in possession of civic honors and rights.

2) When the applicant is admitted, his or her minor Liechtenstein children also acquire municipal citizenship if the children are included in the admission with the consent of both parents or if only one parent has national citizenship.

3) The municipal council decides on the application for admission.

Art. 19

bb) Children of community citizens

1) Citizens of another municipality are admitted to municipal citizenship upon application if their father or mother is a citizen of the municipality.

2) The application for membership must be submitted by the applicant within five years of reaching the age of majority.

3) When the applicant is admitted, his or her minor Liechtenstein children also acquire municipal citizenship if the children are included in the admission with the consent of both parents or if only one parent has national citizenship.

4) The municipal council decides on the application for admission.

Art. 20

c) Naturalizations through admission under the facilitated procedure

Foreign citizens who are naturalized through the facilitated procedure are granted municipal citizenship in accordance with the provisions of the law on the acquisition and loss of national citizenship.

Art. 21

d) Admission in the ordinary procedure

1) The municipality has the right to assure a foreign citizen the acceptance as a citizen of the municipality in the event of the granting of Liechtenstein national citizenship and to accept him as a citizen of the municipality if this requirement is met.

2) Together with the applicant, his spouse and his legitimate minor children or his registered partner also acquire municipal citizenship, provided that they are included in the national citizenship at the time of admission.

3) The citizens of the municipality residing in the municipality decide on the admission. The applicant has to pay an administrative fee.

Art. 22

Loss of municipal citizenship

The right of municipal citizenship is lost by:

a) Loss of national citizenship;

b) Acquisition of the municipal citizenship of another municipality.

Art. 23

Honorary municipal citizenship

1) Each municipality has the right to confer honorary citizenship; the decision to confer citizenship is made by the citizens of the municipality residing in the municipality. In addition, the provisions of the law on the acquisition and loss of citizenship concerning the right of citizenship apply to the granting of citizenship to foreign citizens.

2) An honorary citizen of a municipality shall have the right to reside in that municipality at any time. As long as he resides there, he is entitled to political rights in municipal affairs. The right of honorary citizenship is highly personal and does not entail any further rights; there is no entitlement to home writings. It is permissible to be an honorary citizen of several municipalities.

IV. Organization

A. Municipal Assembly

1. General

Art. 24

Composition

The municipal assembly is formed by the voters residing in the municipality.

Art. 25

Position, duties and powers

1) The Municipal Assembly is the supreme body of the municipality.

2) The Municipal Assembly has the following duties and powers:

a) Enactment of the Municipal Code and regulations establishing rights and obligations with penal sanctions;

b) Election of the head of the municipality and the other members of the municipal council;

c) Election of the Business Audit Committee;

d) Election of those commissions which by law are to be appointed by the Municipal Assembly;

e) Repealed;

f) Approval of new one-time and annually recurring expenditures;

g) Assumption of sureties and granting of guarantees;

h) Establishment of municipal institutions;

i) Participation in private or mixed-economy companies;

k) Joining or leaving special-purpose associations;

l) Changes in the existence of the municipality or its boundaries;

m) Construction of major community facilities and structures;

n) Decisions on referenda (Art. 41) and initiatives (Art. 42).

3) The municipal by-laws shall determine whether the adoption of resolutions on regulations establishing rights and obligations with penal sanctions (para. 2, subpara. a), the establishment of municipal institutions (para. 2, subpara. h) and membership in special-purpose associations (para. 2, subpara. k) shall be the responsibility of the municipal assembly or the municipal council.

4) Tasks and powers pursuant to subsection 2(f) (approval of expenditure), (g) (sureties and guarantees), (i) (participations in companies) and (m) (construction projects) shall only be the responsibility of the municipal assembly if the one-off expenditure to be approved exceeds 35% of the operating income. The approval of annually recurring expenditures shall fall within the competence of the municipal assembly if the expenditures exceed 20% of the operating revenues. In each case, the operating income of the income statement of the previous year less internal settlements and reimbursements shall be decisive.

5) The Municipal Assembly shall supervise the municipal authorities and all branches of the municipal administration, including the municipal institutions.

Art. 26

Resolution

In all cases where this or any other law provides for the calling or holding of a municipal meeting or a decision by the citizens of the municipality residing in the municipality, the municipal council may instead order a ballot-by- ballot.

2. Assembly Art. 27

Convening, negotiating capacity

1) The municipal assembly shall be convened by the head of the municipality by resolution of the municipal council.

2) The municipal assembly is capable of hearing if it has been duly convened.

Art. 28

Calling up, decision-making

1) At the latest two weeks before the municipal assembly, the voters shall be summoned by the head of the municipality by delivery of the voting cards and the agenda with the motions and any explanations. The consultation and voting documents shall be made available to the public.

2) Resolutions may only be passed on duly announced items for discussion.

Art. 29

Chair

1) The chairman of the municipal council shall preside over the meeting and conduct the proceedings. If he is prevented from doing so, his deputy shall take his place, and if he is prevented from doing so, the oldest member of the municipal council shall take his place.

2) The chairman shall check the voting rights and the number of persons present. He shall ensure that peace and order are maintained.

Art. 30

Public

The municipal assembly is open to the public. The chairman may prohibit the participation of non-voting persons for important reasons.

Art. 31

Motions, votes

1) Any person entitled to vote may request to speak on the matter under discussion and may move a motion on the merits or on a point of order.

2) Votes shall be taken by open ballot unless at least one eighth of the voters present or fifteen of the voters present request a secret ballot. For the validity

A simple majority of the valid votes is sufficient for the validity of a vote, unless otherwise prescribed by law.

3) Elections shall be by secret ballot. A relative majority of votes shall suffice for the validity of elections, unless otherwise prescribed by law.

Art. 32

Right of proposal

1) Any person entitled to vote shall have the power to propose to the Assembly the referral of a new item to the Municipal Council for report and motion.

2) The item to be considered by the municipal council shall be included in the agenda of the

next meeting. If this is not possible, the reasons must be explained to it.

Art. 33

Right of Inquiry

Every voter may ask questions about the activities of the municipal authorities and the municipal administration. The head of the municipality shall comment on them. This may be followed by a general discussion.

Art. 34

Resolutions

1) The municipal assembly shall constitute a quorum if one sixth of those entitled to vote are present. If this quorum is not reached, a second municipal assembly shall be convened within six weeks, which shall have a quorum irrespective of the quorum.

2) Resolutions are passed by a simple majority of those voting. In the event of a tie, the motion for which the Chairman votes shall be adopted.

3) The resolutions shall become legally valid upon their adoption by the voters. If the resolutions require the approval of the government, they shall become legally valid upon publication.

3. Ballot vote

Art. 35

Elections

The elections of the head of the municipality, the other members of the municipality council and the audit commission are subject to the ballot.

Art. 36

Non-cash business

As a rule, information meetings shall be held in advance of referendums on substantive matters, or, in the case of initiatives, at the request of the initiators. Those entitled to vote must be informed in writing about the matter at least two weeks before the vote, in the case of prior information meetings one week before.

Art. 37

Procedure

At the ballot box, the voters decide according to the same provisions,

as they apply to national matters, whereby a legally valid resolution is only passed if one sixth of those entitled to vote take part in the vote.

B. Municipal Council

1. Composition

Art. 38

Number of members

1) The municipal council consists of the head of the municipality and in municipalities

a) to 1 500 inhabitants from six or eight,

b) to 3,000 inhabitants out of eight or ten,

c) over 3 000 inhabitants from ten or twelve

other members. The number shall be specified in the Municipal Code.

2) The last published official population statistics are decisive for the number of inhabitants.

2. Position Art. 39

Representation of the municipality

The municipal council and the head of the municipality shall represent the municipality in accordance with their powers.

Art. 40

Tasks and powers

1) The municipal council is the management and executive body of the municipality. It has all the powers that have not been delegated to another body.

2) The municipal council is responsible in particular for:

a) Organization of management;

b) Election of commissions, unless the municipal assembly is responsible;

c) Preparation of all business and the submission of proposals to the municipal assembly;

d) Management of the municipal budget, including that of municipal institutions;

e) Financial Planning;

f) Determination of the budget and the municipal tax surcharge as well as of

Supplementary, commitment and supplementary credits;

g) Approval of the municipal accounts and discharge of the governing bodies;

h) Enactment of building regulations and zoning plan;

i) Determination of expenses and collection of apportionments;

k) Awarding of public works and supplies;

l) Adoption of resolutions on the conclusion of contracts;

m) Issuance of regulations, insofar as they are not reserved for the municipal assembly;

n) Appointment of municipal staff and determination of their salary;

o) Granting of municipal citizenship to domestic applicants;

p) other tasks assigned to it by law or by the Municipal Assembly.

3) The municipal bylaws shall specify whether the adoption of resolutions on the tasks and powers listed in par. 2 letter f (budget), letter g (accounts) and letter h (local planning) is the responsibility of the municipal assembly or the municipal council.

4) The Municipal Council shall perform the tasks referred to in par. 2 within the financial framework established by the Municipal Code.

Art. 41

Referendum

1) One-sixth of the voters may, by reasoned written request, demand that resolutions of the municipal council be dealt with in the municipal assembly if they exceed the maximum amount stipulated in the municipal bylaws, which may range from 100,000 francs to 300,000 francs. These resolutions include:

a) the purchase of land;

b) the construction of community facilities and structures;

c) the taking out of loans or the assumption of guarantees;

d) the approval of new one-time and annually recurring expenditures;

e) the approval of supplementary, commitment and additional credits.

2) Regardless of the maximum amount specified in the Municipal Code, a referendum petition may be filed against the following resolutions of the Municipal Council:

a) the determination of the budget and the municipal tax surcharge;

b) approval of the municipal accounts and discharge of the governing bodies;

c) the adoption of the zoning plan and building regulations;

d) the initiation of a building land reallocation;

e) the collection of levies;

f) the sale and exchange of land;

g) the granting of independent building rights for a period exceeding ten years.

3) Referendum petitions must be submitted to the head of the municipality no later than 14 days after the announcement of the resolution. The deadline for submitting the required signatures is one month from the announcement of the resolution.

4) Resolutions of the municipal council that are subject to a referendum must be published.

5) A municipal assembly must be held within four months of the submission of the referendum petition. The procedure, with the exception of the quorum, shall be governed by the provisions applicable to the handling of matters falling within the competence of the municipal assembly.

Art. 42

Initiative

1) One sixth of those entitled to vote may request that matters subject to referendum be dealt with in the municipal assembly in the manner described in Art. 41.

2) The initiative is excluded in matters in which the reference period pursuant to Art. 41 Para. 3 has expired unused or in which a reference has been made. In the case of building regulations and zoning plans as well as other municipal council resolutions of a general-abstract nature, the initiative shall be admissible at the earliest after the expiry of two years from the passing of the resolution.

Art. 43

Review of initiatives and referendums

The municipal council shall immediately check whether the formal and material requirements of an initiative or referendum petition have been met. It shall reject a petition within one month if it is manifestly unlawful or if it

relates to a matter that falls within the competence of another municipal authority (subject to Art.

42) or a state authority falls.

3. Choice

Art. 44

Arrangement

The Government shall order the election of the Municipal Council and set the election day in the month of March before the expiry of the term of office.

Art. 45

Term of office and commencement

1) The term of office of the municipal council is four years.

2) The members of the municipal council shall take office on May 1 of the election

year. Art. 46

By-election

1) If a member resigns during the term of office due to death, departure, loss of the ability to vote, dismissal due to illness or removal from office, justified resignation to be approved by the municipal council, or as a result of exclusion from the municipal council, the candidate who received the highest number of votes among those not elected in the last election shall move up for the remainder of the term of office within the same electoral list.

2) Only candidates who are not excluded from election to the municipal council by the grounds for exclusion in Art. 47 may succeed to the municipal council.

3) If there is no candidate left on the electoral list in question, a substitute election must be ordered.

Art. 47

Exclusion

1) Excluded from election to the municipal council are:

a) Persons related to an already elected member in a straight line or up to the third degree of the collateral line;

b) Persons who are married to a member who has already been elected, who live in a civil partnership, who have a de facto cohabitation or who are related by marriage up to the second degree;

c) Members of the government;

d) Members of the Administrative Court and the State Court;

e) Employees of the municipal administration.

2) If, in the same election to the municipal council, candidates are elected who exclude each other, the candidate with the highest number of votes shall take office. In the event of an equal number of votes, the decision shall be made by drawing lots. The chairman of the election commission shall draw lots.

3) A member of the municipal council who is married to the head of the municipal council, lives in a registered partnership, leads a de facto cohabitation or is related or related by marriage pursuant to par. 1 letters a and b shall resign from the municipal council.

4. Negotiations

Art. 48

Principles

1) The municipal council has a quorum if half of its members are present.

2) A majority of the votes of the members present is required for a resolution to be valid. In the event of a tie, the Chairman shall have the casting vote. Abstentions are not permitted.

3) Minutes of the individual meetings shall be kept and shall be made available to the general public. The municipal council decides on the resolutions that are not made accessible to the public.

4) As a rule, the meetings of the municipal council are not open to the public. The municipal council may decide to hold public meetings.

Art. 49

Convening, Chair

1) The municipal council shall be convened by the head of the municipality as required. Likewise, a meeting must be convened when at least one

third of the members of the municipal council request that a meeting be convened, stating the agenda item.

2) The head of the municipal council shall chair the meetings. Upon request, he/she shall provide information on the execution of a municipal council resolution in the municipal council.

Art. 50

Outburst

Members of the municipal council shall stand in recess:

a) in matters to which they are themselves a party, or if they are in the relationship of a co-entitled, co-obligated or recourse party to one of the parties;

b) in the matter of their fiancés, their spouses, their registered partners, their factual life partners or persons who are related to them in a straight line or in a collateral line up to the third degree or who are related to them by marriage up to the second degree;

c) in the matter of their elective or foster parents, their elective or foster children, their mun- dels or foster charges;

d) in matters in which they were or still are appointed as agents, administrators or managers of a party or in a similar manner.

5. Delegation of powers Art. 51

Delegation

The municipal council may, with the consent of the head of the municipality, delegate tasks of minor importance, which do not necessarily have to be performed by itself or by the head of the municipality, to individual members of the municipal council, municipal employees or commissions. Supervision shall, however, remain with the municipal council.

C. Community leader

Art. 52

Tasks

1) The head of the municipality manages the administration, ensures the execution of the resolutions adopted by the municipal council and supervises municipal facilities and construction works.

2) It shall ensure the execution of matters of delegated authority in accordance with the law under the supervision and instruction of the state authorities.

3) The head of the municipality is authorized to make expenditures for the municipal budget in individual cases up to 10,000 francs. The municipal bylaws may extend this authority up to an amount of 30,000 francs.

4) He presides over the local police and ensures peace, security and order. He

issues the necessary orders and imposes fines on the basis of statutory or local police regulations.

5) In urgent cases, he issues the necessary orders and reports on them to the municipal council at the next meeting.

6) The head of the municipality is responsible for the execution of the municipal building regulations. He is entitled to enforce partial decisions within the framework of the coordination procedure according to Art. 78 of the building law. The municipal council shall decide on building applications outside the building zone or those claiming one or more exceptions within the meaning of the building regulations within the period provided for.

Art. 53

Representation

The head of the municipality represents the municipality externally in all civil and administrative matters. He/she shall sign the transactions that fall within his/her scope of duties and those that are matters of the Municipal Council and for which a resolution of the Municipal Council exists, alone, all others jointly with a member of the Municipal Council.

Art. 54

Involvement with the execution

The head of the municipality may withhold the execution of a resolution of the municipal council if he believes that the resolution violates a law. He shall report this without delay to the government, which shall decide on the execution, without prejudice to the right of appeal of a party.

Art. 55

Substitution

If the head of the municipality is prevented from attending, he shall be represented by his deputy; if the deputy is also prevented, he shall be represented by the oldest member of the municipal council.

D. Audit Commission Art. 56

Choice

1) The municipal assembly shall elect an audit commission within six months of the election of the municipal council. This consists of three members. In the event that a member is permanently prevented from attending, a by-election shall be held. The municipal by-laws may specify the details of this by-election.

2) The Audit Committee is elected for a term of four years.

Art. 57

Tasks

1) The audit commission is responsible for the ongoing control of the administration and the accounting of the municipality. It examines the financial statements and the financial management at least twice a year. It also reports to the municipal council on the results of its audit and submits a motion for the approval of the municipal accounts and the discharge of the governing bodies.

2) The Business Audit Commission has the right to inspect files and to visit all municipal utilities. The authorities of the

The municipality and its employees are obliged to provide information to the Audit Commission.

3) The Audit Commission may use the services of a certified auditing firm to audit the accounts.

4) The auditing firm commissioned by the Business Audit Commission and its employees engaged for the audit may not have any close personal relationship with a member of the municipal council or an executive employee of the municipality.

Art. 58

Negotiation

The Audit Committee elects a chairman from among its members. It has a quorum if at least two members are present. For a resolution to be valid, at least two members must agree.

Art. 59

Exclusion

1) No person may be elected as a member of the Business Audit Commission who:

a) is a member of the municipal council or was a member of the municipal council during the previous term of office;

b) is married to the head of the municipality, the deputy head of the municipality, the treasurer of the municipality or the manager of a municipality property, is living in a registered partnership, is living in a de facto cohabitation or is related by marriage or marriage by marriage up to the degree mentioned in Art. 47;

c) is an employee of the municipal administration.

2) If, in the case of para. 1 b), such a reason for exclusion arises only after the fact, the member of the Audit Committee concerned must resign.

E. Other commissions

Art. 60

Commissions

In addition to the commissions prescribed by law, the municipal council may also appoint other commissions to perform tasks. These shall be of an advisory nature. Art. 51 shall apply to the delegation of tasks of minor importance.

F. Municipal employees

1. General

Art. 61

Employment relationships; prohibition of discrimination; participation rights

1) The municipal council determines the scope of duties of municipal employees and regulates their employment.

2) Municipal employees may not be discriminated against in response to a complaint for violation of rights related to the employment relationship or to the initiation of proceedings to enforce such rights. This also applies if municipal employees appear as witnesses or as respondents in such proceedings or support such a complaint. In the event of a violation of the prohibition of discrimination, compensation shall be paid to the municipal employee concerned. The compensation shall be determined according to the circumstances of the individual case and shall not exceed two months' salary.

3) Municipal employees shall be guaranteed the right to participate in general matters concerning the organization of employment relationships. They may exercise this right through an association or personally.

4) Insofar as the municipal employees exercise their participation rights through an association, the association may, with the consent of the person complained against, represent that person in proceedings instituted by him or her or participate as a third party in litigation pursuant to Sections 17 et seq. of the Code of Civil Procedure.

Art. 62

Service and salary regulations

The municipalities shall issue service and salary regulations.

Art. 63

Disciplinary

1) The municipal council has disciplinary power over municipal employees.

2) In the event of intentional or negligent breach of duty, the Municipal Council may order disciplinary measures.

3) The parties concerned must be heard beforehand.

Art. 64

Disciplinary measures

1) The Service and Salary Regulations may provide for the following disciplinary actions:

a) the oral reprimand;

b) the written warning;

c) The setting in the salary advancement;

d) the reduction of the salary;

e) transfer or reassignment in the office with the same or lower grade;

f) the reassignment to provisional employment;

g) suspension with reduction or discontinuation of salary;

h) the dismissal.

2) The measures pursuant to paragraph 1 letters b to h shall be ordered by means of a decree; a verbal reprimand may be issued informally.

2. Community policemen

Art. 64a

Position, uniform and identity card

1) In order to assist the head of the municipality in the execution of local police duties, the municipality may appoint one or more municipal employees as municipal police officers.

2) The municipal police officers always perform their duties in uniform. They use the lettering "Gemeindepolizei". The uniform is considered as an identity card.

3) The municipality issues a service card to the municipal police officers. The

The identification card must be carried at all times. The municipal police officers in uniform shall identify themselves if they are requested to do so during an official act and if the circumstances permit.

Art. 64b

Personal requirements as well as education and training

1) Municipal police officers must possess the following personal qualifications:

a) National citizenship or permanent residence or settlement permit for Liechtenstein;

b) Maturity;

c) physical and mental fitness and good character.

2) They are obliged to complete the prescribed basic and further training. The municipality shall ensure that the municipal police officers receive appropriate and regular basic and further training.

3) The Government shall regulate the details of the education and training of municipal police officers by ordinance.

Art. 64c

Tasks

1) The municipal police officers are
responsible for:

a) the execution of the local police regulations of the municipality by order of the head of the municipality;

b) to cooperate in maintaining public safety and order by taking or preparing measures to avert imminent danger or disturbances that have occurred (danger prevention) and to prevent future danger (danger precaution); they must comply with any instructions issued by the national police;

c) execution of administrative coercion in municipal administrative cases by order of the head of the municipality;

d) other tasks assigned to them by the municipal council or the head of the municipality.

2) They also carry out administrative police tasks assigned to the municipality by legislation on behalf of the head of the municipality.

Art. 64d

Police principles and police powers

1) The principles of police action according to Art. 21 to 23a of the Police Act shall apply mutatis mutandis to the municipal police officers.

2) Subject to special provisions, municipal police officers shall have the following powers to perform their duties:

a) Identification of persons in accordance with Art. 24 of the Police Act;

b) Questioning of persons in accordance with Art. 24b para. 1 of the Police Act;

c) Expulsion and keeping away of persons according to Art. 24f of the Police Act;

d) Search of persons in accordance with Art. 25 para. 1 let. a, c, e and g and para. 2 of the Police Act;

e) Entering land not accessible to the public according to Art. 25b para. 1 of the Po- lice Act;

f) seizure of property and assets in accordance with Art. 25c of the Police Act.

3) The municipal police officers may detain a person suspected of having committed a judicially punishable act, or who is wanted for such an act, until he or she is handed over to the municipal police officer.

stop the state police temporarily. The state police are to be interrogated immediately.

4) The municipal police officers are entitled to use coercion against persons or property to enforce their powers under paras. 2 and 3 if this is necessary for the performance of their duties and less severe measures are not suitable. They may also use suitable aids for this purpose, in particular handcuffs and pepper spray.

5) The municipal council may decide, based on a hazard analysis, that municipal police officers may carry a handgun for the purpose of self-defense and self-defense assistance (§ 3 StGB), provided they have undergone appropriate training and further education.

Art. 64e

Involvement of municipal police officers from other municipalities and third parties

1) Municipalities may agree that municipal police officers from another municipality may be called in to provide assistance. In this case, the municipal police officers called in are equal to a locally responsible municipal police officer. Their actions shall be deemed to be those of the municipality requesting assistance.

2) The municipalities may engage private security firms to assist them and entrust them with non-sovereign tasks. The employees of private security companies do not have police powers under Art. 64d; however, they may admonish, mediate and arbitrate.

G. Archive Art. 65

Establishment of an archive

1) Each municipality shall establish an archive secured against damage and burglary.

2) All important data files of a municipality that are no longer used for current administration must be archived.

V. Elections and votes

A. General provisions

Art. 66

Election and voting rights

1) The right to vote and to be elected entitles and obligates the holder to participate in elections and votes as well as in municipal assemblies.

2) Unless otherwise provided in this Act, the same provisions shall apply to the exercise of the right to vote and to stand for election as apply to national matters.

3) The right to vote and to be elected can only be exercised in the municipality in which one resides.

Art. 67

Elections and votes

1) Unless otherwise provided by this Act, the same provisions shall apply to the conduct of elections and votes as in national matters.

2) The Government is authorized to regulate the conduct of elections and voting by ordinance.

B. Elections

1. Election of the head of the municipality

Procedure before the election

Art. 68

a) Deadline

Only persons who have been nominated in a written election proposal to the election commission no later than six weeks prior to the election day may be elected as the head of the municipality.

Art. 69

b) Election proposal

1) To be valid, a nomination must bear the name of the electoral group and be signed by at least twice as many persons entitled to vote in the municipality as there are municipal councillors to be elected in the municipality concerned. These persons may neither sign a second proposal nor be listed as candidates in the same election proposal.

2) Once a nomination has been submitted, a signature cannot be withdrawn.

3) A candidate's name may appear in only one ballot proposal.

4) The valid election proposals received in due time shall be announced by the election commission no later than two weeks before the election day.

Art. 70

c) Declaration of acceptance and notification of deletions

1) The declaration of acceptance of the candidate must be attached to the election proposal in which he/she has been nominated.

2) If the name of the same candidate appears in more than one nomination, the election commission shall send copies of the respective nominations to the multiple nominee after expiry of the submission deadline. The candidate shall immediately declare to which nomination he/she wishes to be assigned. If no declaration is received within the time limit set for him, he shall be assigned to one of the nominations by drawing lots and shall be eliminated from the remaining nominations. The chairman of the election commission shall draw lots.

3) The Election Commission shall notify the electoral groups of the deletion from their nominations and inform them that a substitute nomination may be made within two days of the notification. The substitute nomination shall be accompanied by the written declaration of the nominee that he/she accepts the nomination.

4) If this declaration is missing or if the nominee is already on an election list, the substitute nomination must be rejected.

Art. 71

Election procedure

1) The head of the municipality is elected by an absolute majority of valid votes. He takes office on May 1 of the election year.

2) If no valid election is held, a new ballot must be held within four weeks among the same candidates, whereby a candidate may withdraw his or her candidacy or an electoral group may withdraw its election proposal in writing to the election commission with the consent of the proposed candidate no later than three weeks before the new election day. If, as a result of death, a candidate withdraws during this period, a new candidate may be proposed by the electoral group which had proposed him.

3) In the second ballot, a relative majority of the valid votes shall suffice. In the event of an equal number of votes, the election shall be decided by drawing lots; the chairman of the election commission shall draw lots.

2. Election of the municipal council

a) Procedure before the election

Art. 72

Deadline for submission of election proposals

Candidates for the municipal council must be nominated in a written election proposal to the election commission no later than six weeks before the ballot.

Art. 73

Validity of election proposals

1) To be valid, a nomination must bear the name of the electoral group and be signed by at least twice as many persons entitled to vote in the municipality as there are municipal councillors to be elected in the municipality concerned. These persons may neither sign a second election proposal nor be listed as candidates in the same election proposal.

2) A signature may not be withdrawn after a nomination has been submitted.

3) A candidate's name may appear in only one ballot proposal.

Purification of election proposals

Art. 74

a) Eliminating candidates

Candidates who are relatives, married, living in a registered partnership or in de facto cohabitation, or who are related by marriage within the meaning of Art. 47 may not be on the same election proposal. Otherwise, the election commission shall

after expiry of the submission deadline, to notify the relevant group of voters thereof. The latter must declare within the time limit set for it which candidate it intends to put forward for nomination. If no such declaration is received, only one of the candidates who have been excluded shall be left on the election proposal. The other candidates shall be deleted in the order of the election proposal from bottom to top.

Art. 75

b) Communication of the deletions

1) The Election Commission shall notify the electoral group of the deletions made on its nomination and inform it that substitute nominations may be made within two days from the notification. The substitute nominations shall be accompanied by the written declaration of the nominees that they accept the candidacy.

2) If this declaration is missing or if the nominee is already on an election list, the substitute nomination must be rejected.

Art. 76

Declaration of acceptance

1) The declaration of acceptance of the candidates must be attached to the election proposal in which they were nominated.

2) If the name of a candidate appears in more than one nomination, the election commission shall send copies of the respective nominations to the multiple nominee after the submission deadline. The candidate shall immediately declare to which nomination he/she wishes to be assigned. If no declaration is received within the time limit set for him, he shall be nominated by lot.

decision to be allocated to an election proposal and to be deleted from the remaining election proposals. The chairman of the election commission shall draw lots.

3) A person nominated by an electoral group as a candidate for the head of the municipality may also be nominated by the same group as a candidate for the municipal council. The votes obtained as a candidate for head of the municipal council shall not be taken into account in determining the result of the election.

Art. 77

Electoral lists

1) The resulting election proposals are called election lists. No further changes may be made to them.

2) The electoral commission shall submit all electoral lists with their voter group designations, but without the names of the signatories, no later than two weeks after the election.

before the day of the election.

b) Determination of the election result

Art. 78

Number of votes and quorum

1) The total number of validly cast candidate and additional votes in the municipality for the election of the municipal council shall be divided by the number of municipal councilors to be elected increased by one. The result of the division shall in any case be increased to the nearest whole number.

2) If the head of the municipality participates in the allocation of mandates to the electoral group, the number of municipal councillors to be elected shall be increased by two. The total number of validly cast votes within the meaning of subsection 1 shall be divided by the number of municipal councillors to be elected increased by two. The result of the division shall in any case be increased to the nearest whole number.

3) The number determined in accordance with paragraph 1 or paragraph 2 is called the election number.

4) Retrieved

5) The results of the election may be determined only after the election of the head of the municipality has been decided. The ballot boxes shall remain closed until that time.

Art. 79

Allocation of mandates to the electoral groups

1) Each electoral list shall be allocated one candidate as often as the number of votes is contained in the number of candidate and additional votes cast for this electoral list, whereby the elected head of the electoral list bearing the designation of his electoral group shall be counted (basic allocation of mandates).

2) If the distribution does not result in as many members of the municipal council as are to be elected, a residual mandate distribution shall be made among the electoral groups according to the following rules:

a) The number of candidate and additional votes of each electoral list shall be divided by the number of mandates already allocated to it increased by one.

b) The first remaining mandate is allocated to the electoral list with the largest quota.

c) If several electoral lists have the same entitlement to the first remaining mandate on the basis of the same quotient, the remaining mandate shall be allocated to the electoral list which achieved the largest remainder in the allocation pursuant to

paragraph 1.

d) If several electoral lists still have the same claim, the

The remaining mandate goes to the electoral list with the largest number of candidates and additional votes.

e) If there are still several electoral lists with the same entitlement, the first remaining mandate shall be given to the electoral list in which the candidate eligible for election has the largest number of votes.

f) If several such candidates have the same number of votes, the decision shall be made by drawing lots; the chairman of the election commission shall draw lots.

3) The procedure pursuant to para. 2 shall be repeated until all remaining mandates have been allocated.

4) Retrieved

5) Retrieved

Art. 80

Elected candidates

1) The number of candidates from each electoral list to be declared elected shall be the number of mandates allocated to it in accordance with Art. 79, namely those candidates who have received the most votes.

2) In the event of an equal number of votes, the candidate named earlier in the order on the electoral list shall be declared elected. Art. 47 para. 2 remains reserved.

3) Should one or more electoral lists be allocated more candidates than they contain names, all their electoral candidates shall be elected for the time being. The remaining mandates shall be distributed among the other electoral lists in accordance with the procedure prescribed in Art. 78 and 79.

Art. 81

Transmission of the result

The result of the election shall be immediately brought to the attention of the Government by members of the Election Commission by transmitting all election files.

3. Election of the vice chairman

Art. 82

Deadline

Within four days of taking office, the municipal council shall elect the deputy head (vice-head) from among the members of the municipal council by an absolute majority of the votes validly cast.

Art. 83

Swearing in

1) The head of the municipality and his deputy shall be sworn in by the government after valid election.

2) The members of the municipal council are sworn in by the head of the municipality.

4. Election of the Audit Committee Art. 84

Choice

The same provisions as for the election of the municipal council shall apply mutatis mutandis to the election of the audit committee. The grounds for exclusion under Art. 59 are reserved.

C. Reconciliations

1. Assembly

Art. 85

Open vote

Voting takes place openly by raising hands or standing up from the seats.

Art. 86

Secret ballot

1) A vote shall be conducted by secret ballot if at least one-eighth of the voting members present or fifteen voting members present request a secret ballot.

2) The holding of a secret ballot does not preclude the discussion and amendment of the proposal at the meeting.

Art. 87

Non-admission, rejection and postponement

1) The meeting first votes on any motions to abstain, recommit or postpone.

2) If a decision is made to reject or postpone the matter, it shall be returned to the municipal council. In the event of rejection, the municipal council shall re-examine the business, in the event of postponement only insofar as new aspects are to be examined.

3) The final vote on a motion shall be postponed if amendments are

which require significant new clarifications.

Art. 88

Amendments

1) If there is more than one amendment on the same subject, the vote shall be taken by the chairman in accordance with one of the following procedures:

a) first vote on the main motion and then vote on amendments to the main motion in the order in which they were received;

b) Comparison of the amendments in the order in which they were received until only one cleaned-up main amendment remains.

2) The adjusted main motion is submitted to the final vote.

3) If a voting question is divisible, any person entitled to vote may request a division.

2. Referendum Art. 89

Form

Ballots shall be held in accordance with Art. 37.

VI. Financial budget

Art. 90 to Art. 115Deleted

VII. State supervision

Art. 116

Principle

1) The municipalities are under the supervision of the state.

2) In the municipalities' own sphere of activity, state supervision is limited to verifying the legality of resolutions and the activities of municipal bodies.

3) Outside its own sphere of action, the adequacy of the decisions and activities of the municipal bodies is also subject to state supervision.

Art. 117

Supervisory authority

The supervisory authority is the government.

Art. 118

Measures

In the exercise of its supervisory duty, the government shall take such measures as it deems appropriate in accordance with Art. 136 of the National Administration Maintenance Act (LVG).

VIII. Administratio

n of justice

Art. 119

Supervisory complaint

Facts which, in the public interest, require ex officio intervention against a municipal body may be reported to the government at any time.

Art. 120

Administrative appeal

1) Appeals against decisions and decrees of the head of the municipality or other municipal bodies may be lodged with the municipal council in matters within the municipality's own sphere of action.

2) Decisions of the municipal council on matters within its own sphere of influence may be appealed to the government.

3) Appeals against decisions and rulings of municipal bodies in the transferred sphere of action may be lodged with the competent higher authority or, if such an authority is not expressly mentioned in the special statutory provisions, with the government.

4) There is no right of appeal against decisions of the municipal assembly, without prejudice to the right of supervisory appeal.

5) An administrative appeal against decisions of the government may be lodged with the Administrative Court within 14 days of notification.

Art. 121

Time limit for appeal and legitimacy; further provisions

The provisions of the Landesverwaltungspflegegesetz (LVG) apply, in particular with regard to the time limit for appeal and legitimacy, notice of appeal and grounds for appeal.

VIIIa. Data protection

Art. 121a

Processing of personal data

1) The competent municipal authorities, in particular the residents' registration offices, may process personal data, including special categories of personal data, or have such data processed, insofar as this is necessary for the performance of their duties under this Act.

2) Municipalities may maintain information systems in order to fulfill their statutory duties.

3) The government shall regulate the details by ordinance.

Art. 121b

Processing and transmission of personal data by the municipal police

1) The municipal police may process or cause to be processed personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, to the extent necessary for the performance of its statutory duties.

2) The municipal police may disclose the data pursuant to para. 1 to authorities or courts insofar as this is necessary for the fulfillment of their statutory duties. In all other respects, the data protection legislation must be observed.

3) The municipal police and the provincial police may exchange the data referred to in paragraph 1 with each other insofar as this is necessary for the performance of their respective statutory duties.

IX. Transitional and final provisions Art.

122

Re-naturalization of women

1) Women who have lost their former municipal citizenship through marriage are reinstated to their former municipal citizenship upon application.

2) The application must be submitted within five years of the entry into force of this Act to the municipality whose municipal citizenship law the applicant held until the marriage.

3) The municipal council decides on the application for admission.

Art. 123

Adaptation to new law

The Municipal Code and the other reg- prescribed by this Act.

The new regulations shall be enacted within two years of the entry into force of this Act. Existing regulations shall be adapted to the new law. The Government may extend this period upon justified request.

Art. 124

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the conduct of elections and votes in municipal assemblies (Art. 67);

b) canceled;

c) canceled.

Art. 125

Repeal of previous law

It is repealed:

a) Municipal Act of December 2, 1959, LGBl. 1960 No. 2, as amended by the Act of December 10, 1965, LGBl. 1967 No. 10, the Act of October 11.
1974, LGBl. 1974 No. 66, of the Act of
May 13, 1976, LGBl. 1976 No. 42, of the Act of December 11, 1978, LGBl. 1979.
No. 2, of the Act of April 11, 1984, LGBl. 1984 No. 24, of the Act of 15.
November 1984, LGBl. 1985 No. 6, of the Act of November 15, 1984, LGBl. 1985.
No. 20, of the Act of October 14, 1986, LGBl. 1986 No. 105, and of the Act.
of December 16, 1994, LGBl. 1995 No. 15;

b) Law of February 14, 1952, concerning the redefinition of the minimum salaries of the heads of municipalities, LGBl. 1952 No. 3;

c) Act of December 18, 1941, on the Reorganization of the Municipal Treasur- ing System, LGBl. 1941 No. 26, as amended by the Act of December 2, 1959, LGBl. 1960 No. 2;

d) Ordinance of 26 June 1973 on the competence of the municipal assembly in the construction of buildings, LGBl. 1973 No. 34.

Art. 126

Election of the Audit Committee

1) The election of the Audit Committee shall take place for the first time after the expiry of the

The term of office of the auditors elected pursuant to Article 59 of the Municipal Act, LGBl. 1974 No. 66.

2) The term of office of the auditors already elected when the Act comes into force shall end at the latest after the next municipal elections in the autumn of 1999.

Art. 127

Entry into force

1) This Act shall enter into force on the day of its promulgation.

2) The provisions concerning the budget and the municipal accounts apply for the first time to the budget for 1997 and the municipal accounts for 1996.

XI. House Law of the Princely House Liechtenstein

from 26 October 1993

Preamble

The Liechtenstein family has had its own law for centuries. The old regulations partly did not correspond any more to the requirements of the today's time. Therefore, on October 26, 1993, the family decided to abandon the previous law and to adopt a new one in the tradition of the family. For centuries, the tradition of the family has included the Catholic faith, which should also serve as a guide for future decisions, while respecting the freedom of faith and conscience of the individual. We ask God and the Mother of God to protect our family and our country, as they have done in the past and as they will do in the future.

I. The Princely House of Liechtenstein Art. 1

Essence and membership

1) The Princely House of Liechtenstein is an autonomous family community formed and organized on the basis of the previous house-legal regulations and on the level of the Constitution of the Principality. It comprises members by birth and members by marriage.

2) Members by birth are the Prince and all those who are descended in the male line from Prince Johann I of Liechtenstein (1760 to 1836) and who are the offspring of a recognized marriage. The membership acquired by a Princess by virtue of birth is not lost if she in turn enters into a marriage. However, children born in such a marriage do not acquire membership by birth.

3) Members by virtue of marriage become the Princess and the wives of the Princes, provided that the marriage has been recognized in accordance with this House Law. Membership acquired by virtue of marriage shall continue during widowhood. It shall cease in the event of remarriage of the widow, unless the Reigning Prince, at her request, decides otherwise. The same shall apply in the event of dissolution of the marriage as from the date on which the decision in this respect becomes final.

4) Membership in the Princely House of Liechtenstein is otherwise based on free will. This shall be presumed in the case of a member by birth as long as he or she has not, after attaining the age of majority (Art. 6), expressly and in writing

has renounced his membership by making a declaration to the Reigning Prince and the Family Council. This declaration of renunciation is irrevocable and applies only to the person of the renouncer.

Art. 2

Titles of the members of the Princely House

1) The Prince holds the title:

Prince von und zu Liechtenstein, Duke of Troppau and Jägerndorf, Count zu Rietberg, Regent of the House von und zu Liechtenstein.

2) The Princess holds the title:

Princess of Liechtenstein, Duchess of Troppau and Jägerndorf, Countess of Rietberg. This title remains with her even during her widowhood.

3) The eldest son of the Prince if he should die before the Prince leaving sons capable of succeeding to the throne, his eldest son holds the title:

Hereditary Prince of Liechtenstein, Count of Rietberg.

4) The remaining members of the House hold the title:

Prince von und zu Liechtenstein, Count of Rietberg; Princess von und zu Liechtenstein, Countess of Rietberg.

5) The members of the House have the title "Serene Highness" and use the coat of arms of the family, as it is defined and described in the Coat of Arms Act of June 30, 1982, LGBl. 1982 No. 58.

Art. 3

Citizenship

1) All members of the House are Liechtenstein citizens in accordance with the law of September 1, 1919, LGBl. 1919 No. 10.

2) The prince and the next of succession may not accept foreign citizenship. The person appointed to the throne must also renounce any previous foreign citizenship.

3) In all other cases, the renunciation of Liechtenstein citizenship, with or without the acceptance of a foreign citizenship, shall be made only for serious reasons. Each member of the family shall apply for the approval of the Reigning Prince before carrying out such a decision, stating the reasons. If the relevant circumstances subsequently change substantially, the family member may apply to the Reigning Prince for reinstatement of Liechtenstein citizenship.

4) Violations of these provisions are subject to disciplinary accountability under this House Bill.

Art. 4

Matric records

1) The Reigning Prince's Secretariat is responsible for keeping the registers of the members of the Princely House. The Family Council is authorized and obliged to control the proper management of the registers.

2) In detail, the principles of the Liechtenstein laws regulating civil status shall be applied mutatis mutandis to the keeping of the registers, insofar as these appear to be beneficial for the purpose of implementing the provisions of this House Law. In addition, the keeping of registers shall make it possible to show at any time the order of precedence of the members of the Princely Family called to the succession to the throne (Article 12, para. 1).

3) For the purpose of the proper keeping of registers, all members of the Princely House are obliged to notify the Reigning Prince's Secretariat without delay and by attaching the relevant documents of all events which may lead to entries in the civil status registers kept in the Reigning Prince's Secretariat.

4) As far as the necessity of issuing documents arises on the basis of keeping the registers, they shall be drafted by the Reigning Prince's Secretariat and signed by the Reigning Prince.

5) The registers are open to the family. Information to outsiders is only permitted with the approval of the prince after certification of a legal interest.

Art. 5

Adoption and illegitimate offspring

1) Adoption cannot lead to membership in the Princely House. Only in the event that the Princely House should cease to exist in the male line, the last Prince is entitled to adopt a hereditary Prince.

2) Should a member of the Princely House nevertheless wish to adopt a foreign person, he must inform the Reigning Prince accordingly. The Reigning Prince may, without any legal right to do so, give the adopted person a different name, coat of arms and title. Adoptions within the family do not change the order of succession.

3) If a member of the Princely House is adopted by an outside person, in the case of minority the legal guardian shall apply for the Reigning Prince's consent, stating the reasons. The Reigning Prince shall decide whether the family member shall remain in the Princely House.

4) For children born out of wedlock to a princess, the prince determines the name and, if necessary, also the title and coat of arms. If an illegitimate child of a prince is legitimized by a subsequent marriage, the prince determines the affiliation of this legitimized child to the Princely House.

Art. 6

Age of majority

1) Unless otherwise provided, the age of majority of members of the Princely House shall be governed by Liechtenstein law. In matters concerning the House, the male members shall be of age from the age of eighteen years.

2) For important reasons, in particular in the case of succession to the throne, regency or deputization, the Reigning Prince may declare individual members of the Princely House to be of age even before they reach the legal age of majority. If the Reigning Prince himself is a minor or incapable of acting, this right shall pass to the Family Council.

Art. 7

Marriage

1) If a member of the Princely House intends to marry, he shall notify the Reigning Prince thereof and submit to the Reigning Prince's Secretariat the documents required under Liechtenstein law, together with a written unconditional declaration by the future other spouse that the other spouse accepts this House Law as binding in all respects for himself and for the descendants resulting from the intended marriage. The Secretariat shall check the documents. If they are complete and the Reigning Prince considers the conditions for approving the planned marriage to be met, he shall give his consent. The Reigning Prince shall inform all members of the Princely House who are of age of this at their last known address.

2) Within one month after the announcement of the Reigning Prince's declaration of consent, any member of the Princely House of full age may object to the marriage in writing. Such an objection shall be admissible only if it is based on the fact that one of the bride and groom lacks the capacity to marry, on the existence of an impediment to marriage, or on the fact that the marriage would be detrimental to the reputation, honor, or welfare of the Princely House or the Principality of Liechtenstein.

Liechtenstein harms. The Reigning Prince shall decide on the objection after hearing the bride and groom. The legal remedies provided for in Article 11 are open against his decision, with the proviso that the time limits for appeal are only two weeks.

3) Without prejudice to the procedure provided for in paragraph 2, the Reigning Prince shall immediately inform the Family Council of the objections raised.

4) If no objection is raised against the Reigning Prince's declaration of consent (para. 1) or if the objections raised (para. 2) remain unsuccessful, the intended marriage shall be recognized by Liechtenstein law. The Secretariat shall inform the Liechtenstein public accordingly. Recognition under Liechtenstein law shall cease to be effective if the marriage is not performed within one year of the date on which the conditions for recognition become fulfilled.

5) The marriage ceremony shall take place in public in the presence of the Reigning Prince, who may also send a proxy, and two witnesses of age. At the ceremony, the bride and groom shall, within the framework of their marriage consensus, expressly promise to live in inseparable community, to beget children, to bring them up and to support each other. In all other respects, the laws of the place of marriage are to be observed, insofar as they do not contradict the Liechtenstein ordre public.

6) The procedure regulated in the preceding paras. 1 to 5 shall be applied mutatis mutandis also in the case of a marriage intended by the Reigning Prince, with the proviso that the rights and duties accruing to the Reigning Prince therein shall be exercised by the Family Council.

Art. 8

Disciplinary measures against members of the Princely House

1) If a member of the Princely House harms the reputation, honor or welfare of the House or the Principality of Liechtenstein through his conduct, the Reigning Prince is entitled and obliged to take disciplinary action.

2) In the disciplinary proceedings initiated by the Reigning Prince, the member of the family concerned shall first be given the opportunity to state in writing the charges against him. Then, if necessary, the facts of the case shall be clarified, for which purpose the Reigning Prince may also avail himself of the administrative assistance of the government and the legal assistance of the court. Finally, the member of the family concerned shall be heard by the Reigning Prince in person.

3) Accordingly, the prince may take action against the family member concerned in a written

to be justified, impose the following disciplinary measures:

a) the warning;

b) the temporary suspension of the right to vote and to stand for election;

c) the temporary withdrawal of the title. In this case, the Reigning Prince may, after hearing the person concerned, confer a title on him, without there being any legal right to do so. The withdrawal of the title shall include the cessation of the right to vote and to stand for election;

d) the temporary withdrawal of the name and title. In this case, the Reigning Prince shall give the person concerned a new name after hearing him. In all other cases, subparagraph (c) shall apply.

4) Disciplinary measures under subsection 3(b), (c) and (d) may be imposed for a maximum period of twenty years.

5) The member of the family concerned may appeal against the Reigning Prince's disciplinary decision, and in the event of amendment of the Reigning Prince's disciplinary decision by the Family Council, also the Reigning Prince, in the manner provided for in Article 11. Without prejudice to the suspensive effect of his appeal, the member of the family concerned shall be excluded from participating in the decision on the appeal.

6) After the decision has become final, all members of the family shall be notified of the disciplinary decision.

7) Even after the disciplinary decision has become final, the person concerned shall remain a member of the Princely House with the restrictions resulting from the decision. The duration of these restrictions shall always be calculated from the date on which the decision becomes final. It shall end with the expiry of the last day of the duration of the disciplinary measure that has become final, without any further pronouncement by the Reigning Prince being required. The member of the family affected by the disciplinary measure shall therefore resume his or her previous rights without further ado.

8) If a family member affected by a disciplinary measure pursuant to subsection 3(d) enters into marriage during the term of this measure, subsection 7 shall also apply to the spouse and the children of this marriage, provided that recognition of the marriage under domestic law has been obtained in accordance with Art. 7.

9) The early termination of a disciplinary measure is possible only by way of pardon. The Reigning Prince shall have the right to pardon. Prior to his decision, the Reigning Prince shall obtain the consent of the last persons involved in the disciplinary matter.

instance. There is no legal entitlement to a pardon.

10) The extension of a disciplinary measure requires a further disciplinary procedure.

Art. 9

The voting members of the Princely House

1) All male members of the family who have reached the age of majority according to the House Law (Art. 6), who are fully capable of acting and who are entitled to succeed to the throne, have the right to vote in matters concerning the House Law. The renunciation of the throne and the renunciation of the succession to the throne (Art. 13), furthermore the renunciation of the exercise of government business (Art. 15 and 17) does not affect the right to vote.

2) The voting members of the Princely House are also entitled to vote actively and passively.

3) Excluded from the right to vote are:

a) Family members who, by taking a vow or assuming certain obligations, have themselves relinquished the exercise of certain rights or have restricted their freedom of action;

b) Family members who are under the influence of a regime capable of abrogating or impairing the individual's freedom of choice; and

c) Family members who have lost the right to vote pursuant to Art. 8 para. 3 letters b, c and d.

4) In case of doubt, the Reigning Prince shall decide on the voting rights of the individual family members. The Reigning Prince shall notify the family member concerned of this decision in writing without delay, stating the reasons. The person concerned, and the Reigning Prince if the decision of the Family Council is amended, may appeal against the decision of the Reigning Prince in the manner provided for in Article 11, but in exceptional cases such appeal shall not have a suspensive effect. If the right to vote is restored by legal means to the member of the family concerned, the decisions taken in the meantime without the participation of this member of the family cannot be challenged on the ground that the member of the family concerned would have had the right to vote.

5) The entirety of the members of the Princely House with voting rights constitutes the supreme decision-making and judicial authority within the family. The Reigning Prince has the chair. He is also responsible for conducting the votes. These are secret and take place in the

As a rule, the votes are cast in writing by means of ballots (circular voting) on the basis of a presentation of the facts and a list of questions to those entitled to vote. If a ballot paper is not returned within two months, the person concerned shall be deemed to have abstained from voting. A motion shall be deemed adopted only if more than half of those entitled to vote declare their consent. If a vote relates to the amendment of a decision of the Reigning Prince on appeal, a measure against the Reigning Prince or an amendment to this House Act, the approval of two-thirds of those entitled to vote shall be required for the adoption of the motion. A motion shall be deemed to have fallen if, when put to the vote, it fails to obtain the number of votes in its favor.

6) In the case of votes which directly affect the person or the personal legal sphere of a family member, this family member is excluded from exercising the right to vote. This also applies to the Reigning Prince irrespective of his chairmanship.

7) With the votes of at least ten percent of the members of the Princely House entitled to vote, the Reigning Prince may demand that disciplinary proceedings be taken against a member of the family in accordance with the provisions of Article 8. Such a request shall be submitted to the Reigning Prince in writing with the required number of signatures, together with an appropriate statement of reasons. If the Reigning Prince, without sufficient justification, either does not initiate any proceedings under Article 8 at all within six months or does not conclude proceedings initiated within one year at first instance, the applicants may appeal to the Family Council, to which the Reigning Prince's power of decision shall pass. The same provision shall apply mutatis mutandis to measures against the Reigning Prince in accordance with Articles 14 and 15, with the proviso that in the event of delay the Family Council shall be replaced by the entirety of the members of the Princely House with voting rights.

8) The Reigning Prince shall, if possible, convene a Family Day at least every five years, to which all voting members of the Princely House shall be invited. These family meetings shall serve to renew and reaffirm the common bonds, to discuss matters of common interest, and to hold elections and votes insofar as the circular vote regulated in para. 5 appears to be impracticable. The provisions on circular voting shall apply mutatis mutandis to votes at the Family Congress, with the proviso that the voting documents shall be sent out, if necessary, two months before the Family Congress.

II. The Family

Council Art.

10

The election of the family council

1) The Family Council is elected for five years and consists of three members and three substitute members.

2) In the event of invalidity, the election shall be held in writing and by secret ballot in such a way that all members of the Princely House entitled to vote and to be elected shall be recorded on a list, from which they shall select six persons each. The three family members with the highest number of votes shall be elected. The three closest in number of votes shall be substitute members. In the event of a tie, the decision shall be made by drawing lots. The Reigning Prince cannot be a member of the Family Council. In all other respects, the provisions on circular voting pursuant to Art. 9 para. 5 shall apply mutatis mutandis.

3) If the election is held on the occasion of the Family Day (Art. 9 par. 8), the election lists shall be sent out two months before the Family Day.

4) If a member of the Family Council resigns prematurely or is prevented from attending a meeting, the next-ranking substitute member shall take his/her place, in the first case permanently and in the second case temporarily.

5) If a member or substitute member of the Family Council legally loses his or her right to vote and to be elected (Art. 8 or 9), he or she shall also lose his or her membership or substitute membership in the Family Council for its current term of office.

6) If the Family Council is permanently unable to reach a decision due to being prevented or in any other way, the necessary supplementary election shall be held for the remainder of its current term of office. Paragraphs 2 and 3 shall apply mutatis mutandis to this.

Art. 11

Tasks of the family council

1) The highest-ranking member of the Family Council according to the Order of Succession to the Throne (Art. 12, para. 1) shall preside over its meetings and votes. In the event of his being prevented from attending or of his resignation, his rights and duties shall pass by proxy to the member next in rank.

member of the family council. A substitute member may become a representative of the chairperson only after all three members of the family council have been prevented or have resigned.

2) Each member of the family council has the right to request the chairman to convene the family council, stating the reason.

3) In addition to the other duties enumerated in this House Law, the Family Council shall, in particular, be the appeal body against decisions taken by the Reigning Prince under this House Law. Any member of the Princely House concerned may appeal in writing against the Reigning Prince's decision to the Family Council within two months of being notified of the decision. Before the Family Council decides on the appeal, it is obliged to obtain a statement from the Reigning Prince, for which a period of two months is also allowed. The Family Council shall reject as inadmissible any appeals against decisions of the Reigning Prince which are not related to the House Law.

4) Admissible appeals shall have a suspensive effect unless otherwise provided by this House Bill.

5) The Reigning Prince or any member of the family concerned may appeal against decisions of the Family Council within two months to the entirety of the members of the family entitled to vote (Article 9). The provisions of paras. 3 and 4 shall apply mutatis mutandis to the appeal procedure, with the proviso that the opponent of the appeal shall be entitled to make a statement.

6) If the total number of members of the Princely House with voting rights falls below twelve, the establishment of the Family Council shall be suspended. In this case, all the powers of the Family Council shall be transferred to the entirety of the voting members of the Princely House.

III. The Prince

Art. 12

The succession to the throne

1) According to this house law, the principle of primogeniture applies to the succession to the throne. According to this, the firstborn of the oldest line is always appointed to the throne.
The age of a lineage is determined according to its lineage

judged by Prince Johann I of Liechtenstein (1760 to 1836). The rank of the male members of the Princely House is determined by the rank of their succession to the throne. The resulting order of rank is to be recorded in the keeping of the registers (Art. 4 Para. 2).

2) The female members of the Princely House have a right of precedence instead of a rank. In the case of female members by birth (Art. 1, para. 2), this shall be determined by their date of birth within the countries specified in para. 1. In the case of female members by marriage (Art. 1, para. 3), the right of precedence is determined by the rank of the spouse in the order of succession to the throne.

3) Only those who are entitled to vote and to be elected in accordance with this House Law may succeed to the throne.

4) The Reigning Prince appointed in accordance with the Order of Succession to the Throne shall combine in himself the functions of Head of State, Ruler of the Princely House and Chairman of the Princely Foundations. These three functions may not be separated, except in the special case provided for in Article 17(5).

5) As Head of State of the Principality of Liechtenstein, the Reigning Prince shall be entitled to the rights and duties specified in more detail in the National Constitution according to the status of the entry into force of this House Law.

6) As the ruler of the Princely House, the Prince shall watch over its reputation, honor and welfare in accordance with the rights and duties set forth in this House Law. In this, he is assisted by the Family Council and the entirety of the family members with voting rights.

7) As Chairman of the Princely Foundations and beneficiary of the Princely Estate, the Reigning Prince will support members of the Princely House who are in need, insofar as the proceeds of the estate permit.

Art. 13

Renunciation of the throne and succession to the throne

1) If the Prince abdicates the throne, he shall declare this expressly and in writing to the hereditary Prince or heir to the throne, the Family Council and the Head of Government. The renunciation of the throne shall be irrevocable and shall be published in the National Law Gazette.

2) Each Prince shall be free to renounce the succession to the throne after his coming of age (Art. 6), by express and written declarations.

The waiver is irrevocable and applies only to the person of the waiveror. The renunciation is irrevocable and applies only to the person of the renouncer. The succession to the throne of the other members of the Princely House shall not be affected thereby.

3) If the Reigning Prince renounces the throne or if a Prince renounces the succession to the throne, his wife and his descendants born after the renunciation may assume the rank (Article 12, paragraph 1) and the right of precedence (Article 12, paragraph 2) to which they would have been entitled without the renunciation, only after the person who has become Prince by virtue of the renunciation, his wife and his descendants.

Art. 14

Disciplinary measures against the prince

1) If the Reigning Prince harms the reputation, honor or welfare of the Princely House or the Principality of Liechtenstein through his conduct, the Family Council shall be entitled and obliged to take disciplinary action against the Reigning Prince.

2) In the disciplinary proceedings instituted against the Reigning Prince, the provisions of Article 8 shall apply mutatis mutandis with the following provisos:

a) The procedural powers otherwise vested in the Prince shall be vested in the Family Council;

b) The Head of the Government shall be informed in confidence of the initiation of disciplinary proceedings against the Reigning Prince, stating the reasons and attaching the Reigning Prince's statement on the matter;

c) Only a warning or a dismissal may be imposed on the Prince as a disciplinary sanction. The imposition of the disciplinary sanction of dismissal shall require that either the disciplinary sanction of warning imposed on the Prince has been unsuccessful because the Prince has continued the misconduct with which he is charged, or the misconduct of the Prince was so serious in nature, extent, duration or consequences that the imposition of the disciplinary sanction of warning had to be regarded as obviously insufficient from the outset;

d) In the event of res judicata, the disciplinary decision shall be served on all members of the House of Representatives and on the Head of the Government;

e) If the disciplinary decision is to dismiss the Reigning Prince, it shall also be published in the National Law Gazette.

Art. 15

Deprivation of office and incapacitation of the prince

1) If, as a result of a serious physical or mental ailment, the Reigning Prince becomes permanently incapable of exercising the rights and duties to which he is entitled under this House Law for the promotion of the reputation, honor or welfare of the Princely House or of the Principality of Liechtenstein, or if circumstances in accordance with Article 9, paragraph 3, subparagraph a or b arise permanently, the Family Council shall, after careful clarification of the facts, request the Reigning Prince to renounce the throne.

2) If the Reigning Prince is unable or unwilling to comply with this request within a reasonable period of time, or if an attempt to contact the Reigning Prince must appear futile from the outset, the Family Council shall initiate impeachment or incapacitation proceedings. For the impeachment proceedings

the provisions of Art. 14 Para. 2 shall apply mutatis mutandis, and for the incapacitation procedure those of Liechtenstein law, in each case with the following provisos:

a) Insofar as the Reigning Prince cannot represent himself, a provisional procedural counsel shall be appointed for him by the Family Council from among the appropriate family members entitled to vote, with the exception of the next successor to the throne and his descendants;

b) The physical or mental ailment on which the permanent incapacity of the Reigning Prince is based must be confirmed by the opinions of two experts who are independent of each other;

c) The impeachment proceedings may also be combined with incapacitation proceedings.

3) If the obstructions of the Reigning Prince referred to in para. 1 are only temporary but so serious that important interests of the Princely House or of the Principality of Liechtenstein make a remedy appear necessary, the Reigning Prince shall be requested by the Family Council to provide a remedy within the meaning of the provisions of Article 17 para. 5 by appointing a regent or deputy. If the Reigning Prince is not prepared to do so within a reasonable period of time, the right and duty to remedy the situation shall pass to the Family Council.

Art. 16

Motion of censure against the prince

1) If a motion of censure against the Reigning Prince, which is admissible under the Constitution, has been passed and communicated by the Liechtenstein people, it shall be disposed of in an expedited manner in accordance with Article 14 or in accordance with Article 15, subject to the following provisions:

a) The Family Council shall not have the right to make decisions, but only the right to make proposals to the entirety of the members of the Princely House who are entitled to vote. The Family Council shall exercise this right within two months, failing which it shall lose the right of petition;

b) The decision of the entirety of voting members of the Princely House shall be taken in such a manner that the total duration of the proceedings to be conducted under this Act, including the notification under subsection 2, does not exceed six months. In the event that this period is exceeded, the motion of censure shall be deemed to have been rejected without further ado.

2) The body of the Liechtenstein people appointed in accordance with the Constitution shall be informed without delay of the decision taken or other action taken, together with the necessary justification.

Art. 17

Guardianship and Regency

1) In cases where a guardian or an adviser is to be appointed for a Liechtenstein national, a guardian or an adviser shall also be appointed for a member of the Princely House. In this respect, the provisions of Liechtenstein law shall apply mutatis mutandis, with the proviso that the Reigning Prince shall decide instead of the judge. In making this decision, the Reigning Prince shall, unless there are serious reasons for not doing so, take into consideration as far as possible the suggestions of the next of kin of the family member to be placed under guardianship or assistance. The same shall apply mutatis mutandis in the event that a guardian or an adviser is to be appointed for the Reigning Prince, the Princess or one of their children; this shall, however, be subject to the proviso that the Family Council shall decide in place of the Reigning Prince.

2) If the Reigning Prince has been legally deposed in accordance with Article 14 or deprived of his office or incapacitated in accordance with Article 15, his rights and duties shall be exercised by a Regent until the succession to the throne takes place.

The regency shall be vested in the next member of the Princely House entitled to vote according to the Rules of Succession to the Throne. As long as the Reigning Prince is a minor or another minor member of the Princely House is ahead of the Reigning Prince in the line of succession to the throne, the Family Council shall have the right to remove the Reigning Prince from office if there are serious grounds for doing so. For this purpose, the procedure laid down in Article 14 shall be applied mutatis mutandis, with the proviso that no prior warning shall be required for the removal of the Regent. If the regent becomes incapable of exercising his office through no fault of his own, the family council shall remove the regent from office. After the deposition or removal of the regent, as long as the prerequisites for a regency still persist, the member of the Princely House with the right to vote who is next in line according to the Rules of Succession to the Throne shall become regent.

3) The entry, termination or change of the Regency shall be announced to all members of the Princely House and to the Head of the Government and shall be published in the State Gazette.

4) The Regent may not be appointed guardian or advisor of the minor Prince or of the minor hereditary Prince.

5) The Reigning Prince shall be free to appoint as Regent or Deputy Regent the member of the Princely House with the right to vote who is next in line under the Rules of Succession to the Throne. This regency or deputy may extend to all three functions mentioned in Art. 12 or to parts thereof.

IV. Final provisions

Art. 18

The position of the House bill and future amendments

1) This House Bill shall enter into force on the day of its promulgation.

2) The Constitution of the Principality of Liechtenstein may neither amend nor repeal the House Law. The same shall apply to intergovernmental treaties concluded by the Principality of Liechtenstein. Where necessary, a reservation to this effect shall be included in such treaties.

3) An amendment to the House Bill may be made only at the request of the Reigning Prince, the Family Council, or at least ten percent of the voting members of the Princely House. A two-thirds majority of all members of the Princely House with voting rights is required for the adoption of the motion. If the amendment is adopted on the basis of a motion of the Family Council or of the required number of members of the Princely House entitled to vote, the Reigning Prince may veto the resolution within two months. In this case, however, the Reigning Prince shall be obliged to submit a prepared counter-proposal at the same time. If the Reigning Prince and the initiators cannot agree on a joint text within a further ten months and put this joint text to the vote, the members of the family entitled to vote shall vote on both proposals. Each voting member of the Princely House may vote on only one of the two proposals or reject both proposals. In this vote, the proposal which has obtained the two-thirds majority shall be deemed to have been adopted.

4) The House Bill and its amendments shall be published in the State Gazette.

XII. Children and Youth Act (KJG)

from 10 December 2008

I. General provisions Art. 1

Targets

1) This law is intended to help ensure that:

a) positive living conditions for children and young people and their families as well as a child-, youth- and family-friendly environment are maintained or created;

b) Children and adolescents grow up psychologically and physically healthy and can develop into independent and socially competent personalities and actively participate in social life;

c) The integration of children and young people as well as intercultural understanding are promoted;

d) Children and young people and their families can overcome individual and collective disadvantages and social inequalities among children and young people are balanced out;

e) Children and adolescents, in particular on the basis of disability, gender, social or ethnic origin, skin color, language, religion or ideology, are neither personally nor socially eligible.

The main reason for this is that the people are still disadvantaged in their integration into social, political and cultural life;

f) education in respect for human rights, tolerance and a sense of social responsibility in a democratic constitutional state is supported;

g) the rights of children and adolescents as defined in the Convention of

20 November 1989 on the rights of the child are protected and promoted.

2) The values expressed in the objectives are the guidelines and the direction for the actions of those persons who have to fulfill professional tasks within the framework of this law.

Art. 2

Purpose, principles

1) Children and adolescents shall be treated in accordance with the provisions of this Act and

The social partners shall be supported in their psychological, health, ethical, social and cultural development in accordance with the ordinances issued for this purpose. They are entitled to assistance, protection and promotion as well as consideration of their interests in the sense of the following chapters. This also applies to young adults, insofar as this is expressly provided for by law.

2) First and foremost, parents as legal guardians are responsible for their children and adolescents. Other legal guardians and other adults are responsible for the education, care, supervision or safety of children and adolescents within the scope of their respective duties.

3) Families, as well as other persons and institutions performing educational and care duties or supervisory functions, shall be assisted in accordance with the provisions of this Act and the ordinances issued thereunder.

Art. 3

Rights of children and young people

1) Children and adolescents, in accordance with the Convention of 20 November 1989 on the Rights of the Child, have the right, in accordance with Chapters II to VI of this Act:

a) to be protected in their integrity, especially from discrimination, neglect, abandonment, sexual abuse and violence;

b) to non-violent upbringing; physical punishment, mental injury and other degrading measures are inadmissible;

c) to have a say, participate and have a say in social, political, economic and cultural matters that particularly affect them, and to participate in social life in a manner appropriate to their age;

d) to be heard in decisions affecting them, insofar as they are capable of expressing their own opinions, and to have their opinions taken into account in accordance with their age and maturity; this applies in particular in judicial and administrative proceedings;

e) that their best interests shall be given priority in all measures affecting them under this Act or the ordinances issued thereunder.

2) Children and young people can turn to the ombudsperson if they believe that their rights have been violated.

Art. 4

General tasks of the children and youth authority

The Office of Social Services is the children and youth authority and, within the scope of this Act, shall in particular:

a) to safeguard the interests of children and young people and, where expressly provided for, of young adults;

b) To inform the population about children and youth issues;

c) Ensure, through planning and development, that an adequate range of services is available to ensure the psychosocial care of children and adolescents, as well as an easily accessible range of pedagogical support and counseling services for parents;

d) to coordinate the psychosocial services of the private and public institutions of child and youth welfare and child and youth work and to ensure the coordination of the various services, taking into account other private and public services for children and adolescents;

e) to promote regional and international exchange and cooperation in the field of children and youth;

f) to observe and analyze national and international developments in the field of children and youth, and to prepare and publish reports and studies on them;

g) To carry out projects, events and campaigns, especially with preventive objectives;

h) advise the government on children and youth issues.

Art. 5

Definitions

For the purposes of this Act mean:

a) Children: persons who have not yet reached the age of 14;

b) Adolescents: Persons who have reached the age of 14 but not yet 18;

c) young adults: persons who have reached the age of 18 but not yet 25;

d) young people: Children, teenagers and young adults;

e) Parent and legal guardian: whoever has the right of parenting according to the ABGB;

f) private education: education by the legal guardians or by per-

The parents are the persons to whom the education is temporarily entrusted by the legal guardians;

g) public education: formal education in public or private educational institutions as well as informal education as it takes place in society.

II. Child and youth welfare

A. General

Art. 6

Purpose

Child and youth welfare consists of support:

a) the development of the personality of children and adolescents in mental and physical health and the promotion of their thriving development and socialization;

b) the integration of children and young people in linguistic, social, cultural and societal terms;

c) of children and adolescents and their caregivers in matters relating to the family and social environment, education and training, the workplace and other matters relevant to the well-being of children and adolescents;

d) of young adults, especially when they become independent;

e) of private education, in particular of parents and other guardians in their educational tasks;

f) of public education, in particular schools, insofar as these require supplementation;

g) of families with children and adolescents to improve the compatibility of family and work and in the event of special stresses;

h) of non-violent interaction with and among children and adolescents in the family and in society.

Art. 7

Scope

Child and youth welfare is applied in particular in the case of:

a) Educational difficulties, problems and crises in the family;

b) Separation and divorce as well as custody and visitation arrangements;

c) social conspicuities, behavioral problems, mental disorders, developmental disorders and physical and mental disabilities in children and adolescents;

d) Addiction risk and addictive disease in children and adolescents;

e) Unemployment, problems at work and in the education of young people or problems at school;

f) Use of violence, physical or psychological abuse, sexual abuse or other sexual assaults against children and adolescents;

g) Tearing out and treading on the feet of children and adolescents;

h) Neglect or abandonment of children and youth;

i) Placements of children and youth;

k) out-of-home care and foster care for children and adolescents;

l) Adoptions of children and adolescents from Germany and abroad;

m) Dissociality and delinquency among children and adolescents;

n) Enforcement of maintenance claims and maintenance agreements;

o) Establishment and recognition of paternity;

p) Pregnancy of children and adolescents.

Art. 8

Services

Child and youth welfare includes services especially in psychological, educational, social, psychiatric, medical, legal and financial aspects.

Art. 9

Implementation

1) The Office for Social Services shall be responsible for the implementation of child and youth welfare services, subject to the competences of the Regional Court under Articles 24(4), 27 and 28(3). In doing so, it shall perform the duties pursuant to this Act, the ordinances issued in connection therewith and other statutory provisions and shall provide administrative assistance to domestic and foreign courts and authorities.

2) Private institutions may be called upon to cooperate in child and youth welfare in accordance with Art. 57. In individual cases, the Office for Social Services may entrust other specialist institutions, specialists and private persons with the

commission the provision of assistance under Section B and award contracts to organizations and individuals under Article 59.

3) The professionals involved in the implementation of child and youth welfare are guided by the recognized state of scientific development and act in a professionally justified manner.

Art. 10

Confidentiality obligations

1) Persons working in recognized private child and youth welfare facilities as well as professionals appointed in individual cases are obliged to maintain secrecy about all facts of which they have become aware in the course of their work and which a person has a legitimate interest in keeping confidential.

2) You may disclose confidential information only in fulfillment of an express legal obligation or on the basis of an authorization from the authorized persons.

3) The obligation to maintain confidentiality does not apply to other persons and institutions working in child and youth welfare in Germany or abroad within the scope of the necessary professional cooperation.

4) The disclosure of personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, under this Act is reserved.

Art. 11

Eligibility

1) Children and adolescents, their parents and other caregivers are entitled to assistance in accordance with Section B. The services of the Office for Social Services as well as those of private child and youth welfare institutions may be used within the scope of their respective responsibilities.

2) Young adults are eligible for Section B assistance if:

a) assistance has already been provided before the age of 18 and it is necessary to continue the service previously provided;

b) they are not yet capable of self-support or there are special circumstances in their lives which make the provision of assistance for independence appear necessary and purposeful; for persons who have achieved a permanent income and thereby acquired unemployment entitlements, the Social Assistance Act is to be applied.

3) Children and adolescents can also contact the Office of Social Services without the knowledge of their parent or guardian and ask the office to

if the counseling is necessary due to an emergency or conflict situation and as long as the purpose of the counseling would be prevented by informing the legal guardians.

4) Children and adolescents whose well-being is endangered or harmed are entitled to have the Office of Social Services take official measures on its own initiative in accordance with section C and provide the necessary assistance.

5) Children and adolescents who have committed an act punishable by law are entitled to receive assistance from the Office of Social Services in accordance with Section D.

Art. 12

Participation of those affected

1) The professionals working in child and youth welfare strive to cooperate with parents and guardians and to actively involve children and adolescents according to their age.

2) Persons for whom child and youth welfare services are provided are obliged to cooperate.

3) The wishes of the legal guardians regarding the organization of child and youth welfare will be taken into account as far as they are reasonable and do not cause unjustifiable additional costs.

B. Aids Art. 13

Information and prevention

1) Within the framework of child and youth welfare, both those seeking advice and the public are informed about the concerns of children, young people and families, in particular about general questions of upbringing and the development of children and young people.

2) Preventive assistance is provided to ensure the successful development of children and adolescents and to reduce developmental risks.

Art. 14

Consultation, care, clarification and therapy

1) If necessary, children, adolescents and their families, as well as other

The children and adolescents receive advice, support, clarification and therapy from the relevant professionals working in child and adolescent welfare.

2) For the purpose of counseling, care, clarification and therapy, children and adolescents may also be placed in suitable institutions, in particular:

a) in a recognized private institution for child and youth welfare;

b) In another educational-therapeutic institution; or

c) In a child and adolescent psychiatric or other medical facility.

Art. 15

Special assistance

If required:

a) assistance beyond the scope of Art. 14, such as pedagogical support, promotion of psychological and physical development, relief in difficult circumstances;

b) Children and adolescents placed with a foster family or caregiver;

c) Children and youth placed in care at a daycare or similar facility, with a childminder, or other suitable private individual.

Art. 16

Programs and projects

If necessary, participation in programs and projects, especially training and employment programs, work and integration projects, and other social and educational projects, is made possible.

Art. 17

Financial aids

The Office of Social Services provides financial assistance and assistance in kind when special circumstances or life situations make this necessary, in particular:

a) if no one else can finance the maintenance and other expenses necessary or customary for a normal lifestyle and age-appropriate development of children and adolescents;

b) for young people participating in a program or project under Art. 16;

c) for young adults, if the requirements according to Art. 11 Para. 2 Letter b are fulfilled;

d) for working parents or guardians who cannot afford, or cannot fully afford, their own contributions to the out-of-home day care of a child, adolescent or youth; the government shall regulate the details by ordinance;

e) to relieve the burden on families who need it due to special stresses, for example due to a mental or physical illness or disability of a child, adolescent or young person or a person with parental authority.

Art. 18

Cost sharing and bearing of costs

1) Persons who receive assistance within the framework of child and youth welfare are exempt from cost sharing, with the exception of Paragraph 2, if the assistance is provided by the Office for Social Services itself or is ordered by it.

2) Parents and other legal guardians may contribute to the costs of accommodation or care in accordance with Art. 14 Para. 2 and Art. 15 Letters b and c. The personal contributions shall be determined in such a way that the amount of the cost contribution is based on the reduced household expenses incurred by the child's, adolescent's or young person's stay in hospital or in care. In the case of low-income parents and other legal guardians, the personal contribution shall be reduced or waived entirely. The Office of Social Services determines the personal contributions and decides on the reduction or waiver in individual cases.

3) For assistance not provided or ordered by the Office for Social Services itself, the costs are generally to be borne by the persons making use of the assistance. If persons in need of assistance cannot afford adequate and beneficial assistance, the Office for Social Services may contribute to the costs.

4) The Office of Social Services bears the costs of the assistance it orders, unless there is a legal obligation to pay benefits on the part of other cost bearers.

5) The recognized private child and youth welfare institutions shall bear the costs for the assistance they provide in accordance with the service agreement within the scope of their budget. If they require additional financial resources for the provision of assistance in an individual case, the Office for Social Services shall decide on the type and extent of the assistance and shall bear the costs in accordance with par. 4.

6) The government shall regulate the details, in particular with regard to the determination of cost sharing and own contributions, by ordinance.

Art. 18a

Duty to provide information

1) Insofar as this is necessary for the payment of financial assistance in accordance with Article 17 or the determination and calculation, reduction or waiver of personal contributions and cost sharing in accordance with Articles 17 and 18, parents and other legal guardians must inform the Office for Social Services truthfully and completely about all circumstances relevant to the payment of financial assistance and the determination of cost sharing and contributions and submit the necessary documents.

2) Persons required to provide information under subsection (1) shall report facts that may cause a change in the provision of assistance or its discontinuance to the Office of Social Services without delay.

3) If persons obliged to provide information pursuant to paragraph 1 do not comply with their obligation to cooperate in the determination of their income, the AHV/IV/FAK institutions and other social insurance institutions, the Office of National Economy and the employers shall, at the request of the Office of Social Services, provide information in individual cases on the insurance and employment relationship as well as cash benefits due to unemployment.

4) The Government may regulate the details, in particular the type and scope of the data to be transmitted, by ordinance.

C. Measures to safeguard the welfare of children and adolescents Art. 19

Regulatory cooperation

In order to safeguard the welfare of children and adolescents, the Office for Social Services, the School Authority and other state authorities are obliged to work together in a coordinated manner. To this end, they must support each other and coordinate their activities, in particular by clarifying responsibilities, procedures and approaches.

Art. 20

Reporting requirements

1) Any person who has a reasonable suspicion of the existence of a serious violation or endangerment of the welfare of children and adolescents, or

The person who has knowledge of this is obligated to report it to the Office of Social Services. Serious injuries or endangerments are particularly present in the case of maltreatment and other serious uses of violence, sexual abuse, gross neglect, threatened forced marriage, custody, or other forms of violence.

and addiction to addictive substances.

2) Anyone who has reasonable suspicion or knowledge of the existence of a less serious injury or threat to the welfare of children and adolescents is entitled to report it to the Office of Social Services.

Art. 21

Clarifications

1) If the Office of Social Services receives a report pursuant to Art. 20 or otherwise becomes aware of the violation or endangerment of the welfare of children and adolescents, it shall conduct the clarifications necessary for their assessment or have such clarifications conducted.

2) Persons working in child and youth welfare or in child and youth work, teachers, kindergarten teachers and members of the health care professions must cooperate in clarifying whether there is a violation of or threat to the welfare of children and adolescents and in clarifying whether there is a need for action and must support the Office of Social Services with their expertise and experience.

Art. 22

Lifting of the confidentiality obligations

Persons who are subject to the official or professional duty of confidentiality are released from their reporting obligations and the exercise of their reporting right under Art. 20 and from their cooperation in the investigations under Art. 21.

Art. 23

Aids and further measures

1) If the well-being of children and adolescents is violated or endangered, the Office for Social Services shall itself provide or arrange for the necessary assistance in accordance with section B. Appropriate assistance may be provided in consultation with the Office for Social Services by suitable third parties, in particular by persons named in Art. 21 Para. 2 who have a personal relationship of trust with the children and adolescents concerned.

2) If necessary, the Office of Social Services shall take further appropriate measures in the event of a violation or a threat to the welfare of children and adolescents, in particular it shall issue directives and impose conditions in accordance with Art. 24 or arrange for placement in accordance with Art. 25 ff. The doctors on duty and the national police shall support the Office for Social Services at its request in the implementation of measures.

3) If necessary, preventive assistance must be provided and measures implemented, for example if there are signs of neglect or addiction among children and adolescents.

4) An official measure ends when its purpose has been achieved or when the purpose can be ensured in another way.

In any case, the administrative measure ends when the young person concerned reaches the age of 18.

Art. 24

Instructions and requirements

1) If the well-being of children and adolescents is endangered, the Office of Social Services may impose restrictions and requirements on children and adolescents and their legal guardians.

2) In particular, it may instruct children and adolescents to:

a) Participate in a program or project;

b) To undergo counseling, supervision, clarification or therapy;

c) to make use of pedagogical aids;

d) to take up an activity, training or education.

3) In particular, it may instruct the legal guardians:

a) to provide regular care and education;

b) To use or allow certain professional assistance for their children and adolescents, in particular educational, psychological or medical counseling, treatment or control;

c) to subject themselves to a specific psychological or medical examination, treatment or therapy, including measures to control and ensure abstinence in the case of addictive disorders.

4) If a person with parental authority refuses to comply with an instruction or requirement and the risk to the welfare of the child, adolescent or

of the juvenile, the Office for Social Services shall apply to the regional court for a court order for the same measure to be taken in a non-contentious procedure. The district court may instruct the Office for Social Services to monitor compliance with the instruction or requirement.

5) Sections 176 to 176b and 215 of the General Civil Code and Section 195 of the Criminal Code shall remain reserved.

Accommodation in suitable facilities

Art. 25

a) Principle

1) Children and adolescents whose well-being, if left in the given environment, would be affected by mental disorder, addiction, social deviance, neglect,

The child who is seriously endangered by violence, sexual abuse or other impairments, whether through his or her own behavior or the behavior of other persons, may also be placed in suitable facilities in accordance with Art. 14 Para. 2 against his or her will or the will of his or her legal guardians if the necessary help cannot be provided in any other way.

2) The burden that children and adolescents place on their environment as a result of a mental disorder or their deviant behavior, in particular the threat to the life or health of other persons, shall be taken into account in the placement.

3) Placement may be in an open or closed facility.

Art. 26

b) Accommodation by the Office of Social Services

The Office of Social Services may order placement in an open facility with the consent of the parent or guardian.

Art. 27

c) Accommodation by the district court

1) The district court shall decide on the placement within four weeks at the request of the Office of Social Services if:

a) The parent or guardian does not consent to placement in an open facility; or

b) the placement is to be in a closed facility.

2) The application of the Office of Social Services has to include information about the place and the

duration of the placement as well as its expert opinion. If necessary, the Regional Court shall also obtain a child and adolescent psychiatric or child and adolescent psychology report or other expert reports.

3) If necessary, the district court shall appoint a person to provide legal assistance to children and juveniles and to represent their interests in the proceedings. The costs shall be borne by the Land.

4) The decision on placement as well as on the appointment of a person pursuant to subsection 3 shall be communicated to the legal guardians, the Office of Social Services and, in an appropriate form, to the children and

adolescent and, if appropriate, to the public health officer, the physician on duty, or the physician on duty.

5) Placement may be ordered for a maximum of one year. The Office for Social Services must regularly review whether the purpose of the measure is being achieved and whether the placement continues to be justified; for this purpose, reports from the supervising domestic or foreign institution in particular must be obtained.

6) The District Court decides on an extension of the measure at the request of the Office of Social Services. The Regional Court also decides on the provisional termination of the measure:

a) At the request of the Office of Social Services; or

b) at the request of the child or adolescent concerned or the guardians; the opinion of the Office of Social Services and an independent expert opinion must be obtained.

7) Children and adolescents are to be released from an institution as soon as the purpose of the measure has been achieved, their mental state permits it and their further care is ensured.

8) The children and juveniles affected by the measure, the persons providing them with legal assistance pursuant to subsection 3, the legal guardians and the Office for Social Services may appeal against the decision of the Regional Court to the Supreme Court within 14 days. An appeal against the decision of the Higher Court may be lodged with the Supreme Court.

Art. 28

d) Accommodation in case of imminent danger

1) In the event of imminent danger, the Office of Social Services shall immediately place the person in

The court shall order the defendant's detention or retention in an appropriate facility with notice to the district court.

2) Placement in a suitable facility may also be ordered by a physician on duty in the event of imminent danger, with notification of the district court and the Office of Social Services.

3) The district court shall rule on the admissibility of the orders within five days.

4) If necessary, the Office of Social Services shall immediately apply to the district court for further measures or take such measures itself.

5) The Government may regulate the details of the physicians on duty, in particular their professional qualifications, by ordinance.

Art. 29

e) Hearing

1) The Office of Social Services and the courts shall hear children and adolescents as well as legal guardians in person before deciding on placement or retention. If necessary, the hearing must take place at the facility.

2) The hearing may exceptionally be omitted if a person referred to in paragraph 1 is not capable of expressing his or her own opinion or if the hearing is not possible for other reasons.

3) If the hearing is temporarily not feasible, it shall be held as soon as possible.

Art. 30

Criminal charges of the Office of Social Services

1) Subject to Section 53 of the Code of Criminal Procedure, the Office of Social Services may also refrain from reporting a criminal act to the public prosecutor's office or the state police in cases where it receives reports of endangerment or violation of the welfare of children and adolescents but does not itself have or establish a personal relationship of trust with them, if this would impair or prevent the provision of appropriate assistance to the children and adolescents concerned by third parties whose effectiveness requires a personal relationship of trust.

2) The public prosecutor's office and the district court inform the Office of Social

Services on the result of their completion, if the Office of Social Services has reported criminal acts related to endangerment or violation of the welfare of children and adolescents.

D. Support for delinquent children and adolescents

Art. 31

Support through measures and cooperation

1) Children and adolescents who have committed a punishable act shall be supported with appropriate measures, in particular pedagogical-therapeutic measures, in order to prevent further offenses and dissocial development.

2) To this end, the Office of Social Services, the State Police, the Public Prosecutor's Office, the District Court and the Probation Service are obliged to cooperate. They must support each other and coordinate their activities. This applies in particular to the implementation of diversionary measures.

Art. 32

Notification to the Office of Social Services

The prosecutor's office shall report to the Office of Social Services:

a) Children and adolescents who have committed an act punishable by law;

b) the initiation of criminal proceedings against juveniles; and

c) the result of settlement by the public prosecutor's office or the courts in juvenile court proceedings.

Art. 33

Clarifications and recommendations

1) The Office of Social Services shall examine the cases reported under Art. 32.

2) If the circumstances and the nature of the offense indicate family, educational, professional or social problems or a personality development disorder, the Office of Social Services will make the necessary inquiries.

3) The Office of Social Services shall notify the public prosecutor's office or the district court of findings pursuant to subsection 2 and provide them with recommendations for appropriate measures, in particular educational-therapeutic measures.

4) If the clarifications of the Office for Social Services result in a need for action

If there is a need to safeguard the welfare of children and adolescents, Section C shall apply. The Office of Social Services shall inform the district court or the public prosecutor's office of any assistance provided or measures taken as long as they are involved in the matter of the children and adolescents concerned.

Art. 34

Educational measures and special surveys

1) Assistance under section B may be ordered by the district court as educational measures within the meaning of section 3 of the Juvenile Court Act.

2) If the order of the district court is based on a recommendation of the Office of Social Services, the bearing and sharing of costs shall be governed by Article 18.

3) If the Office of Social Services is entrusted with special surveys pursuant to Section 21 of the Juvenile Courts Act, Article 33(3) shall apply.

E. Foster care for the purpose of adoption and adoptions abroad

1. General provisions for the admission of children and adolescents

Art. 35

Authorization requirement

Anyone wishing to take children or adolescents into his or her household for the purpose of adoption or to adopt them abroad requires a permit from the Office of Social Services for each child, adolescent or young person.

Art. 36

General requirements

1) A child, adolescent, or youth may be adopted or adopted abroad for the purpose of adoption only if the prospective adoptive parents or the prospective adoptive person (prospective adopt-

The child, adolescent or young person must be of good character, health, personality, educational aptitude, economic circumstances and living conditions, and their co-inhabitants must guarantee good care, upbringing and education as well as the maintenance of the child, adolescent or young person, and the well-being of other children and adolescents living in the household must not be endangered.

2) The Office of Social Services shall verify, prior to issuance of the permit, that:

a) there are no legal obstacles to the adoption;

b) the prerequisites according to Para. 1 are fulfilled;

c) the entire circumstances indicate that the adoption is in the best interests of the child, adolescent or young person.

2a) The prospective adoptive persons are obliged, within the framework of the examination of the requirements under paras. 1 and 2, to report to the Office of Social Services:

a) to provide the necessary information;

b) submit the necessary documents; and

c) to grant access to premises.

3) The Government shall regulate the details of the licensing procedure and the requirements for receiving children and adolescents for the purpose of adoption and children and adolescents adopted abroad by ordinance.

Art. 37

Maintenance and insurance obligations

1) Anyone who takes children or young people into their household for the purpose of adoption must:

a) pay for their maintenance as for that of their own children and adolescents; § 140 ABGB shall apply mutatis mutandis. The granting of care allowance is excluded;

b) take out health, accident and liability insurance for them to an appropriate extent.

2) If, after taking in children and adolescents, it turns out that the adoption cannot come about, all costs for their maintenance, including insurance, are nevertheless to be borne by the foster carers until an adoption by third parties comes about, or,

if this was necessary for the welfare of the children and adolescents, they returned to their home country.

Art. 38

Prohibition of violence

The prohibition of violence for parents according to § 146a para. 2 ABGB also applies to caregivers.

Art. 39

Care time and supervision

1) The period of care prior to adoption shall not exceed six months.

2) During the foster care period, the Office of Social Services checks whether the prerequisites for taking in children and adolescents continue to be met and advises the future adoptive parents if necessary.

3) Prospective adoptive parents must notify the Office of Social Services of any significant change in circumstances during the foster care period.

4) If deficiencies or difficulties cannot be remedied and measures to remedy the situation appear useless, the Office of Social Services shall withdraw the permit and take the necessary measures.

5) The Government shall regulate the details concerning the supervision of foster care relationships for the purpose of adoption by ordinance.

2. Special provisions for the admission of children and adolescents from the foreign country

Art. 40

Additional requirements

1) Children and adolescents who have previously lived abroad may only be taken in for the purpose of adoption or adopted abroad if the future adoptive persons are prepared to accept the children and adolescents in their own way and to familiarize them with their country of origin in accordance with their age.

2) Also to be submitted to the Office of Social Services:

a) A medical report on the health of the child, adolescent or youth;

b) A report that presents the child's, adolescent's, or youth's life history to date, to the extent it is known;

c) the consent of the child's, adolescent's or young person's parents to the adoption or a statement from an authority in the country of origin as to why consent cannot be provided;

d) a declaration by a competent authority under the law of the country of origin that the adoption is in the best interests of the child, adolescent or young person;

e) the written statement of will of the prospective adoptive persons that they wish to adopt the child, adolescent or young person.

3) Before granting the permit, the Office for Social Services shall check whether the prerequisites according to paras. 1 and 2 are fulfilled.

Art. 40a

Cooperation with competent foreign authorities

For the purpose of receiving children and adolescents from abroad, the Office of Social Services may transmit and receive certificates and reports within the framework of cooperation with the competent foreign authorities.

Art. 41

Personal contact

Permission to adopt children and adolescents from abroad must be granted by the Office of Social Services on condition that the future adoptive persons visit the child, adolescent or young person in the home country, if no personal contact has yet taken place, or pick them up in the home country and accompany them to Liechtenstein. If there are exceptional circumstances, this requirement may be waived.

Art. 42

Entry and stay

Entry visas and assurances of residence permits for children and adolescents from abroad who are to be taken in domestically for the purpose of adoption or after successful adoption abroad may only be issued upon presentation of a permit from the Office of Social Services to take in children and adolescents.

Art. 43

Obligation to report

Prospective adopters, as well as persons who have adopted a child, adolescent, or youth abroad, must notify the Office of Social Services of the child's, adolescent's, or youth's entry into the country within ten days.

Art. 44

Observation

1) From the time of departure of children and adolescents from their home countries until their adoption, the custody of children and adolescents is incumbent on the future adoptive persons, unless the custody for this period is incumbent on a person or authority in the home country. The provisions of the ABGB on custody shall apply mutatis mutandis to the prospective adoptive persons.

2) The maintenance and insurance obligations under Article 37 arise at the time of departure of children and adolescents from their home countries.

Art. 45

Placement of children and teenagers

1) Anyone who operates the placement of children and adolescents from abroad for the purpose of adoption on a commercial basis requires a permit from the Office of Social Services.

2) No person shall derive any improper pecuniary or other advantage from any activity in connection with an intercountry adoption. Only costs and expenses, including reasonable

Fees of persons involved in the adoption are billed and paid.

3) The Office for Social Services shall supervise the placement agencies. In the event of abusive adoption mediation, in particular in accordance with subsection 2, it shall withdraw the license and take the necessary measures.

4) The Government shall regulate the details of the placement of children and juveniles from abroad for the purpose of adoption by ordinance, in particular with regard to the requirements and supervision of the placement agencies.

Art. 46

Proceedings under the Hague Convention

1) The Office of Social Services is the Central Authority within the meaning of Article 6(1) of the Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption ("The Hague Convention").

2) The Regional Court is the competent authority for issuing a certificate of adoption within the meaning of Article 23(1) of the "Hague Convention".

3) In the case of admission of children and adolescents from contracting states of the "Hague Convention", the procedure shall be governed by this Convention.

Art. 47

Recognition of adoptions

Adoptions that have taken place abroad in accordance with the provisions of Section E shall be recognized. Confirmation from the foreign authority that carried out the adoption must be provided.

3. Right to information for adopted children and adolescents

Art. 48

Right to information about the origin

Children and adolescents shall, as far as possible, be given access by the competent authorities, in a psychologically appropriate manner, to the information concerning their origin, in particular the identity of their biological parents.

F. Out-of-home care and nursing of children and adolescents

1. Private care and nursing relationships Art.

49

Authorization requirement

1) Anyone wishing to take in children and adolescents under 16 years of age into their household requires an authorization from the Office of Social Services for each child, adolescent and young person, provided that the admission is made:

a) against payment; and

b) during a period of at least three months on 40 hours per mo- nat.

2) The following are exempt from the permit requirement:

a) Care and nursing relationships of relatives or in-laws up to and including the third degree;

b) Foster care relationships, insofar as the foster carers have been assigned the rights of upbringing by the court;

c) Court-ordered or officially ordered foster care.

3) Retrieved

Art. 50

Requirements

1) Children and adolescents under the age of 16 may only be admitted if the caregivers and their fellow residents are of good character, reputation, health, and are able to cope with the demands of the job.

The child or adolescent must be of good health and educational aptitude, and the living conditions must ensure that the children and adolescents are well cared for, educated and trained, and that the well-being of other children and adolescents living in the household is not endangered.

2) The Office of Social Services will verify that these requirements are met before issuing the permit.

3) Caregivers or caregivers are required to report to the Office of Social Services as part of the approval process:

a) to provide the necessary information;

b) submit the necessary documents;

c) Allow contact with the children and youth in care; and

d) to grant access to premises.

Art. 51

Prohibition of violence

The prohibition of violence for parents according to § 146a para. 2 ABGB also applies to caregivers.

Art. 52

Supervision

1) After the start of the care relationship, the Office of Social Services checks whether the requirements under Art. 50 Para. 1 continue to be met and advises the caregivers if necessary.

2) If deficiencies or difficulties cannot be remedied, even in cooperation with the parents or the legal representative, and if other measures to remedy the situation appear useless, the Office of Social Services shall withdraw the permit and take the necessary measures.

3) In case of imminent danger, the Office of Social Services shall take the necessary measures without delay.

3a) Art. 50 par. 3 shall apply to the obligation of the caregivers to cooperate.

4) The Government shall regulate the details concerning the supervision of care and nursing relationships by ordinance.

2. Care and nursing facilities Art. 53

Authorization requirement

1) The operation of facilities that accept children and youth for care or supervision requires a permit from the Office of Social Services.

2) Kindergartens and school facilities that are under the supervision of the state are exempt from the licensing requirement.

3) Lifted

Art. 54

Requirements

1) A facility may only be operated if:

a) a pedagogical concept based on scientifically recognized criteria appears to ensure that the children and adolescents are cared for in a manner that is conducive to their physical and psychological development;

b) the head person and the employees are suitable for their task in terms of their personality, reputation, health, educational qualifications and training, and the number of employees is in proportion to the number of children and adolescents to be cared for;

c) healthy and varied nutrition is provided;

d) the facilities meet the recognized requirements of residential hygiene and fire protection;

e) the facility has a secure economic and organizational basis; and

f) the facility has adequate liability insurance.

2) The Office of Social Services will verify that these requirements are met before issuing the permit.

2a) Care and nursing facilities are obliged to report to the Office of Social Services as part of the approval process:

a) to provide the necessary information;

b) submit the necessary documents;

c) Allow contact with the children and youth in care; and

d) to grant access to premises.

3) The government shall regulate the details of the licensing procedure and the requirements for the operation of the facility by ordinance.

Art. 55

Prohibition of violence

The prohibition of violence for parents according to § 146a para. 2 ABGB also applies to caregivers.

Art. 56

Supervision

1) The Office of Social Services regularly checks after the start of operations whether the requirements under Art. 54 continue to be met.

2) If deficiencies or difficulties cannot be remedied by counseling or by arranging for expert assistance, the Office of Social Services shall request the person in charge of the facility, notifying the institution, to take the necessary steps to remedy the deficiencies or difficulties without delay.

3) If these measures are unsuccessful or appear insufficient from the outset, the Office of Social Services will withdraw the permit and take the necessary measures.

3a) Art. 54 par. 2a shall apply to the duty of cooperation of care and nursing institutions.

4) The Government shall regulate the details concerning the supervision of care and nursing relationships by ordinance.

G. Private facilities and financial contributions

Art. 57

Participation of private institutions

1) Suitable private institutions, such as counseling centers, pedagogical-therapeutic institutions or day-care facilities, may be called upon to participate in child and youth welfare and may be supported financially. For this purpose, the Office for Social Services concludes service agreements with the providers of such facilities, which require the approval of the government. With the approval of the service contract, the facility is deemed to be recognized.

2) The service agreements regulate in particular:

a) the principles of service provision;

b) the range of services or the services to be provided (type, quantity, quality);

c) the form and amount of financial contributions;

d) the performance review;

e) the data to be transmitted to the Office of Social Services.

3) The Office of Social Services monitors compliance with the service agreements and aligns the financial contributions.

4) The Office for Social Services can provide professional and organizational support to recognized private child and youth welfare institutions, in particular in arranging places for out-of-home care and nursing of children and adolescents.

5) The Office of Social Services or a third party commissioned by it may operate information systems for calculating the financial contributions and for arranging places for the out-of-home care and nursing of children and adolescents.

6) The government shall regulate the details by ordinance.

Art. 58

Supervision of private institutions

1) The Office for Social Services is responsible for supervising the recognized private child and youth welfare institutions, in particular with regard to technical, financial and organizational matters.

2) If deficiencies or difficulties are identified in the course of the supervisory activities and these are not remedied despite a reminder, the Office of Social Services may terminate the service contract and apply to the government for withdrawal as a private child and youth welfare institution and, if necessary, withdraw the authorization pursuant to Art. 56 Para. 3.

Art. 59

Participation of other organizations and individuals

1) For individual projects and services, the Office of Social Services may, within the framework of child and youth welfare, also award contracts to organizations that are not recognized private child and youth welfare institutions, as well as to individuals, or participate in and finance programs offered by such organizations.

2) In particular, financial support may be provided to:

a) Training and employment programs, labor and inclusion projects, and other social and educational projects;

b) Relief and support services that serve to improve the compatibility of family and work or benefit families with special burdens.

Art. 60

Securing childcare places

In order to guarantee child and youth welfare, the Office of Social Services provides

for securing care places in pedagogical-therapeutic establishments and, if necessary, submits appropriate contracts with foreign institutions and authorities to the Government for approval and signature. It reviews whether child and youth care can be better ensured by establishing and operating the necessary facilities domestically.

H. Recognition of paternity Art. 61

Notarization and certification

Declarations of acknowledgement of paternity and related declarations must be made by the Office of Social Services.

to be notarized and certified. The parents are recommended by the Office of Social Services to conclude a maintenance agreement.

III. Child and youth protection

A. General

Art. 62

Purpose, principles

1) The purpose of the protection of children and young persons is:

a) the protection of children and adolescents from dangers and situations that may harm them or impair their development, as well as from actions and activities that are not beneficial to them due to their age and stage of development;

b) Empowering children and youth in their ability to protect themselves.

2) All adults are obligated, within the framework of private and public education, to assume their responsibility for children and adolescents within their sphere of influence. They should be encouraged to fulfill their duties, but also held accountable if they violate them.

3) Hazards must be counteracted by preventive measures such as information, education and counseling. Children, young people and adults in particular should be encouraged to critically evaluate and ward off dangerous influences.

Art. 63

Hazard protection

The protection of children and young people includes, in particular, the protection of children and young people from:

a) Use of addictive substances, substance abuse and dependence on addictive substances, and addictive behavior;

b) political, ideological or religious indoctrination, especially by sects;

c) pornography, prostitution, pedophilia and other forms of violation of their sexual integrity;

d) discrimination such as sexism and racism, political radicalization such as right-wing radicalism, violence, glorification of violence and war, and other forms of contempt for humanity;

e) Trafficking in children and adolescents;

f) economic exploitation and dependence through debt, as well as other forms of exploitation of physical or mental immaturity in business transactions and in working life.

B. Special hazards Art. 64

Supervision

1) Supervisors are adult persons who are entrusted with children and adolescents by virtue of their professional duties or on behalf of their legal guardians.

2) The legal guardians shall provide the supervisory authorities with information in accordance with Art. 75 as to whether they have issued an order in accordance with Para. 1. If they refuse to provide this information, the order shall be deemed not to have been given.

3) The legal guardians and supervisors must ensure that the children and adolescents entrusted to their care comply with the regulations on the protection of children and adolescents as part of their parental duties or their duty of supervision.

Art. 65

Output control

1) The legal guardians shall decide on the residence of their children and adolescents subject to paras. 2 and 3 and Art. 66.

2) Subject to paragraph 4, children may only spend the night outside private households or be in public between 10 p.m. and 5 a.m. if they are accompanied by a person with parental authority or a supervisor.

3) Juveniles under 16 years of age may, subject to subsection 4, only spend the night outside of pri- vate households or stay overnight between midnight and

5:00 a.m. in public, provided that they:

a) are accompanied by a parent or guardian; or

b) can present written permission from a person with parental authority for the specific occasion; the permission must include:

1. the date;

2. den or the whereabouts;

3. the time when the young person must be back home;

4. the signature of the person with parental authority.

4) Children and adolescents under 16 years of age may stay overnight in groups with the permission of an authorized person accompanied by an authorized adolescent or adolescent, if the overnight stay takes place within the framework of a camp of an institution or association of child or youth work and an adult person is in charge.

5) Parents and guardians must ensure that children and adolescents are supervised on their way home or back outside the permitted times for going out.

6) The legal guardians must inform the supervisory authorities in accordance with Art. 75 whether they have granted permission in accordance with Para. 3 letter b; if they refuse to provide this information, permission is deemed not to have been granted.

7) Other adults, in particular landlords and landladies, as well as persons organizing events, shall encourage children and adolescents who are outside the permitted curfew hours in their area to go home or return.

Art. 66

Places dangerous for children and young people

1) If a location poses a risk to children and adolescents pursuant to Art. 62 Para. 1 Let. a and Art. 63 due to its nature, location, equipment, mode of operation, the events, performances or shows taking place there, or the expected group of visitors, the persons responsible for such locations or events held there shall ensure that children and adolescents, and if necessary certain age groups, are not exposed to any danger,

be excluded from it. A location may pose a permanent or temporary risk to children and young people.

2) If a locality consists of several separate rooms, the exclusion of children and adolescents must refer to those parts for which one of the conditions under para. 1 applies.

3) Children and young people are not allowed to enter places from which they have been excluded.

4) For locations that pose a risk to the safety of children and adolescents, the persons responsible for such locations or who hold events there must take safety precautions that meet the special safety needs of children and adolescents.

5) The Office for Social Services may o r d e r the exclusion of children and adolescents from locations that pose a risk to children and adolescents with immediate effect if this is urgently necessary. It can also order restrictions or restrictions if this eliminates or significantly reduces the danger.

6) The government shall regulate the details by ordinance. In particular, it may specify locations that are harmful to children or young people and provide for age restrictions; the assessment of harmful effects or developmental impairment pursuant to Art. 62 Para. 1 Let. a due to hazards within the meaning of Art. 63 shall be based on the state of scientific knowledge.

Art. 67

Products and services harmful to children and young people

1) Products and services, including media products and

-Services that pose a risk to children and adolescents in accordance with Art. 62 Para. 1 Letter a and Art. 63 or to the safety of children and adolescents may not be offered, provided, demonstrated or otherwise made accessible to them or to certain age groups. Safety may be endangered, for example, by products such as fireworks or weapon-like objects.

2) Persons who offer or demonstrate products or services that are harmful to children and adolescents pursuant to Par. 1 and entrepreneurs who provide access to such products or services shall take appropriate and reasonable measures to ensure that children and adolescents do not have access to products and services that are not suitable for their age group.

are.

3) Vending machines and similar equipment containing products harmful to children and adolescents may only be installed if appropriate safety precautions are taken to ensure that children and adolescents do not obtain these products. This applies in particular to self-service machines such as cigarette and gaming machines.

4) Persons who manufacture, distribute, offer or demonstrate products and services that are harmful to children and adolescents must also ensure in particular that children and adolescents, or certain age groups if applicable, do not participate in the manufacture, distribution, sale or demonstration of products and services that are harmful to children and adolescents, unless their participation is permitted under other legal provisions and, if necessary, a corresponding permit has been issued by a competent authority.

5) The Office of Social Services may order measures within the meaning of Paragraph 6 with immediate effect if this is urgently required.

6) The Government shall regulate the details by ordinance, in particular

it may:

a) designate products and services harmful to children and young persons and specify which products and services are suitable only for certain age groups; the assessment of harmful effects or developmental impairments pursuant to Art. 62 Para. 1 Let. a by hazards within the meaning of Art. 63 shall be based on the state of scientific knowledge;

b) specify the measures to be taken by the persons responsible in accordance with paragraph 2;

c) prohibit the display of products and services harmful to children and young people in places where they are accessible to children and young people;

d) restrict the advertising of products and services harmful to children and young persons within the meaning of Art. 70;

e) prohibit children and adolescents from consuming and possessing certain products that are harmful to children and adolescents.

7) The provisions of media legislation on the protection of children and young people remain reserved.

Art. 68

Age rating, classification and information requirements for audio-visual media products and services

1) Audio-visual media products and services, in particular films and entertainment software, may only be offered, provided, presented or otherwise made accessible to children and adolescents and may only be brought into their possession and consumed by them if they have been released for their respective age group in accordance with Paragraph 2.

2) Persons who offer or demonstrate audio-visual media products and services on a commercial basis must ensure the minimum age classification in accordance with the recommendations of the reference agencies designated by the Office for Social Services and must make this clearly visible. If there is no recommendation, the minimum age classification is carried out according to the specifications of the Office for Social Services.

3) In television programs of newspapers and magazines, for which contributions are aligned according to the provisions of the media promotion legislation, reference shall be made to the minimum age recommendations wherever possible.

Art. 69

Alcoholic beverages and tobacco products

1) The distribution and passing on of alcoholic beverages as well as tobacco products and smoking products with tobacco substitutes (tobacco products) to children and unauthorized adolescents pursuant to paras. 3 and 4 are prohibited. This also applies if the alcoholic beverages and tobacco products are intended for other persons.

2) Distilled alcohol (spirits) and industrially produced mixed drinks containing alcohol (alcopops) may not be distributed at events aimed specifically at children and young people.

3) The consumption and possession of alcoholic beverages and tobacco products are prohibited for children and adolescents under 16 years of age.

4) The consumption and possession of spirits and alcopops are prohibited for children and adolescents.

5) Children and adolescents may not be induced to violate the prohibitions under paragraphs 1 to 4.

6) In the range of beverages on offer in restaurants, pubs, discotheques, clubs and at events open to children and young people, at least three common non-alcoholic beverages must be offered at a lower price than the cheapest alcoholic beverage in the same quantity.

7) Beverages containing alcohol must be offered for sale in a manner that clearly distinguishes them from non-alcoholic beverages.

Art. 70

Advertising of alcoholic beverages and tobacco products

1) Advertising of alcoholic beverages and tobacco products specifically directed at children and adolescents, as well as the use of children and adolescents to advertise alcoholic beverages and tobacco products are prohibited.

2) Alcoholic beverages and tobacco products may not be labeled with information and illustrations that are specifically directed at children and adolescents. The same applies to the presentation of alcoholic beverages and tobacco products.

3) Advertising of alcoholic beverages and tobacco products is prohibited in particular:

a) in places where mainly children and young people spend time;

b) at cultural, sports or other events attended mainly by children and young people;

c) in media products and services, such as newspapers, magazines, films, entertainment software, intended primarily for children and young people;

d) by giving away promotional items to children and young people free of charge, such as T-shirts, caps, flags, swim balls;

e) by distributing alcoholic beverages and tobacco products to children and adolescents free of charge;

f) on toys;

g) on school materials such as school folders, cases, fountain pens.

4) The provisions of the media legislation for the protection of children and juveniles remain reserved.

Art. 71

Narcotics

1) The criminal and other legal provisions on narcotics shall apply to the production, distribution, purchase and use of narcotics. In the case of offenses committed by children and juveniles, the provisions of this Act, in particular Articles 31 to 34, shall apply in addition to the Juvenile Justice Act.

2) Children and adolescents are prohibited from consuming and possessing substances that fall under the Narcotics Act, but whose consumption and possession is not prohibited for adults. In the event of violation of these prohibitions by children and young

Juveniles are subject to the provisions for the protection of children and juveniles; there is no criminal prosecution.

3) Substances that do not fall under the Narcotics Act but are used to anesthetize, stimulate or intoxicate may not be given or passed on to children and adolescents and may not be consumed or brought into their possession by them. This does not apply, however, if the use has been ordered by a physician. The provisions for the protection of children and young persons, in particular Art. 67, apply.

C. Implementation Art. 72

Participation of the communities

The municipalities are obliged to cooperate in the implementation of child and youth protection.

Art. 73

Age verification and notification obligations

1) The persons responsible according to Section B shall ensure compliance with the age restrictions in their area by carrying out age checks. This applies in particular to restaurants, grocery stores, kiosks, video stores, cinemas, clubhouses, discotheques, clubs and events.

2) The persons responsible pursuant to subsection 1 shall clearly and visibly indicate the provisions for the protection of children and young persons applicable to their area in accordance with the specifications of the Office for Social Services. With regard to the age restrictions, the information requirements also apply to advertising and announcements.

3) Those responsible in accordance with Paragraph 1 must take further appropriate measures to ensure that the provisions for the protection of children and young persons applicable to their area are complied with, in particular by providing information, refusing to sell products or provide services, refusing access or expelling persons from the premises.

4) The municipalities must ensure that the regulations for the protection of children and young people, and in particular the age restrictions, are clearly advertised and observed at events held on the municipality's own premises and in public places.

Art. 74

ID card requirement

1) A valid identification document must be presented upon request as proof that a person has reached a minimum age specified in this Act or in the ordinances issued in connection therewith.

2) The following shall be deemed to be an ID card pursuant to para. 1:

a) Passport;

b) Identity card;

c) Driver's license.

3) The duty of identification according to paragraph 1 applies to the control bodies of the regional police, the municipalities and the Office for Social Services, as well as to other persons who are obliged to carry out age checks, especially in restaurants, grocery stores, kiosks, video stores, cinemas, clubhouses, discotheques, clubs and at events.

Art. 75

Control and monitoring bodies

1) The national police, the municipalities, the Office of Social Services and other authorities concerned with child and youth protection issues are responsible for monitoring and supervising compliance with child and youth protection regulations. They shall cooperate in the performance of their duties.

2) The state police are responsible in particular for organizing and coordinating checks on persons. In particular, it shall ensure that checks on persons are carried out systematically in restaurants and at events. In the event of justified suspicion that the prohibitions on the consumption of alcohol and narcotics have been violated, the police are entitled to carry out or arrange for a verification test to be carried out on children and young people. A refusal of the detection test leads to a report according to par. 6.

3) If, as a result of a police check, children and adolescents have to be taken home to be handed over to their parents or guardians, the parents or guardians must bear the costs of transporting them home. The National Police will charge a fee of 150 Swiss francs.

4) The control bodies of the National Police, the municipalities and the Office of Social Services shall seize alcoholic beverages, tobacco products and other products harmful to children and adolescents from children and adolescents and confiscate the products if they are directly related to a violation of the provisions on the protection of children and adolescents.

5) The Office of Social Services may pre-screen test purchases by children and adolescents.

have test purchases made. In order to ensure the pedagogical supervision of the children or adolescents involved, private individuals and legal entities may only have test purchases made by children and adolescents in consultation with the Office for Social Services. The use of children and adolescents is only permitted with the consent of the parents.

6) The control bodies of the state police and municipalities report to the Office of Social Services:

a) established violations of child and youth protection regulations by children and young people, with the exception of minor cases;

b) If they have repeatedly found a juvenile or youth in a seriously intoxicated state.

7) The control bodies of the municipalities and the Office of Social Services shall report detected violations by adults to the National Police.

Art. 76

Pedagogical measures in case of violations by children and adolescents

1) The Office of Social Services must inform the parents or guardians of violations of child and youth protection regulations by their children and adolescents reported in accordance with Art. 75 Para. 6. The legal guardians must take appropriate educational measures.

2) The Office of Social Services may require children and adolescents and their legal guardians to participate in educational discussions with a specialist from the Office of Social Services and to implement the educational measures agreed upon there.

3) The Office of Social Services may require children and adolescents to participate in a course, instruction, training or educational-therapeutic group program. It may also instruct or require children and adolescents to perform certain educationally effective tasks in their free time, such as community service activities or assistance in the operation of charitable institutions, free of charge, for a maximum of 40 hours.

4) Children and young people may only be called upon to perform tasks which they can reasonably be expected to perform, taking into account their personal circumstances, in particular their abilities, age and health.

5) The Office of Social Services may entrust suitable institutions with the enforcement and monitoring of measures pursuant to para. 3.

6) The Land shall insure children and young persons against illness and accident in the event of their being required to perform community service tasks in accordance with subsection 3, provided that no other insurance cover exists.

7) Furthermore, the province provides insurance coverage in those cases in which children and young people cause damage to an institution, a business, a sponsor or a third party while performing a charitable task, provided that no other insurance coverage exists. The

The Land shall compensate the damage only in money. The state can demand compensation from institutions, companies and sponsors insofar as they or their organs are guilty of intent or gross negligence, in particular through neglect of supervision or instruction.

IV. Promotion of children and youth Art. 77

Purpose

The promotion of children and young people is aimed in particular at promoting open and associative work with children and young people in extracurricular and non-professional areas:

a) the age-appropriate development of young people and the expansion of their learning and development opportunities;

b) social and cultural integration as well as intercultural understanding of young people;

c) supporting disadvantaged young people and improving their equal opportunities;

d) Empowering young people to take responsibility for themselves and for society, and encouraging them to become socially involved;

e) the education of young people in tolerance and respect for human rights. Art.

78

Types of promotion

The promotion of children and young people includes information, advice and support, the payment of financial contributions and the provision of personnel and material resources, including rooms.

Art. 79

The object of the promotion of children and youth

1) Initiatives of young people, offers for young people, institutions and facilities as well as education and training, in particular, are eligible for funding:

a) Youth Initiatives;

b) Events and projects for children and young people;

c) the international youth exchange;

d) Children's recreational activities;

e) Youth information and expert advice;

f) the operation of children's and youth centers and of children's and youth recreational facilities;

g) Premises and facilities for children and youth;

h) In-service training and youth leadership leave for volunteers;

i) Courses and events of further education for people working in the field of children and youth work;

k) Internships and apprenticeships in children's and youth work.

2) In the case of funding under subsection 1, consideration must be given to whether other government funding, for example from the cultural or sports sector, can be claimed. In these cases, with the exception of cross-sectoral projects and programs, funding is not envisaged within the framework of the promotion of children and young people.

Art. 80

Grantee

Within the framework of the promotion of children and young people, the following can be promoted in particular:

a) Facilities for children and youth work;

b) Clubs, associations, departments of associations or other associations of children and youth work;

c) Children's and youth organizations and youth groups;

d) Individuals and groups of persons who carry out events or projects in the field of children's and youth work.

Art. 81

Eligibility criteria

The following criteria shall be used to determine eligibility:

a) conformity with the purpose of the promotion of children and youth;

b) the public, accessibility, non-profit character, plannedness and economic viability;

c) the provision of own services;

d) the qualified management and supervision;

e) the existence of a program or concept;

f) an appropriate structure (organization, personnel, premises);

g) didactics and methodology appropriate to the promotion of children and youth.

Art. 82

Responsibility

1) The promotion of children and young people is the responsibility of the state and the municipalities.

2) The principle applies that initiatives, offers, facilities and installations pursuant to Art. 79 Para. 1 Letters a to g are to be promoted by the municipalities if they are community-related and by the state if they are in the interest of the state and have a national, regional, supraregional or international focus.

3) The Land shall be responsible for the subsidies under Art. 79(1)(h) to (k).

4) State funding is provided by:

a) The payment of financial contributions and the provision of material resources. The financial contributions can be paid out once or regularly in the form of annual contributions;

b) professional support from the Office for Social Services. The Office for Social Services provides information and advice on issues relating to the promotion of children and young people.

5) The Government shall regulate the details concerning the promotion of children and young people of the Land, in particular the conditions for promotion and the scope of promotion, by ordinance. The Office for Social

Services decides on the eligibility, type, scope and amount of funding on a case-by-case basis.

6) Within their area of responsibility, it is up to the municipalities to decide how to implement the promotion of children and young people in accordance with the interests of children and young people. Municipal support is provided in particular by:

a) the operation of children's and youth centers as well as children's and youth recreational facilities;

b) Alignment of financial contributions and by providing personnel and material resources.

Art. 83

Cooperation

1) The state and the municipalities coordinate their support for children and young people. To this end, the bodies and institutions involved in child and youth development in the municipalities work together with the Office for Social Services.

2) The promotion of children and young people, the school system, state vocational promotion, the promotion of culture and sport and other areas of state support for young people must be coordinated with regard to support measures and programs.

Art. 84

Service agreements

The Office of Social Services concludes service agreements with the recipients of regular state subsidies, which require the approval of the government. It monitors compliance with the service agreements and, if necessary, adapts them to changing needs.

Art. 85

Supervision

1) The Office of Social Services is responsible for the supervision of child and youth development in the area of responsibility of the state and is carried out according to the criteria mentioned in Art. 81.

2) Recipients of regular state subsidies are subject to operational supervision. In the case of non-recurring subsidies, in particular in the case of distribu-

In the case of the management of the grants and projects, the supervision is limited to the audit of the use of the grants.

3) If deficiencies are identified in the course of supervisory activities and these are not remedied despite a reminder, the Office of Social Services may refuse funding, terminate the service contract or order other appropriate measures.

4) The supervision of the promotion of children and youth is the responsibility of the municipalities in their area of competence according to the criteria specified in Art. 81.

Art. 86

Confidentiality obligations

Persons professionally active in children's and youth work are obliged to maintain secrecy about all facts of which they become aware in the course of their work and which a person has a legitimate interest in keeping confidential. They may only disclose confidential information in fulfillment of an express legal obligation or on the basis of an authorization by the entitled persons.

V. Representations of the interests of children and young people

A. Participation of children and young people

Art. 87

Co-determination, co-design and co-determination

The state and municipalities must involve children and young people in social decision-making processes and ensure that they have a say in matters that particularly affect them and that they can help shape and determine their environment and their future in a way that is appropriate to their age.

Art. 88

Participation procedure

1) Appropriate procedures for the participation of children and young people are to be developed by the state and the municipalities. These are to

become an integral part of opinion-forming and decision-making processes at the state and local levels.

2) Bills that particularly affect children and adolescents shall be sent to schools so that their adolescent students can comment on them.

3) In the case of public planning that affects the interests of children and adolescents, the state and the municipalities shall publicly state in an appropriate manner how they take these interests into account.

B. Children and Youth Advisory Council Art. 89

Tasks

1) The Children's and Young People's Advisory Council represents the interests of children and young people at state level. It must be consulted by the government on matters affecting children and young people and must be involved in political decisions of state-wide significance for children and young people.

2) The Children and Youth Advisory Council:

a) shall hear children and adolescents and their concerns, as well as persons, institutions and organizations concerned with children's and adolescents' affairs who raise such a concern, and shall deal with their concerns;

b) advocates for the participation of children and young people at state and local level and coordinates and promotes corresponding projects and initiatives;

c) expresses its views on the promotion of children and young people and on other matters of importance to children and young people;

d) issues statements on draft laws and ordinances that particularly affect children and young people;

e) can submit applications to the government and the Office of Social Services and make recommendations on child and youth policy.

Art. 90

Cooperation and public relations

In order to fulfill its tasks, the Children and Youth Advisory Council cooperates with state authorities, municipalities and private organizations that perform tasks in the field of children and youth, and represents its concerns in public.

Art. 91

Election and composition

1) The Children and Youth Advisory Council shall be elected by the Plenary Assembly according to Art. 92 from among its members for a functional period of two years. The result shall be brought to the attention of the Government and the Office for Social Services.

2) The Children's and Youth Advisory Council consists of a chairperson, a deputy chairperson and a maximum of eight other members. A balanced representation of women and men as well as the representation of at least one young person are to be aimed for.

3) The Children's and Youth Advisory Council may in particular consult:

a) Children's and Youth Services staff;

b) School Board Staff;

c) School social work staff;

d) the ombudsperson for children and young people.

Art. 92

Plenary Assembly

1) The Plenary Assembly consists of voting representatives of:

a) Associations and facilities for children and youth work, children's and youth organizations, and child and youth welfare facilities;

b) Youth groups as well as children's and youth departments of associations and political parties that are active nationwide;

c) representative organizations of child and youth participation;

d) Representations of the interests of children and young people in the communities;

e) Parents' Associations.

2) The bodies referred to in Paragraph 1 may each delegate one person to the plenary assembly. A balanced representation of women and men is to be strived for.

3) The plenary assembly is to be convened by the chairperson of the children's and youth advisory council by public announcement in due time before the end of the term of office. The chairperson is responsible for conducting the election to the Children and Youth Advisory Council.

4) If the chairperson and his/her deputy are unable to attend, any other member of the Children's and Youth Advisory Council may convene the plenary meeting and conduct the election to the Children's and Youth Advisory Council.

5) If the Plenary Assembly is not convened by any member of the Children and Youth Advisory Board, the Office of Social Services shall ensure that it is convened and that the new election is held.

Art. 93

Rules of Procedure

1) The Children and Youth Advisory Council shall adopt its own rules of procedure.

2) The Rules of Procedure shall be approved by the Plenary Assembly and brought to the attention of the Government and the Office of Social Services.

Art. 94

Funding and reporting

1) The Children's and Youth Advisory Council receives a flat-rate annual state contribution for administrative expenses, meeting fees and the financing of children's and youth participation projects. It is free to distribute the total amount.

2) The attendance fees shall not exceed the amounts set forth in the Act on the Remuneration of Members of the Government and Commissions, Part-time Judges and Ad hoc Judges.

3) The Children's and Youth Advisory Council shall submit an annual report on its activities and on the use of its financial resources.

funds including an annual financial statement for the attention of the government and the Office of Social Services.

4) The Office of Social Services may have the accounts audited to ensure that they are in order.

C. Representation of the interests of children and young people in the communiti

Art. 95

Order

1) Each municipality appoints a suitable representative body for children and young people for its area.

2) Children and young people must be given an age-appropriate voice in their affairs by the interest groups in the municipalities.

VI. Ombudsman's office for children and

adolescents Art. 96

Tasks

1) The Liechtenstein Human Rights Association has set up an ombudsman's office for children, adolescents and adults in matters relating to children and adolescents, which is independent of instructions and generally accessible and is headed by an ombudsperson. The ombudsperson is obliged to hear concerns of these persons and to accept suggestions and complaints.

2) Ombudsperson:

a) mediates in disagreements between children, adolescents or guardians on the one hand and courts, provincial or municipal authorities, public or private institutions or organizations involved in the care of children and adolescents on the other;

b) is established in the interest of children and adolescents at courts, state and local authorities, public and private institutions and organizations involved in the care of children and adolescents.

The Company does not have the status of a party in proceedings;

c) monitors the implementation of the Convention on the Rights of the Child and its additional protocols, as well as other international protection provisions for children and adolescents by the courts and public administration, maintains contact with regional and international monitoring bodies and reports to them, and may conduct its own investigations to fulfill its tasks;

d) issues opinions on draft laws and ordinances and on the ratification of international conventions that have a particular impact on children and young people;

e) Performs public relations work within the scope of its duties.

Art. 97

Appointment and dismissal

1) The ombudsperson shall be appointed by the Association for Human Rights in Liechtenstein; he or she must be suitable in personal and professional terms to perform the duties pursuant to Art. 96. The appointment shall be preceded by a public invitation to tender.

2) Retrieved

3) May not be appointed as an ombudsperson:

a) Members of the government and their deputies as well as members of the state parliament and their deputies;

b) Community leaders and members of the local councils;

c) Judges, judicial officers and public prosecutors;

d) State and local government personnel;

e) Individuals who work in a public or private institution or organization involved in the care of children and youth.

4) The ombudsperson shall be dismissed prematurely by the Association for Human Rights in Liechtenstein if weighty circumstances arise which make him or her appear no longer suitable for this office.

Art. 98

Right to information and inspection of files

The courts, provincial and municipal authorities, as well as public and private institutions and organizations involved in the care of children and adolescents, shall assist the ombudsperson in the performance of his or her duties by providing him or her with the necessary information upon request.

and allow them to inspect files. In this respect, they are released from the duty of official secrecy or their professional secrecy obligations.

Art. 99 and 100Deleted

VII. Penal provisions

Art. 101

Violations of child and youth welfare regulations

The district court shall punish for a misdemeanor with a fine of up to 5,000 francs, and in case of non-collection with imprisonment for a term of up to one month, whoever:

a) fails to comply with a court order or requirement under Art. 24 par. 4;

b) fails to comply with the reporting obligation pursuant to Art. 20 Par. 1;

c) takes into his or her household or adopts abroad a child, adolescent or young person for the purpose of adoption without a permit in accordance with Art. 35 or 39 para. 4;

d) violates the insurance obligations under Art. 37;

e) does not fulfill the requirement under Art. 41;

f) fails to comply with the reporting obligation under Art. 43;

g) places children and adolescents without a permit in accordance with Art. 45 Para. 1 or 3;

h) takes a child, adolescent or young person into his or her household without a permit in accordance with Art. 49 Para. 1 or 52 Para. 2;

i) operates a care or nursing facility without a permit pursuant to Art. 53 Para. 1 or 56 Para. 3;

k) operates a private child and youth welfare institution without being recognized as such under Article 58, paragraph 2.

Art. 102

Violations of child and youth protection regulations

1) The regional court shall impose a fine of up to 5,000 francs or, if the fine is not paid, a custodial sentence of up to one month on anyone who, as a person with parental authority or as a supervisor, fails to ensure compliance with the provisions on the protection of children and young persons (Art. 64 Para. 3) and grossly or repeatedly breaches his or her duty of supervision or parental education. Punishment of a parent or guardian may be waived if an offer of advice is accepted and it is to be expected that this will lead to a reduction in the number of children and young persons in the future.

compliance with the provisions for the protection of children and young persons pursuant to Art. 64 Para. 3 is ensured.

2) The district court shall punish for violation with a fine of up to 5,000 francs, in case of non-collection with imprisonment for a term of up to one month, whoever is an adult:

a) does not ensure that children and adolescents are excluded from places harmful to children and adolescents (Art. 66 par. 1 and 2);

b) makes available to children and adolescents products or services that are harmful to children and adolescents (Art. 67 Par. 1);

c) does not ensure that children and adolescents do not have access to products and services that are not suitable for their age group (Art. 67 Par. 2);

d) sets up vending machines or similar devices containing products harmful to children and young persons without safety precautions (Art. 67 Par. 3);

e) does not ensure that children and adolescents are not involved in the production, distribution, sale or presentation of products and services that are harmful to children and adolescents (Art. 67 Par. 4);

f) makes unauthorized audio-visual media products or services available to children and adolescents (Art. 68 Par. 1);

g) does not ensure the minimum age classification or does not clearly indicate it (Art. 68 Par. 2);

h) distributes or passes on alcoholic beverages or tobacco products to children or unauthorized minors (Art. 69 Par. 1);

i) distributes spirits or alcopops at events for children and young people (Art. 69 Par. 2);

k) entices children and adolescents to violate the prohibitions on the sale, transfer, possession or consumption of alcoholic beverages and tobacco products (Art. 69 Par. 5);

l) offers less than three popular non-alcoholic beverages at a lower price than the cheapest alcoholic beverage in the same quantity (Art. 69 Par. 6);

m) does not offer alcoholic beverages for sale in a clearly distinguishable manner (Art. 69(7));

n) the advertising restrictions on alcoholic beverages and tobacco products (Art. 70 par. 1 to 3);

o) supplies or passes on to children and adolescents substances that serve to anesthetize, stimulate or intoxicate them (Art. 71 Par. 3);

p) fails to comply with its age verification and notification obligations (Art. 73 par. 1 and 2);

q) fails to ensure that the provisions for the protection of children and young persons applicable in its area are complied with (Art. 73 Par. 3);

r) carries out test purchases without consulting the Office for Social Services (Art. 75 par. 5).

3) The district court shall impose a fine of up to 20,000 francs, and in case of non-collection a custodial sentence of up to three months, on anyone who commits the violations of paragraph 2 in the exercise of his trade or profession (Section 70 of the Criminal Code).

4) The provisions of the Criminal Code and the ancillary criminal law provisions shall apply in addition. Violations of paragraph 2 shall not be punished under this Article if the underlying acts or omissions are punishable by more severe penalties under the Criminal Code.

5) The Public Prosecutor's Office shall report to the Office of Social Services any report of violation of child and youth protection laws by adults.

6) The district court shall notify the Office for the Protection of Children and Young Persons of any final conviction of a trader or an employee of a trader for a violation of child protection regulations.

economy, which verifies whether the trade license is to be revoked.

7) Anyone who does not take part in the discussion in accordance with Art. 76 Para. 2 or does not comply with the agreements made there, or who does not properly carry out an order in accordance with Art. 76 Para. 3, will be punished by the Office for Social Services with an administrative fine. The administrative fine is 200 francs for adults and 50 francs for juveniles.

VIII. Fees, data protection and legal remedies

Art. 103

Fees

A fee may be charged for administrative services provided by the Social Services Office, in particular for certifications and attestations. The Government shall regulate the details by ordinance.

Privacy

Art. 104

a) Processing of personal data

1) The bodies entrusted with the enforcement of the Act may process or have processed personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, to the extent necessary for the performance of their duties under this Act, in particular in order to:

a) to provide child and youth welfare services in accordance with this Act and to determine the type, form and extent of the assistance;

b) to carry out the necessary tests and clarifications;

c) Regularly review entitlements and determine cost-sharing and personal contributions;

d) to assert claims to which the Office of Social Services is entitled;

e) to ensure and implement the protection of children and young people and the promotion of children and young people in accordance with this Act;

f) to exercise supervision over the implementation of this Act;

g) to arrange places for out-of-home care and nursing of children and adolescents and to provide the corresponding financial support;

h) To compile and publish statistics.

2) The government may regulate the details by ordinance.

Art. 104a

b) Disclosure of personal data by law enforcement bodies

1) The bodies entrusted with the enforcement of this Act may disclose personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, in particular:

a) other bodies entrusted with the enforcement of this Act, as well as courts, provincial and municipal authorities, probation officers and guardians, insofar as this is necessary within the scope of cooperation or for the performance of their statutory duties;

b) the AHV/IV/FAK institutions and other social insurance institutions, insofar as the data is required for the determination, amendment or settlement of benefits, the clarification of

The Group's financial reporting is based on the financial statements of the parent company and the Group management report;

c) care and nursing facilities, caregivers and nursing staff, physicians, members of other health care professions, as well as other agencies and persons active in child and youth welfare or in child and youth work, insofar as the data are required for the fulfillment of their tasks assigned by law or by a performance mandate, in particular for the assessment, care, treatment and counseling of children, adolescents and young adults, their parents or other legal guardians;

d) competent domestic or foreign adoption authorities, insofar as this is necessary for the implementation of adoption proceedings.

2) The government may regulate the details by ordinance.

Art. 104b

c) Transmission of personal data to law enforcement bodies

1) Courts, provincial and municipal authorities, AHV/IV/FAKA institutions and other social insurance institutions, care and nursing facilities, persons and bodies involved in child and youth welfare or in child and youth work, care and nursing persons, prospective adopters, teachers, including those of kindergartens, doctors and members of other health care professions, administrators, probation officers and all persons and bodies entitled and obliged to report personal data in accordance with Article 20 shall provide the bodies entrusted with the implementation of this Act with all personal data required for the performance of their duties. 20 shall provide the bodies entrusted with the enforcement of this Act with all personal data required for the performance of the tasks assigned to them, including special categories of personal data and data on criminal convictions and offences.

2) For the purpose of calculating financial contributions and arranging places for the out-of-home care of children and adolescents, the Tax Administration shall provide the Office of Social Services or a third party appointed by it with the necessary personal data.

3) The government may regulate the details by ordinance.

Art. 104c

d) Information Systems

The bodies entrusted with the enforcement of this Act may, in order to perform their duties under this Act and for statistical purposes, use information systems

operate or have operated.

Art. 105

Appeals

1) Appeals against decisions and orders of the Office of Social Services, with the exception of directives and conditions pursuant to Art. 24, may be lodged with the Government within 14 days of notification.

2) Decisions and orders of the Government may be appealed against within

An appeal may be lodged with the Administrative Court within 14 days from the date of service.

IX. Transitional and final provisions Art.

106

Transitional provisions

1) The provisions of this Act shall not apply to adoption proceedings pending at the time of the entry into force of this Act.

2) Private institutions that were called upon to participate in child and youth welfare before the entry into force of this Act shall be deemed to be recognized child and youth welfare institutions. They shall lose their recognition if they do not conclude a service agreement within one year of the entry into force of this Act.

3) Cigarette vending machines for which security measures in accordance with Article 67(3) have not been taken within one year of the entry into force of this Act shall be removed.

Art. 107

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) financial assistance to low-income guardians (Art. 17 let. d);

a) the determination of cost sharing and own contributions as well as the obligation to provide information (Art. 18 Par. 6 and Art. 18a Par. 4);

b) foster relationships for the purpose of adoption and adoptions abroad (Art. 36 par. 3 and Art. 39 par. 5);

c) the placement of children and adolescents from abroad (Art. 45 par.

4);

d) private care and nursing relationships (Art. 52 par. 4);

e) care and nursing facilities (Art. 54 par. 3 and Art. 56 par. 4);

e) the participation of private entities (Art. 57 par. 6);

f) Places harmful to children and young people (Art. 66, para. 6);

g) products and services harmful to children and young persons (Art. 67(6));

h) the promotion of children and young people by the Land (Art. 82(5));

i) the fees for administrative services provided by the Office of Social Services (Art. 103);

k) data protection (Arts. 104 to 104c).

Art. 108

Repeal of previous law

It is repealed:

a) Youth Act of December 19, 1979, LGBl. 1980 No. 38;

b) Act of December 5, 1984, amending the Youth Act, LGBl. 1985 No. 12;

c) Act of December 16, 1994, on the Amendment of the Youth Act, LGBl. 1995 No. 21;

d) Act of April 17, 2002, on the Amendment of the Youth Act, LGBl. 2002 No. 66;

e) Act of October 19, 2005, on the Amendment of the Youth Act, LGBl. 2005 No. 235.

Art. 109

Modification of designations

1) In Section 1 of the Juvenile Courts Act of May 20, 1987, LGBl. 1988 No. 39, the following shall be substituted in the grammatically correct form in each case:

a) the designation "youth welfare" by the designation "child and youth welfare";

b) the designation "protection of minors" by the designation "protection of children and young persons";

c) the designation "Jugendpflege" by the designation "Kinder- und Jugendförderung".

2) In Article 4 of the Social Assistance Act of November 15, 1984, LGBl. 1985 No. 17, replace in the grammatically correct form in each case:

a) the designation "youth welfare" by the designation "child and youth welfare";

b) the designation "Jugendpflege" by the designation "Kinder- und Jugendförderung".

3) In Article 1(3) of the Act of 13 December 2007 on the Protection of Non-Smokers and the Advertising of Tobacco Products, LGBl. 2008 No. 27, the term "Youth Act" shall be replaced by the term "Children and Young Persons Act".

Art. 110

Entry into force

1) This Act shall enter into force on February 1, 2009, subject to the unused expiration of the reference period and subject to subsection (2).

2) Art. 46 shall enter into force on the day on which the Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption enters into force for the Principality of Liechtenstein.

XIII. Public Notification Act

from 23 September 2010

from 17 April 1985

I. General provisions Art. 1

Principle

Legislative provisions (legal provisions) shall be published in the State Gazette, other provisions and orders as well as official notices shall be published in the Official Gazette.

Art. 2

Publisher

The State Law Gazette and Official Gazette are issued by the Government.

II. State Law Gazette

1. Content and form

Art. 3

Content

The following shall be published in the National Law Gazette:

a) Legislative Resolutions;

b) Financial Resolutions;

c) State treaties, decisions of international organizations and legal provisions applicable under international treaties;

d) Administrative arrangements;

e) Decisions of the State Court pursuant to Art. 19, para. 3 of the Act of November 27, 2003, on the state court;

f) Rules of procedure of the Diet, the government and the courts;

g) Regulations;

h) administrative regulations, unless they are addressed exclusively to the departments of the National Administration;

i) Notices, to the extent required by other legislation;

k) Decisions of the EEA Joint Committee pursuant to Article 102(1) of the Agreement on the European Economic Area of 2 May 1992;

l) Corrections to notices pursuant to Art. 13b.

Art. 4

Electronic publishing

The State Law Gazette is issued in electronic form.

Art. 5

Outer shape

1) Each legal provision shall be published in a separate section of the National Law Gazette.

2) The individual pieces contain the designation "Liechtensteinisches Landesgesetzblatt", the year, the consecutive number within a calendar year and the date of issue.

3) Insofar as materials are available to the general public on the legal provisions promulgated in the National Law Gazette, reference may be made to them.

Art. 6

Repealed

Art. 7

Authoritative text

1) Only the electronic version of a legal provision published in the National Law Gazette and signed in accordance with Art. 9 shall be authoritative. If it appears there only with its title and reference or source, the text referred to shall be authoritative.

2) In the case of state treaties and resolutions of international organizations, the texts designated as authentic therein shall be authoritative.

2. Announcement

Art. 8

Principle

The legal provisions to be published in the Provincial Law Gazette are available for consultation on the Internet at www.gesetze.li.

Art. 9

Securing authenticity and integrity

1) The documents containing a legal regulation to be promulgated must have a format that ensures upward compatibility. They must have been generated in a reliable process and be provided with an electronic signature.

2) The documents may not be changed after the signature has been created and, once they have been released for retrieval, they may not be deleted.

3) Backup copies shall be made of each document. One backup copy shall be delivered to and archived by the National Archives.

Art. 10

Ordinary announcement

1) The announcement contains the full text of the legislation.

2) In the cases provided for by law, it may be carried out in a simplified form or by other means beforehand.

Art. 11

Simplified announcement

1) The promulgation of legislation may consist in titles and references or sources of reference, if they:

a) apply in Liechtenstein on the basis of treaties and resolutions of international organizations;

b) are not suitable for publication in full text due to their special nature, especially if they are of a technical nature and are only addressed to specialists or have to be published in a different format.

2) The issuing authority shall expressly order the simplified publication. Art. 12

Extraordinary announcement

1) Legislation may be promulgated for the time being by electronic media, periodical printed matter or public notices if:

a) in order to ensure the effect of a legal provision, it is not necessary to publish it in the Provincial Law Gazette;

b) publication in the National Law Gazette prior to entry into force is not possible due to urgency or other extraordinary circumstances.

2) The issuing authority shall expressly order the extraordinary publication and, in particular, indicate the effective date.

3) The legislation shall be published in the National Gazette as soon as possible.

Art. 13

Time

If the requirements of Art. 3 apply, the announcement shall be made without delay.

Art. 13a

Access to legislation

1) Announcements in the National Law Gazette must be accessible at all times without proof of identity and free of charge; they may be printed out by anyone free of charge.

2) In addition, anyone can obtain from the Government Chancellery for a fee determined by the Government by decree:

a) Printouts of legislation promulgated in the National Law Gazette;

b) Copies of the legislation published in the National Gazette prior to the entry into force of the amendment of April 25, 2012;

c) Printouts or copies of the full text of the legislation published in the National Law Gazette in a simplified manner (Art. 11).

3) The Government may, by decree, establish fees and special conditions for the utilization by third parties of legal provisions promulgated in the National Law Gazette.

Art. 13b

Correction of announcements

1) The government may correct by proclamation:

a) Deviations of an announcement from the original of the legal provision to be announced (announcement errors);

b) Violations of the internal arrangement of the National Law Gazette, in particular with regard to the numbering of individual pieces, the page reference and the indication of the date of issue.

2) Correction of errors in promulgation shall be inadmissible if it would change the substantive content of the promulgated legal provision.

3. Effectiveness Art. 14

Liability

Unless otherwise provided, the binding force of a legal provision published in the National Law Gazette shall commence eight days after its publication.

Art. 15

Effects for the individual

Legal provisions shall bind individuals only if they have been promulgated in accordance with this Act.

4. Systematization and consolidation of legislation Art. 15a

Principle

1) The legal provisions published in the Provincial Law Gazette are classified by subject and made available for consultation in consolidated form on the Internet at www.gesetze.li.

2) Consolidated legislation is for information purposes only and has no legal effect.

3) The government periodically issues a systematic register on consolidated legislation in electronic form.

4) In all other respects, Art. 13a paras. 2 and 3 shall apply mutatis mutandis.

III. Official

Gazette

Art. 16

Contents

1) The Official Gazette is the official publication of the Principality of Liechtenstein.

2) It contains regulations and general orders as well as official notices, insofar as this is required by law or is of public interest.

Art. 17

Form

1) The Official Gazette is published in electronic form. The announcements

in the Official Gazette are available for consultation at the address www.amtsblatt.llv.li.

2) Each announcement published in the Official Gazette shall be numbered consecutively within a calendar year and shall bear the date of issue.

3) If it appears expedient, the announcement may be limited to the title and the reference or reference source. Art. 13a para. 2 let. c shall apply mutatis mutandis.

4) The Government shall determine by decree which announcements pursuant to Art. 16 Par. 2 shall also be published in print in both national newspapers.

IV. Final provisions Art. 18

Execution

1) The Government shall issue the ordinances necessary for the implementation of this Act.

2) The Government may delegate the tasks assigned to it under Articles 2 and 15a to an official agency for independent performance.

3) The Government shall determine which announcements shall be made in the Official Gazette, unless required by law (Art. 16 par. 2).

Art. 18a

Official Journal of the European Communities

Repealed

Art. 19

Transitional provision

Legislation that was not promulgated in the National Gazette under the old law shall be promulgated within five years of the entry into force of this Act if it meets the requirements of the new law.

Art. 20

Expiry of previous law

With the entry into force of this Act, the Ordinance of June 20, 1863, concerning the introduction of a State Law Gazette for the promulgation of laws and ordinances, LGBl. 1863 No. 2, shall be repealed.

Art. 21

Entry into force

1) Subject to the following provisions, this Act shall enter into force on the day of its promulgation.

2) Retrieved

3) Retrieved

XIV. Announcement (Swiss legislation)

from 22 March 2022

the Swiss legal provisions applicable in the Principality of Liechtenstein on the basis of the Customs Treaty (Annexes I and II)

On the basis of Articles 4, 7, 9 and 10 of the Treaty of 29 March 1923 between Switzerland and Liechtenstein on the annexation of the Principality of Liechtenstein to the Swiss customs territory (ZV), LGBl. 1923 No. 24, and on the basis of the Law of 20 June 1996 on the promulgation of Swiss legislation applicable in Liechtenstein, LGBl. 1996 No. 122, the Government promulgates the Swiss legislation applicable in the territory of the Principality of Liechtenstein listed in Annex 1 (Annex I) and Annex 2 (Annex II).

The complete wording of these Swiss legal provisions is published in the Be-purigte Sammlung der Bundesgesetze und Verordnungen 1848 1947 (BS) and in the Amtliche Sammlung des Bundesrechts (AS) as well as in the Systematische Sammlung des Bundesrechts (SR). These collections can be consulted at the National Library and are also available at www.admin.ch (Federal Law), whereby the authoritative version of the Swiss legal provisions applicable in Liechtenstein is based on this publication.

This proclamation shall enter into force on the day following its promulgation and shall replace the proclamation of October 5, 2021, LGBl. 2021 No. 308, in the

As amended by the proclamation of December 21, 2021, LGBl. 2021 No. 438.

[Note: see LR-NR 170.551.631 for a detailed list of promulgated Swiss legislation].

XV. Victim Assistance Act (OHG)

from 22 June 2007

I. General provisions Art. 1

Eligible

1) Any person whose physical, psychological or sexual integrity has been directly impaired by a criminal act (victim) is entitled to assistance under this Act (victim assistance).

2) The victim's spouse, registered partner, children and parents, as well as other persons who are similarly close to the victim (relatives) are also entitled to victim assistance.

3) Persons whose physical or mental integrity has been directly impaired by assistance rendered or attempted to be rendered to victims are also entitled to victim support in the same way as victims (para. 1). The relatives of such persons are entitled to victim assistance in the same way as the relatives of victims (para. 2).

4) The claim exists regardless of whether the perpetrator:

a) has been determined;

b) has behaved culpably;

c) has acted intentionally or negligently.

Art. 2

Forms of victim assistance

Victim assistance includes:

a) Consultation and assistance that cannot be postponed;

b) longer-term assistance from the Victim Assistance Center;

c) Cost contributions for longer-term third-party assistance;

d) Damages;

e) Procedural Assistance.

Art. 3

Local scope

1) Victim assistance is granted if the crime was committed in Liechtenstein.

2) If the offense has been committed abroad, the benefits of the Op- fer Assistance Office shall be granted under the special conditions specified in this Act (Art. 17); damages shall not be paid.

Art. 4

Subsidiarity of victim assistance

1) Victim assistance benefits shall only be granted definitively if the offender or another obligated person or institution fails to perform or fails to perform adequately.

2) Anyone claiming cost contributions for longer-term assistance from third parties or compensation for damages must credibly demonstrate that the requirements under para. 1 are met, unless it is unreasonable to expect him or her to seek benefits from third parties in view of the particular circumstances.

Art. 5

Unpaid services

The counseling, the assistance that cannot be postponed, and the longer-term assistance provided by the Victim Support Unit are free of charge for the victim and his/her relatives.

Art. 6

Consideration of income in the other benefits

1) Entitlement to contributions to the costs of longer-term assistance from third parties and to compensation for financial losses exists only if the chargeable income of the victim or his or her relatives does not exceed four times the income limit pursuant to Art. 1 (1) (a) of the Law on Supplementary Benefits to Old-Age, Survivors' and Invalidity Insurance (ELG).

2) The eligible income of the person entitled to benefits is calculated according to Art. 2 ELG; the decisive factor is the expected income after the offense.

3) Compensation for non-material damage is paid irrespective of the income of the person entitled to claim.

Art. 7

Transfer of claims to the state

1) If the State has provided victim assistance on the basis of this Act, claims for benefits of the same kind to which the victim or his or her dependants are entitled on the basis of the offence shall pass from the person entitled to them to the State to the extent of the benefits provided by the State.

2) These claims shall take precedence over the remaining claims of the person entitled to claim as well as the recourse claims of third parties.

3) The state may waive recourse against the offender if this would endanger the interests of the victim or his or her relatives that are worth protecting or the reintegration of the offender.

Art. 8

Information about victim assistance and notification

1) The victim shall be informed of:

a) the address and the tasks of the victim assistance center;

b) the possibility of claiming various victim assistance services;

c) the deadline for filing claims for damages.

2) The duty under subsection (1) shall be incumbent in particular on the state police, the district court and the public prosecutor's office.

3) A person resident in Liechtenstein who has been the victim of a criminal offence abroad may contact a Liechtenstein representation or an office entrusted with safeguarding Liechtenstein interests. These offices shall inform the victim in accordance with paragraph 1.

4) The office that provides information on victim assistance in accordance with the above provisions shall report the name and address of the victim to the victim assistance office if the victim agrees.

5) This Article shall apply mutatis mutandis to relatives of the victim.

II. Services of the Victim Assistance Center

A. Victim Assistance Center

Art. 9

Establishment and cooperation

1) The Office of Justice has set up a victim assistance office that is independent of instructions in the performance of its duties.

2) In fulfilling its tasks, the Victim Support Unit consults other support institutions and coordinates the services of victim support. Service agreements are concluded for this purpose.

3) It also provides information about the services offered by victim assistance.

Art. 10

File inspection

1) The Victim Support Unit may inspect files of authorities and courts from proceedings in which the victim or his or her relatives participate, provided that they have given their consent.

2) The Victim Support Unit may only be denied the right to inspect files to the extent that this would also be permissible vis-à-vis the aggrieved person under the applicable procedural law.

Art. 11

Confidentiality

1) Subject to paragraphs 2 and 3, persons working for the Victim Support Unit must maintain confidentiality about their observations vis-à-vis authorities and private persons. The obligation to maintain confidentiality shall also apply after termination of the work for the Victim Support Unit.

2) The data subject may release the employee from the obligation to maintain confidentiality.

3) If the physical, psychological or sexual integrity of a minor victim or another minor person is seriously endangered, the victim assistance center may inform the guardianship authorities or file a report with the criminal prosecution authorities. Obligations to report under other laws remain unaffected.

4) Any person who violates the duty of confidentiality shall be punished by the Regional Court with imprisonment of up to six months or a fine of up to 360 daily rates, unless the act is punishable by a more severe penalty under a different provision.

B. Assistance from the Victim Support Unit and contributions to costs

Art. 12

Consulting

1) The Victim Assistance Center advises victims and their relatives and supports them in exercising their rights.

2) It informs the victim and his or her relatives about the benefits of victim assistance and any consequences in terms of costs, and, if necessary, about rights

and obligations of victims in criminal, civil and administrative proceedings, the main features of the procedures before courts and administrative authorities and provides assistance in preparing or completing simple applications and submissions. If necessary, it shall ensure that victims are accompanied or represented by authorized representatives in court (Sections 31a (2) and 34 of the Code of Criminal Procedure).

3) If the Victim Support Unit receives a report pursuant to Art. 8 Para. 4, it shall contact the victim or the victim's relatives.

Art. 13

Intractable and longer-term assistance

1) The Victim Assistance Unit provides immediate assistance to victims and their families for the most urgent needs that arise as a result of the crime (assistance that cannot be postponed).

2) It provides the victim and his or her relatives with additional assistance as necessary until the health condition of the person concerned has stabilized and until the other consequences of the crime have been eliminated or compensated for as far as possible (longer-term assistance).

3) The Victim Support Unit may arrange for third parties to provide assistance that cannot be postponed or that is longer-term in nature.

Art. 14

Scope of services

1) The services include appropriate medical, psychological, social, material and legal assistance in Liechtenstein and, if necessary, in neighboring countries, which has become necessary as a result of the crime. If necessary, the victim assistance office shall provide the victim or his or her relatives with emergency accommodation.

2) A person domiciled abroad who has been the victim of a crime in Liechtenstein is also entitled to contributions towards the costs of treatment at his or her place of residence.

Art. 15

Access to the services of the victim support center

1) The Victim Assistance Center ensures that the victim and his or her relatives receive the assistance that cannot be postponed around the clock.

2) The services of the victim assistance center can be used for an unlimited period of time.

Art. 16

Cost contributions for longer-term third-party assistance

Costs for longer-term third-party assistance are covered as follows:

a) entirely if, within the meaning of Art. 6 paras. 1 and 2, the chargeable income of the

The income of the person entitled to benefits does not exceed twice the income limit;

b) pro rata if the eligible income of the person entitled to benefits is between twice and four times the income limit within the meaning of Art. 6 Paras. 1 and 2.

C. Offense abroad Art. 17

1) If the crime was committed abroad, the victim and his or her dependents are entitled to assistance in accordance with Chapter II, provided that the person entitled to assistance was resident in Liechtenstein at the time of the crime and at the time of the application.

2) Assistance is provided only if the state in which the crime was committed does not provide any or sufficient benefits.

III. Compensation by the State Art.

18

Claim for damages

1) The victim and his or her relatives are entitled to compensation in accordance with the §§ 1325 ff. ABGB.

2) The claim under para. 1 includes compensation for pecuniary damage as well as compensation for non-material damage in accordance with the following provisions.

3) In the case of compensation for pecuniary damage, pure property damage and damage that may trigger benefits of the non-postponable or longer-term assistance pursuant to Art. 13 shall not be taken into account.

4) The right to non-material damages is not heritable.

5) No interest is owed on the damages.

Art. 19

Assessment and limitation of compensation for pecuniary losses

1) Benefits which the claimant has received from third parties as compensation for damage to property shall be offset against the damage for the purpose of calculating the compensation.

2) Compensation for pecuniary loss covers the loss subject to para. 3:

a) in full if, within the meaning of Art. 6 paras. 1 and 2, the chargeable income of the person entitled to benefits does not exceed the income limit;

b) pro rata if the eligible income of the person entitled to benefits is between one and four times the income limit within the meaning of Art. 6 Paras. 1 and 2.

3) Compensation for pecuniary loss shall not exceed 120,000 Swiss francs.

Art. 20

Advance payment for compensation of pecuniary losses

1) If the entitled person needs immediate financial assistance and the consequences of the crime cannot be determined with sufficient certainty in the short term, he or she shall be granted an advance on the basis of a summary examination of the claimed pecuniary losses.

2) The person entitled to compensation must repay the advance if his/her claim for compensation is rejected. If the compensation awarded is less than the advance, he/she must repay the difference.

3) The obligation to repay shall not exist insofar and as long as the necessary maintenance (Section 63 (1) of the Code of Civil Procedure) of the person entitled to claim would be impaired thereby. After the expiry of three years after the conclusion of the proceedings, the obligation to repay the advance payment can no longer be imposed.

Art. 21

Assessment and limitation of compensation for non-material damage

1) Compensation for non-material damage is assessed according to the intensity and duration of the consequences of the crime.

2) Compensation for non-material damage shall amount to no more than:

a) 70 000 francs for the victim;

b) 35,000 francs for dependents.

3) Third-party benefits as compensation for non-material damage are deducted.

Art. 22

Reduction or exclusion of damages

1) Damages to the victim may be reduced or excluded if the victim contributed to causing or aggravating the impairment.

2) Compensation for the victim's relatives may be reduced or excluded if they or the victim have contributed to causing or aggravating the impairment.

3) Compensation for non-material damage may be reduced if the person entitled to compensation is resident abroad and the amount of compensation would be disproportionate due to the cost of living at the place of residence.

Art. 23

Application procedure and responsibility

1) The application for compensation must be submitted to the victim assistance office in writing or be recorded. The application must contain a statement of reasons. The necessary documents must be enclosed.

2) The victim assistance office shall forward the application to the government without delay after checking that it is complete and after making any additions.

3) The government decides on applications for compensation after hearing the victim assistance office.

Art. 24

Deadlines

1) Victims and their relatives must file claims for compensation within five years of the crime; otherwise, claims are forfeited.

2) In the case of offenses under section 58(3)(3) of the Criminal Code, the period under subsection (1) shall not begin to run for the victim before he or she reaches the age of majority.

3) If the victim or his or her relatives have asserted civil claims in criminal proceedings before the expiry of the time limits under subsections (1) or (2), they may file an application for damages within one year of the final decision on the civil claims or on the discontinuation of the criminal proceedings.

IV. Legal aid Art.

25

1) Proceedings under this Act shall be free of charge for victims and their relatives.

2) In court and other administrative proceedings that are a consequence of the criminal act, the victim and his or her relatives shall be exempt from fees and costs in accordance with the procedural assistance provisions of the respective codes of procedure; paragraph 3 remains reserved.

3) The victim and his or her relatives shall be entitled to the assistance of a procedural assistant in accordance with sections 63 et seq. of the Code of Civil Procedure. ZPO, the victim and his or her relatives shall also be entitled to the assistance of a procedural assistant in proceedings before the administrative courts under subsection 1 and in subsequent proceedings before the criminal and administrative courts under subsection 2.

V. Procedure and legal remedies Art. 26

Procedure

Unless otherwise provided by this Act, the provisions of the Act on General State Administrative Care shall apply to proceedings under this Act.

Art. 27

Appeals

1) Appeals against decisions and orders of the Victim Support Unit may be lodged with the government within 14 days of notification.

2) Appeals against decisions of the Government may be lodged with the Administrative Court within 14 days of service.

VI. Transitional and final provisions Art. 28

Evaluation

The Victim Support Unit keeps statistics on its use of victim support and the services it provides, whereby the data of those affected must be treated confidentially. It reports annually to the government on the development of victim assistance and makes recommendations for its improvement.

Art. 29

Adjustment to inflation; structuring of cost contributions and compensation for damages

1) The Government shall periodically adjust the maximum amounts under Articles 19(3) and 21(2) for inflation by ordinance.

2) It may issue regulations on the form of cost contributions for longer-term assistance from third parties and on compensation for damages and, in particular, set flat rates or tariffs for non-material compensation for damages. It may

The Federal Ministry of Health may deviate from the provisions of the ELG in order to take into account the special situation of the patient and his or her relatives.

Art. 30

Transitional provisions

1) Claims for benefits under Art. 5 may also be asserted if the offense was committed before the entry into force of this Act.

2) All other claims under this Act may be brought only if the offense was committed after its effective date.

Art. 31

Entry into force

This Act shall enter into force on April 1, 2008.

XVI. Free Movement of Persons Act (PFZG)

from 20 November 2009

on the free movement of persons for EEA and Swiss nationals

I. General provisions Art. 1

Subject and purpose

1) This law regulates the entry and exit, residence and family reunification of persons under Article 2.

2) It serves the implementation:

a) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC,
90/364/ EEC, 90/365/EEC and 93/96/EEC (EEA Supplementary Acts: Annex VIII 3.01 and Annex V 1.01);

b) the special movement solution for Liechtenstein according to Annexes VIII (Right of establishment) and V (Free movement of workers) of the EEA Agreement;

c) the Framework Agreement of 3 December 2008 between the Principality of Liechtenstein and the Swiss Confederation on cooperation in the fields of visa procedures, entry and stay, and police cooperation in border areas.

1) This law applies to:

Art. 2

Scope

a) Nationals of another member state of the European Economic Area (EEA nationals) or Switzerland (Swiss nationals);

b) Family members of an EEA or Swiss national;

c) de facto life partner of an EEA or Swiss national;

d) other beneficiaries of an EEA national.

2) For family members, de facto life partners and other beneficiaries of Liechtenstein nationals, the provisions for family members, de facto life partners and other beneficiaries of EEA nationals apply mutatis mutandis.

Art. 3

Designations

The personal and functional terms used in this Act shall be understood to mean members of the male and female genders.

Art. 4

Definitions

1) For the purposes of this Act mean:

a) "Employed persons": Persons who are employed or self-employed in Liechtenstein;

b) "Cross-border commuters": persons who are employed or self-employed in Liechtenstein and who return daily to their place of residence outside Liechtenstein;

c) "Cross-border service providers": persons domiciled or resident in the EEA or in Switzerland who perform a temporary self-employed activity in Liechtenstein and their duly employed workers;

d) "Family members":

1. the spouse or registered partner;

2. the relatives of the beneficiary of the right of residence and his/her spouse or registered partner in the direct descending line (including children who are under the care of a legal guardian), who are under 21 years of age or who have been proven to be dependent on the beneficiary of the right of residence;

3. the relatives of the beneficiary of the right of residence and of his/her spouse or registered partner in the direct ascending line, who can prove that they are dependent on the beneficiary of the right of residence;

e) "Third-country nationals": Persons who are neither EEA nationals nor Swiss nationals nor Liechtenstein nationals;

f) "Students": persons who are pursuing general education or education preparing for the practice of a profession at a recognized educational institution in Liechtenstein;

g) "other beneficiary" means a family member, not covered by subparagraph (d), of an EEA national who is a resident or permanent resident, to the extent:

1. the EEA national resident or permanently resident in Liechtenstein has provided him/her with maintenance in the country of origin;

2. he or she has lived in the country of origin in a domestic community with the EEA national entitled to residence or permanent residence in Liechtenstein; or

3. there are serious health reasons which make personal care by the EEA national who is entitled to reside or stay in Liechtenstein absolutely necessary.

2) The Government may, by ordinance, define the terms under paragraph 1 in more detail and define further terms.

Art. 4a

Relationship to the asylum procedure

1) Persons who are staying in Liechtenstein on the basis of the Asylum Act or who are not granted asylum and therefore have to leave the country may not apply for a permit on the basis of this Act. They may only apply for a permit under this Act after the asylum procedure has been completed and they have left the country in accordance with the regulations.

2) Any proceedings already pending for the granting of a short-term residence permit or a residence permit become invalid upon the submission of an asylum application.

3) Residence permits that have already been issued remain valid and can be extended in accordance with the provisions of aliens law.

II. Principle of integration

Art. 5

Integration

1) The goal of integration is the coexistence of the Liechtenstein and foreign populations on the basis of the values of the Constitution and mutual respect and tolerance.

2) Integration is intended to enable legally and long-term resident foreigners to participate in the economic, social and cultural life of society.

3) Integration presupposes both the corresponding will and effort of the foreign persons to integrate into society and the openness of the Liechtenstein population.

4) It is necessary for foreigners to familiarize themselves with the social conditions and living conditions in Liechtenstein and, in particular, to learn the German language, both written and spoken.

5) In all other respects, Articles 40 and 43 to 46 of the Aliens Act (AuG) apply mutatis mutandis to integration.

III. Entry and exit

Art. 6

Right of entry

1) Foreign persons have the right to enter Liechtenstein if they:

a) have a valid travel document;

b) Do not pose a threat to public safety, order or public health; and

c) are not affected by an entry ban.

2) Family members who are third-country nationals also require a visa in accordance with the provisions of the Schengen acquis applicable to Liechtenstein. Possession of a valid residence card from another EEA member state or Switzerland exempts them from the visa requirement.

3) Foreigners who wish to take up residence in Liechtenstein and are not required to have a visa must be granted a short-term, residence, settlement or permanent residence permit in order to enter the country.

4) The government shall regulate the details by ordinance.

Art. 7

Registration and deregistration

1) Foreign persons whose residence is subject to authorization in accordance with Art. 8 must register with the competent residents' registration office within eight days of entry. This does not apply to cross-border service providers.

2) The confirmation of the permit and a valid travel document must be presented at the time of registration. The Residents' Registration Office will immediately issue a confirmation of registration to the person moving in.

3) Persons under paragraph 1 must also notify the competent residents' registration office within eight days:

a) the change of address within the municipality of residence; or

b) the transfer of residence to another municipality in the country.

4) Persons in accordance with paragraph 1 who transfer their residence abroad must register with the competent residents' registration office at least eight days before departure and hand over their residence permit.

4a) Persons with the right of permanent residence do not have to hand in their residence permit.

5) The government shall regulate the details by ordinance.

IV. Stay

A. Residence subject to authorization

1. In general

Art. 8

Authorization requirement

1) A permit to reside in Liechtenstein is required by:

a) wishes to engage in gainful employment regardless of the length of stay; or

b) intends to stay without gainful employment for more than three months within a six-month period.

2) The obligation to obtain a permit for the cross-border provision of services in accordance with Art. 31 remains reserved.

Art. 9

Types of permits

1) The following permits may be issued:

a) Approval by letter (BiB);

b) Short stay permit (L);

c) Residence permit (B);

d) Permanent residence permit (D);

e) Settlement Permit (C).

2) Authorizations for the cross-border provision of services in accordance with Art. 31 are reserved.

Art. 10

Maximum numbers

The government may set maximum numbers of permits, taking into account the special solution for the movement of persons in Liechtenstein and the provisions of the State Treaty with Switzerland.

Art. 11

Wages and working conditions

Permits may only be issued if the employee is employed for the position in question at wages and working conditions that are customary in the locality and profession and in line with the situation on the labor market.

Art. 12

Staff Hire

A temporary employment agency (employer) licensed under the Employment Agencies Act may only hire out the following employees in Switzerland:

a) Persons with a residence permit, settlement permit or permanent residence permit;

b) Cross-border commuters with EEA or Swiss citizenship.

Art. 13

Residence card

1) Foreigners who take up residence in Liechtenstein receive a residence permit together with their permit.

2) The ID card may contain an electronic data carrier. At the request of the cardholder, the card is provided with a certificate that enables the cardholder to use an electronic signature in private and public legal transactions.

3) The government shall regulate the details, in particular the period of validity of residence permits, the certificates to be used, the data to be recorded, and

data security, with regulation.

3a) In case of loss of a valid residence permit, a complaint must be filed with the state police. If the loss of the residence permit is not related to a criminal offense, it may be reported to the state police.

the loss can also be reported directly to the Aliens and Passport Office. A new residence permit will only be issued once the Aliens and Passport Office has received notification of the loss.

2. Permits

Art. 14

Approval in letter form

1) A permit in letter form can be issued for the exercise of daily or weekly employment for a distributed period of presence of a maximum of 180 days within a twelve-month period of validity.

2) If an employee has already been granted a short-term residence permit in accordance with Art. 15, a permit in letter form may only be granted if at least six months have elapsed since the expiry of the period of validity of the short-term residence permit and the proper departure.

3) The permit provides information about the employer.

Short stay permit

Art. 15

a) Employed

1) A short-term residence permit for the purpose of gainful employment may be issued for temporary and consecutive stays of up to one year in total.

2) It can be issued only if:

a) the foreign person:

1. Demonstrates an employment contract of no more than one year and a reasonable level of employment; or

2. meets the professional and business law requirements for the intended self-employed activity associated with taking up residence; and

b) the cross-border commuter activity is not reasonable.

3) It may be extended once for a maximum of six months upon proof of an extraordinary need.

4) When the short-term residence permit expires, the departure must take place irrespective of any unemployment insurance claims or pending proceedings.

5) The short-term residence permit can only be issued again after an interruption of at least six months since the proper deregistration and departure.

Art. 16

b) Special cases of employment

1) A short-term residence permit for the purpose of gainful employment may be issued for an internship that is part of a training program for up to 24 months consecutively. The prerequisite for this is that the internship lasts longer than twelve months.

2) A short-term residence permit may be issued to apprentices for the duration of their basic vocational training.

3) Art. 15 par. 4 and 5 shall apply mutatis mutandis.

Art. 17

c) Students

1) Students may be granted a short-term residence permit for the duration of one semester or one academic year if:

a) the educational institution or the competent body confirms in writing that the student can start or continue the studies;

b) the necessary financial means for living and studying are available, so that no social assistance has to be claimed; and

c) comprehensive health insurance coverage is proven, which covers all risks in Liechtenstein.

2) The main purpose of the stay in Liechtenstein must be study.

3) The short stay permit will no longer be issued if the regular duration of studies according to the curriculum of the educational institution is significantly exceeded and there are no objective reasons for this.

4) Upon discontinuation or termination of studies, the short-term residence permit expires and the student must leave the country.

5) The government shall regulate the details by ordinance.

Art. 18

d) Tourists and service recipients

1) Tourists and service recipients who are present in Liechtenstein for more than three months within a six-month period may be granted a short-term residence permit for a total of up to one year.

2) A short-term residence permit can only be issued if:

a) the necessary financial means for living are available, so that no social assistance has to be claimed; and

b) comprehensive health insurance coverage is proven, which covers all risks in Liechtenstein.

3) Art. 15 Para. 4 shall apply mutatis mutandis.

Residence permit

Art. 19

a) Principle

1) The residence permit entitles the holder to a stay of up to five years, provided that the intended stay is longer than one year.

2) There is an entitlement to the granting of a residence permit within the meaning of the special solution for the movement of persons for Liechtenstein according to Annex VIII (Right of Establishment) and Annex V (Free Movement of Workers) of the EEA Agreement as well as the provisions of the State Treaty with Switzerland.

3) An extension of the residence permit is possible if there are no grounds for revocation or expulsion.

Art. 20

b) Employed

1) A residence permit for the purpose of gainful employment may be issued if:

a) the foreign person:

1. has an employment contract of more than one year or for an indefinite period of time and an appropriate level of employment; or

2. meets the professional and business law requirements for the intended self-employed activity associated with taking up residence; and

b) the cross-border commuter activity is not reasonable.

2) After three years of gainful employment and uninterrupted residence in Liechtenstein, gainful employment in another EEA member state or in

Switzerland, provided that the residence in Liechtenstein is maintained and the person usually returns there every day or at least once a week.

3) For important reasons, the time limit of three years according to para. 2 may be deviated from. The Government shall regulate the details by ordinance.

Art. 21

c) Replacement employment

1) If a position in a company is occupied by a person with a residence, permanent residence or settlement permit and this position becomes vacant as a result of his or her deregistration abroad, retirement or death, a person requiring a permit may be granted a residence permit to fill this position (replacement employment). The replacement employment is subject to approval.

2) The application for approval of a replacement position must be submitted within six months of the deregistration, retirement or death of the previous position holder. If no application is submitted within this period, the number of permits to be issued will be increased when the permit is issued or the draw is made, depending on the procedure by which the original permit was issued.

3) The incumbent may train the new employee for a period of one month, provided this is approved upon request.

4) A substitute appointment due to a temporary stay abroad of the incumbent who has been granted a retention permit is not permitted.

Art. 22

d) Inactive

1) A residence permit without gainful employment can only be issued if:

a) lifted

b) the necessary financial means for living are available, so that no social assistance has to be claimed; and

c) comprehensive health insurance coverage is proven, which covers all risks in Liechtenstein.

2) Evidence of sufficient financial resources may be reviewed after two years.

Art. 23

e) Retention of residence permit

1) The retention of the residence permit can be granted upon request for a temporary stay abroad:

a) for completing an education abroad (study, language stay, vocational training);

b) for other important reasons.

2) The retention pursuant to paragraph 1 may be granted for a period of one year. The retention according to paragraph 1 letter b may not exceed the total duration of two years.

3) Foreigners who are required to perform military or alternative service are granted a retention of residence permit for the duration of the military or alternative service actually to be performed.

4) The application for the granting or extension of the retention must be submitted at least two weeks before the start of the stay abroad or before the expiry of the granted retention.

5) The government shall regulate the details by ordinance.

Permanent residence permit

Art. 24

a) Principle

1) Subject to Articles 43 and 46, EEA nationals have a right of permanent residence in Liechtenstein if:

a) they have resided in Liechtenstein continuously for five years; and

b) there is no reason for revocation or expulsion.

2) If the prerequisites according to para. 1 are met, EEA nationals shall be granted a permanent residence permit upon application. The permanent residence permit may not be subject to conditions.

2a) The Aliens and Passport Office may verify the actual presence in the country at any time.

3) The residence card must be presented for renewal two weeks before the expiry date.

4) The granting of a permanent residence permit to students is governed by the conditions of the special movement of persons solution for Liechtenstein.

5) Temporary stays abroad in accordance with Art. 23 are subject to a maximum of a

duration of one year. Completion of military or alternative service is credited in full.

6) The government shall regulate the details by ordinance.

Art. 25

b) Special cases

1) EEA nationals with a residence permit for the purpose of gainful employment in Liechtenstein are entitled to be granted a permanent residence permit before the expiry of the period under Art. 24(1) if they:

a) at the time they give up their employment, have reached the age prescribed by Liechtenstein legislation for claiming an old-age pension, or terminate their dependent gainful employment under an early retirement scheme, and have been gainfully employed in Liechtenstein for the last twelve months and have resided in Liechtenstein for at least three years without interruption with a valid residence permit;

b) have given up employment as a result of permanent incapacity for work and have resided in Liechtenstein without interruption for at least the last two years;

c) have become permanently incapacitated for work as a result of an accident at work or an occupational disease and are therefore entitled to a pension from a Liechtenstein insurance institution; or

d) after three years of uninterrupted gainful employment and uninterrupted residence in Liechtenstein, pursue an employed or self-employed gainful activity in another EEA member state, but retain their residence in Liechtenstein and generally return there every day or at least once a week.

2) EEA nationals whose spouse or registered partner has Liechtenstein citizenship also have a right to remain after termination of gainful employment pursuant to par. 1 letters a and b, irrespective of the duration of residence and gainful employment.

or lost through marriage or registration of a partnership with the person acquiring the pension.

3) Interruptions in employment due to illness or accident, periods of involuntary unemployment confirmed by the Office of Economic Affairs, and involuntary interruptions in employment by self-employed persons are considered periods of employment.

4) For the acquisition of permanent residence in accordance with par. 1 letters a and b, the conditions set out in a

periods of employment completed in another EEA member state or Switzerland as having been completed in Liechtenstein.

Art. 26

c) Re-issuance and retention of permanent residence permit

1) A permanent residence permit may be reissued to foreign nationals without a prior residence permit upon application if they:

a) have already been in possession of a permanent residence permit for at least ten years;

b) have not resided abroad for more than three years since losing their permanent residence permit;

c) demonstrate that they have remained closely associated with Liechtenstein; and

d) prove that they are in a permanent and livelihood-securing employment relationship or that they have sufficient financial means for their livelihood so that they do not have to claim social assistance.

2) Upon application, a permanent residence permit may be retained for the completion of training (studies, language study, vocational training) abroad. Such stays are not subject to the time limit set out in paragraph 1(a).

Settlement permit

Art. 27

a) Principle

1) Subject to Articles 43 and 47, Swiss nationals shall be granted a permanent residence permit upon application if:

a) they have resided in Liechtenstein continuously for five years with a residence permit; and

b) there is no reason for revocation or expulsion.

2) The settlement permit is unlimited in time. It may not be subject to conditions.

3) The control period to verify the actual presence in the country is five years. The residence permit must be presented for renewal two weeks before the expiry of the control period.

4) Art. 25 applies mutatis mutandis to Swiss nationals.

5) Temporary stays abroad in accordance with Art. 23 are subject to a maximum of a

duration of one year. Completion of military or alternative service is credited in full.

Art. 28

b) Re-issuance and retention of the settlement permit

1) A settlement permit may be reissued to foreign nationals without a prior residence permit upon application if they:

a) have already been in possession of a settlement permit for at least ten years;

b) have not resided abroad for more than five years;

c) demonstrate that they have remained closely associated with Liechtenstein; and

d) prove that they are in a permanent and livelihood-securing employment relationship or that they have sufficient financial means so that they do not have to claim social assistance.

2) Art. 23 applies mutatis mutandis to the retention of the permanent residence permit. Temporary stays abroad cannot be counted towards the time limit in accordance with paragraph 1(a).

B. Cross-border provision of services and cross-border activity

1. In general

Art. 29

Principle

Art. 12 shall apply mutatis mutandis to the cross-border provision of services, and Art. 11, 12 and 13 shall apply mutatis mutandis to cross-border commuting.

2. Cross-border provision of services Art. 30

Reporting obligation

1) Cross-border service provision is subject to reporting from the ninth day, even if it is provided free of charge.

2) The service provision subject to reporting is generally limited to a maximum of 90 days within a calendar year.

3) There is a right of presence in Liechtenstein for the duration of the service provision.

4) The notification must be made no later than the ninth day of the provision of services. Swiss nationals may start work no earlier than eight days after receipt of the notification. In emergencies, for repairs, in the event of accidents or

under other unforeseeable circumstances, the work may begin as early as the day of notification.

5) For the duration of the service provision, a registration confirmation GDL is issued to the registrant. An extension is possible.

Art. 31

Authorization requirement

1) The cross-border provision of services lasting more than 90 days is subject to authorization, subject to paragraph 2.

2) In the case of EEA nationals who return to their normal place of residence on a daily basis, the provision of services is only subject to registration.

3) The permit application must be submitted at least four weeks before the expiry of the ninety-day period.

4) A GDL permit is issued for the duration of the service provision.

5) Extension of the permit is possible.

6) Swiss nationals may start work at the earliest after the permit has been issued.

3. Cross-border activity Art. 32

Reporting obligation

The cross-border activity of EEA nationals must be reported. In the case of employment, the declaration must be made by the employer.

Art. 33

Procedure

1) The notification of the cross-border commuter activity must be made within ten days of the commencement of the business activity or the start of the employment relationship.

2) For the duration of the cross-border commuter activity, a cross-border commuter registration confirmation (GMB) is issued to the person subject to registration.

3) The cross-border commuter registration certificate becomes invalid when the business activity or employment relationship ends. Invalid cross-border commuter registration confirmations must be returned to the Immigration and Passport Office without delay.

V. Approval procedure

A. Ordinary approval procedures

Art. 34

Permit applications

1) The application for the granting or extension of a permit under this law must be submitted to the Aliens and Passport Office.

2) Decisions are usually made on complete applications:

a) within two weeks of receipt for applications for a letter permit, a short-term residence permit or a permanent residence permit;

b) within four weeks of receipt for all other applications.

3) Incomplete, illegible or unsigned applications will be returned to the applicant with a one-time deadline of 30 days for completion. If the deadline expires without completion, the application is considered withdrawn.

3a) In case of the same factual and legal situation, further identical applications shall be rejected informally with reference to the decided case.

4) The government shall regulate the details by ordinance.

Art. 35

Collective applications

1) The Government shall deal with and decide on applications under Articles 20 and 22 on the basis of collective applications.

2) Before the government deals with and makes a decision, the Aliens and Passport Office checks all applications to ensure that they are complete and that the relevant permit requirements have been met.

Art. 36

Equal treatment and competitive neutrality

Residence permits are issued within the framework of the allocation process in accordance with the principle of equal treatment of all relevant market participants and competitive neutrality.

B. Drawing procedure

Art. 37

Principle

1) Notwithstanding the ordinary permit procedures, residence permits are also issued to EEA nationals by drawing lots.

2) The draw takes place in a two-stage procedure (preliminary and final draw).

3) The right to a residence permit acquired by drawing lots is highly personal and non-transferable. It expires if it is not exercised within a period of six months from receipt of the notification.

Art. 38

Participation requirements and reasons for exclusion

1) Prerequisite for participation in an advance draw are:

a) EEA nationality;

b) timely submission of fully completed application forms;

c) No multiple applications; and

d) timely payment of fees.

2) To the final draw will be admitted who:

a) in the case of a residence permit for the purpose of gainful employment, meets the requirements of Art. 20(1)(a);

b) in the case of residence permits without gainful employment, meets the requirements of Art. 22(1).

3) Reasons for exclusion from the final draw are:

a) Misstatements;

b) Existence of an entry ban;

c) Threat to public safety and order and public health.

4) If the requirements for participation are not met or if there are reasons for exclusion, a summary decision will be issued on the basis of the files.

Art. 39

Implementation of the draw

1) There is at least one draw per calendar year.

2) The Aliens and Passports Office conducts draws under the supervision of a land judge.

3) The Government shall regulate the details of the drawing of lots by decree, in particular:

a) the number of annual draws;

b) the quotas (number of permits to be issued);

c) the deadlines for the submission of applications.

VI. Family reunion

A. Family members

1. In general

Art. 40

Principle

The purpose of family reunification is to bring family members together for joint residence.

Art. 41

Requirements

1) Foreigners with a residence permit can have their family members join them at any time if the following documents are available:

a) an official certificate confirming the family relationship, the right of custody or the granting of maintenance pursuant to Art. 4 Para. 1 letter d items 2 and 3;

b) Copies of the valid travel documents of the family members moving in;

c) lifted

d) in the cases referred to in Articles 17, 18 and 22, proof of necessary financial means for the subsistence of all family members so that social assistance does not have to be claimed; and

e) proof of comprehensive health insurance coverage covering all risks in Liechtenstein.

2) Students are only allowed to bring their spouse and children who can prove that they are dependent on them.

3) The Immigration and Passport Office may require original proof of relationship.

Art. 42

Gainful employment of family members

Trailing family members are allowed to engage in gainful employment.

Art. 43

Abusive marriage

The granting of a family reunification permit shall be refused or a permit already granted shall be revoked if it is proven, or at least if there are sufficient indications to conclude, that:

a) the marital union was entered into or continued by at least one of the spouses primarily with the intention of evading the provisions of this Act and the implementing regulations; or

b) one of the spouses was coerced into entering into the marriage.

2. Permits

Art. 44

Principle

1) Subject to Art. 45, family members of persons who either have a right of permanent residence in Liechtenstein or have a permanent residence permit shall be granted a residence permit valid for five years.

2) Family members of persons holding a short-term residence permit or a residence permit are issued a permit with the same period of validity as the person from whom they derive their right.

Art. 45

Special cases

1) Family members of an EEA national who have resided in Liechtenstein without interruption for five years shall be granted a permanent residence permit. Art. 24 applies mutatis mutandis.

2) Family members of a Swiss national who have resided in Liechtenstein for an uninterrupted period of five years with a residence permit shall be granted a settlement permit. Art. 27 applies mutatis mutandis.

3) Family members of persons who have been granted a permanent residence permit or settlement permit on the basis of Art. 25 or 27 para. 4 shall be granted a permanent residence permit or settlement permit.

4) If a person dies before he or she has acquired the right to be granted a permanent residence permit or permanent settlement permit on the basis of Art. 25 or 27, para. 4, his or her family members who, at the time of his or her death, were with

legally reside in it, a permanent residence permit or settlement permit, if:

a) the deceased has resided continuously in Liechtenstein during the two years preceding his death;

b) death occurred as a result of an occupational accident or disease; or

c) the surviving spouse of the deceased has lost Liechtenstein citizenship through marriage to the deceased.

5) A temporary stay abroad of up to a total of six months per year as well as absence for verifiable military or alternative service shall not result in an interruption of residence within the meaning of paras. 1, 2 and 4 letter a.

6) The right under paragraph 4 expires if the family member does not exercise it within two years of its accrual. It shall not be affected if the beneficiary leaves Liechtenstein during this period.

3. Right to remain in the event of death, departure or dissolution of the marital union

Art. 46

Family members with EEA nationality

1) Family members with EEA citizenship retain their right of residence in the event of the death or departure of the foreign person from whom they derive their right of residence, as well as in the event of the dissolution of the marital union, if they:

a) are gainfully employed in Switzerland and meet the requirements of Art. 20(1)(a); or

b) meet the requirements of Art. 22.

2) The children and the parent who actually has parental custody of the children shall retain their right of residence even after the death or departure of the foreign person from whom they derive their right of residence until the completion of the children's education if the children reside in Liechtenstein and attend an educational institution in Liechtenstein.

3) Persons who continue to reside in Liechtenstein on the basis of paragraph 2 are not thereby entitled to a permanent residence permit pursuant to Art. 45 par. 4.

4) The provisions of this article do not apply to family members of persons holding a short-term residence permit.

Art. 47

Family members with Swiss nationality or third-country nationality

1) Family members with Swiss citizenship retain their right of residence in the event of the death of the foreign person from whom they derive their right of residence if they have resided in Liechtenstein continuously for at least one year prior to the death and:

a) are gainfully employed in Switzerland and meet the requirements of Art. 20(1)(a); or

b) meet the requirements of Art. 22.

2) Spouses with Swiss citizenship retain their right of residence upon dissolution of the marital union if they meet the requirements of paragraph 1 letter a or b and:

a) the marriage has existed for at least three years until the initiation of legal separation or divorce proceedings, of which at least one year in Liech- tenstein;

b) parental custody of the children has been transferred to the spouse by agreement or by court decision;

c) it is necessary to avoid particular hardship, in particular because the spouse could not reasonably be expected to remain in the marriage due to marital violence; or

d) the spouse has been granted the right to have personal intercourse with the minor child by agreement or court decision, if the court has come to the conclusion that personal intercourse may only take place in Liechtenstein.

3) In the event of the death of the foreigner from whom they derive their right of residence or in the event of the dissolution of the marital union, family members who are third-country nationals have a right of residence in accordance with the provisions of the Aliens Act if they meet the relevant requirements under paragraph 1 or 2 and conclude an integration agreement.

4) Art. 46 paras. 2 to 4 shall apply mutatis mutandis to family members who are Swiss nationals or third-country nationals.

4. Registered partnership

Art. 47a

Articles 40 to 47 apply mutatis mutandis to the registered partnership.

B. Factual cohabitation

Art. 48

Principle

1) A residence permit for joint residence may be issued to de facto partners of persons with a residence permit, permanent residence permit or settlement permit if it is proven that:

a) a duly certified continuing relationship exists;

b) both partners are single, divorced, widowed or in a dissolved registered partnership and over 21 years of age;

c) the partner already resident in Liechtenstein has been resident in Liechtenstein for a total of at least five years;

d) Retrieved

e) the necessary financial means for the livelihood of both partners and their children are available, so that no social assistance has to be claimed; and

f) lifted

1a) If the de facto life partner moves to Liechtenstein at the same time as the person entitled to residence, paragraph 1(c) does not apply.

2) There is no entitlement to the issuance of a residence permit.

3) Family reunification pursuant to Art. 40 et seq. cannot be claimed for children of reunited partners from previous marriages or partnerships.

4) Art. 43, 44 and 45 paras. 1, 2 and 5 shall apply mutatis mutandis to partnerships in abuse of rights and to licenses for life partners.

5) The government shall regulate the details by ordinance.

Art. 49

Gainful employment

The right of the partner who joins the spouse to take up gainful employment is governed by Art. 42.

Art. 49a

Right to remain in the event of death

1) In the event of the death of the foreign person from whom they derive their right of residence, life partners with EEA or Swiss nationality retain their right of residence if they have resided continuously in Switzerland for at least one year prior to the death.

Liechtenstein have stayed and:

a) are gainfully employed in Switzerland and meet the requirements of Art. 20(1)(a); or

b) meet the requirements of Art. 22.

2) In the event of the death of the foreign person from whom they derive their right of residence, life partners with third-country nationality have a right of residence in accordance with the provisions of the Aliens Act if they:

a) meet the relevant requirements under paragraph 1; and

b) conclude an integration agreement.

Art. 49b

Consequences in case of departure

In the event of the departure of the foreign person from whom they derive their right of residence, life partners lose their right of residence if the departure takes place before the expiry of five years since the granting of the permit.

Art. 50

Consequences of the dissolution of the de facto cohabitation

1) If the partnership relationship is abandoned by a partner before five years have elapsed since the permit was granted, the residence permit of the person joining the partner must be revoked. At the latest, the de facto termination of the domestic partnership is deemed to be an abandonment of the partnership relationship.

2) Revocation may be waived if the welfare of common children would be significantly endangered by revocation.

3) If the partner already residing in Liechtenstein has made false statements or concealed essential information in the approval procedure, a ban on future partners joining the family may be imposed for a maximum period of five years.

C. Other beneficiaries

Art. 50a

Principle

1) A joint residence permit may be issued to additional beneficiaries if the following evidence is provided:

a) an official certificate confirming the relationship;

b) Copies of the valid travel documents of the additional beneficiaries moving in;

c) proof of necessary financial means for the subsistence of all family members and other beneficiaries in the cases under Articles 17, 18, 20 and 22, so that no social assistance has to be claimed; and

d) proof of comprehensive health insurance coverage covering all risks in Liechtenstein.

2) In addition to the evidence according to paragraph 1 must be present:

a) in the cases referred to in Art. 4(1)(g)(1), a document issued by the competent authority of the country of origin or country of provenance stating that the other beneficiary receives maintenance from the EEA national resident or permanently resident in Liechtenstein;

b) in the cases referred to in Art. 4(1)(g)(2), a document issued by the competent authority of the country of origin or country of provenance stating that the additional beneficiary has lived in the same household as the EEA national who is entitled to reside or reside permanently in Liechtenstein; or

c) in the cases referred to in Art. 4(1)(g)(3), proof that there are serious health reasons which make the personal care of the other beneficiary by the EEA national entitled to reside or stay in Liechtenstein absolutely necessary.

3) The Immigration and Passport Office may require original proof of relationship.

4) There is no entitlement to the issuance of a residence permit.

5) For spouses or registered partners as well as for children of further beneficiaries no family reunification according to Art. 40 ff. can be claimed.

6) Articles 43, 44 and 45 (1), (3) and (5) apply mutatis mutandis to family reunification in abuse of the law and to the authorization of other beneficiaries.

7) The government shall regulate the details by ordinance.

Art. 50b

Gainful employment

The right of the subsequent beneficiary to take up gainful employment is governed by Art. 42.

Art. 50c

Consequences of death, departure or dissolution of the marital union and registered partnership

1) Other beneficiaries lose their right of residence in the event of the death, departure or dissolution of the marital union or registered partnership of the foreign person from whom they derive their right of residence if the death, departure or dissolution of the marital union or registered partnership occurs before five years have elapsed since the permit was issued.

2) The loss of the right of residence may be waived in the case of additional beneficiaries under Art. 4(1)(g)(3) in the event of the death or dissolution of the marital union or registered partnership of the foreign person from whom they derive their right of residence if:

a) furthermore, serious health reasons require the personal care of the additional beneficiary; and

b) a return to the country of origin or country of provenance is not reasonable.

VII. Termination of stay

A. Expiry of the authorizations

Art. 51

Cancellation reasons

1) A permit expires:

a) with the personal deregistration abroad;

b) with the expiry of the period of validity of the permit, if an application for extension has not been submitted in due time;

c) with discontinuation or termination of the studies (Art. 17, Para. 4); or

d) with the expulsion according to Art. 54.

1a) Paragraphs 1(a) and 1(b) do not apply to persons with a right of permanent residence.

2) In addition, the authorization expires in the event of a stay abroad:

a) of more than six months in the case of a residence or settlement permit, unless a retention has been granted; or

b) of more than two years in the case of a permanent residence permit.

3) The time limits pursuant to paragraph 2 shall not be interrupted by stays in Austria for business or visiting purposes.

B. Revocation of licenses Art. 52

Reasons for revocation

1) The short stay or residence permit may be revoked if:

a) false information was provided or material facts were concealed during the approval process;

b) the conditions for granting the permit are no longer met;

c) public safety and order are endangered; or

d) the employee has been unemployed for an uninterrupted period of six months and there is no prospect of a new job, irrespective of any entitlement to unemployment insurance benefits.

2) Revocation under subsection (1)(d) is not permitted if:

a) the employee or self-employed person is temporarily unable to work due to an illness or accident;

b) the employee makes himself/herself available to the competent employment agency in the event of duly confirmed involuntary unemployment after more than one year of employment; or

c) the employee or self-employed person begins vocational training, provided that there is a connection between the training and the previous occupational activity, unless the person concerned has previously lost his job involuntarily.

3) The settlement permit may be revoked if:

a) the requirement under subsection 1(a) is met; or

b) the established person or a person for whom he or she is responsible is permanently and substantially dependent on social assistance.

4) The right to revoke a permit issued in the context of family reunification in accordance with Articles 43, 46 and 47 is reserved.

5) The decision on revocation must be accompanied by an appropriate deadline for departure. The period for departure shall be at least 30 days from the date the decision becomes final.

C. Removal and detention measures Art. 53

Directions

1) Foreign persons will be turned away if:

a) they do not have a required permit;

b) they no longer comply with the entry requirements pursuant to Art. 6 during a stay for which no permit is required; or

c) they are denied, have their permit revoked or it is not renewed.

2) Art. 52 par. 5 shall apply mutatis mutandis.

3) In the case of persons who are subject to an entry ban or who are expelled pursuant to paragraph 1(b), the expulsion may be enforced or the period for departure shortened in derogation of paragraph 2.

Art. 54

Designation

1) Foreigners are expelled if their personal behavior poses a permanent and significant threat to public safety and order.

2) Persons with a right of permanent residence may only be expelled for serious reasons of public security and order.

3) The expulsion is accompanied by a temporary or indefinite entry ban.

4) The government shall regulate the details by ordinance.

Art. 55

Entry ban

1) Foreign persons who have violated or endangered public security and order may be banned from entering the country.

2) The entry ban can be temporarily lifted upon written request if there are important reasons.

3) The government shall regulate the details by ordinance.

D. Coercive measures Art. 56

Principle

1) Subject to paragraph 2, Articles 55 to 63 and 69a of the Aliens Act shall apply mutatis mutandis to the application of coercive measures.

2) Art. 58(g) and Art. 59(1)(b)(7) AuG are only applicable if the foreign person poses a threat to public security and order.

VIII. Duties

Art. 57

Principle

Articles 64 to 66 AuG apply mutatis mutandis to the obligations of foreign persons and employers.

IX. Tasks and responsibilities Art.

58

Responsibilities

1) The government is responsible for:

a) the issuance of permits pursuant to Articles 20 and 22;

b) the determination of maximum numbers of permits in accordance with Art. 10.

2) The Office for Foreigners and Passports is responsible for:

a) the granting, refusal and extension of permits; subject to para. 1 let. a;

b) the periodic conduct of draws in accordance with Art. 37 et seq;

c) the issuance, renewal and withdrawal of confirmations;

d) the issuance and modification of residence cards;

e) lifted

f) the ordering of measures in accordance with Chapter VII.;

g) the imposition of fines in accordance with Art. 66;

h) the performance of other tasks not expressly assigned to other authorities.

3) The residents' registration offices of the municipalities are obliged to cooperate in the enforcement of this Act within the scope of their competence.

4) Articles 68 and 69 of the Foreign Nationals Act apply mutatis mutandis to the exercise of discretion, administrative assistance and cooperation between authorities.

X. Data protection

Art. 59

Principle

Articles 70 to 79 AuG apply mutatis mutandis to data protection.

XI. Legal protection

Art. 60

Principle

1) An appeal against the decisions of the Aliens and Passports Office may be lodged with the Aliens and Passports Office or with the government within 14 days of the decision being issued.

2) A complaint against a decision of the Government may be lodged with the Government or with the Administrative Court within 14 days from the date of notification.

3) The Administrative Court's power of review is limited to questions of law and fact. Discretion is reviewed exclusively on a legal basis.

4) In appeal proceedings, new facts and evidence may only be presented if they already existed at the time of the first-instance decision but were demonstrably not known to the appellant or could not have been known to him even if he had exercised due diligence.

5) Art. 46a of the Act on the General Administration of the State shall not apply.

Art. 61

Drawing procedure

1) In the draw procedure, appeals are only admissible against rejections due to non-fulfillment of the participation requirements or the existence of grounds for exclusion. An appeal within the meaning of Art. 50 LVG is excluded.

2) The appeal procedure does not suspend the further draw procedure.

3) If the complaint is upheld after the draw has been conducted, the applicant shall participate in the subsequent draw upon request.

4) Apart from that, there are no legal remedies in the draw procedure and against the result of the draw procedure.

XII. Penal provisions and administrative sanctions Art.

62

Illegal stay

1) The district court shall punish with imprisonment of up to one year or a fine of up to 360 daily rates any person who unlawfully stays in Germany, in particular after expiry of the period of residence without a permit or after expiry of the period of residence with a permit.

2) The district court shall impose a fine of up to 360 daily rates on anyone who commits the act through negligence.

3) Prosecution may be waived in the case of unlawfully present foreign persons, provided they are deported immediately.

Art. 63

Promotion of unlawful entry as well as unlawful stay

1) The Regional Court shall punish with imprisonment of up to one year or a fine of up to 360 daily rates anyone who enables, facilitates or helps to prepare the unlawful entry or residence of a foreign person in Germany.

2) The district court shall impose a fine of up to 360 daily rates on anyone who commits the act through negligence.

3) The penalty is imprisonment for up to three years or a fine of up to 360 daily sentences if the offender:

a) acts with the intent to unlawfully enrich himself or another; or

b) for a criminal organization.

Art. 64

Production, use and procurement of forged identity documents as well as u n l a w f u l use or transfer of genuine identity documents

1) The district court shall punish with imprisonment for a term of up to one year or with a fine of up to 360 daily penalty units who:

a) manufactures false alien identification documents or falsifies genuine ones, as well as whoever uses or procures such documents;

b) uses genuine identification documents to which he is not entitled; or

c) leaves genuine identity documents for the use of unauthorized persons.

2) The penalty is imprisonment for up to three years or a fine of up to 360 daily sentences if the offender:

a) acts with the intent to unlawfully enrich himself or another; or

b) for a criminal organization.

Art. 65

Deception of the authorities

1) The regional court shall punish with imprisonment of up to one year or a fine of up to 360 daily rates anyone who deceives the authorities entrusted with the enforcement of this Act by making false statements or concealing material facts and thereby deceives the granting of a permit for himself or others or causes a permit not to be revoked.

2) The Regional Court shall punish with imprisonment for a term of up to one year or with a fine of up to 360 daily penalty units anyone who, with the intention of circumventing the regulations on the admission and residence of foreign persons, enters into a marriage or registered partnership with a foreign person or arranges, promotes or facilitates the conclusion of such a marriage or registered partnership.

3) The penalty is imprisonment for up to three years or a fine of up to 360 daily sentences if the offender:

a) acts with the intent to unlawfully enrich himself or another; or

b) for a criminal organization.

Art. 66

Other violations

Subject to Art. 66a, the Aliens and Passports Office shall impose a fine of up to 10,000 Swiss francs on anyone who intentionally or negligently:

a) violates the entry regulations according to Art. 6;

b) violates the reporting requirements;

c) is gainfully employed without the required permit;

d) provides a foreign person with gainful employment without the required permit or employs him or her without the required permit;

e) fails to comply with conditions attached to the authorization;

f) fails to comply with the duty to cooperate; or

g) violates the implementing provisions of this Act, the violation of which is declared punishable by law.

Art. 66a

Merging the procedures

1) If the Regional Court has jurisdiction on the basis of an element of the Criminal Code or Articles 62 to 65, it shall also have jurisdiction to prosecute offenses under Article 66 instead of the Aliens and Passports Office.

2) In case of concurrence of several punishable acts, Art. V, para. 5 of the Criminal Law Adjustment Act shall apply.

Art. 67

Confiscation and seizure of travel documents

Forged and falsified travel documents as well as genuine travel documents that have been misused shall be confiscated by the Aliens and Passport Office, by the border posts and by the National Police for the purpose of preserving evidence until the final conclusion of criminal proceedings in accordance with Article 64. After the final conclusion of the criminal proceedings, the following shall be confiscated

the confiscated documents are secured for transfer to the authorized person by the regional police.

Art. 68

Administrative sanctions and cost absorption

1) If an employer has violated the provisions of this Act and has been repeatedly penalized for such violation within a period of three years, the Foreigners and Passport Office may, for a period of two years from the date on which the last decision becomes final, reject the employer's future applications for the admission of foreign employees who are not entitled to a permit.

2) The employer who has employed or intended to employ foreign workers subject to authorization who are not entitled to engage in gainful employment shall bear the costs incurred by the country for the subsistence, in case of accident and illness and for the return journey of the persons concerned and not covered.

XIII. Fees Art.

69

Principle

1) Fees shall be charged for official acts under this Act, in particular for the granting and revocation of permits, participation in the draw, and special services.

2) The government sets the amount of the fees by decree.

XIV. Transitional and final provisions Art. 70

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 71

Repeal of previous law

The Act of 12 April 2000 on the Procedure for Issuing Residence Permits (ABVG), LGBl. 2000 No. 98, is repealed.

Art. 72

Pending proceedings, authorizations and violations

1) Proceedings pending at the time of the entry into force of this Act shall be governed by the previous law, unless this Act contains more favorable provisions.

2) Permits issued under previous law remain valid until the permit expires.

3) This Act shall apply to offenses committed before the entry into force of this Act, provided that the offense was also punishable under the previous law and this Act is more lenient for the offender.

Art. 73

Nationals from Croatia

1) Until June 30, 2015, Croatian nationals are subject to the provisions applicable to third-country nationals with regard to access to the labor market as employees and residence for the purpose of permanent employment.

2) Any further extension of the transitional periods after the expiry of the period referred to in paragraph 1 shall be determined by the Government by ordinance.

Art. 74

Coordination with the Schengen Association Agreements

Upon entry into force of the Schengen acquis for the Principality of Liechtenstein, Art. 1(2)(c) shall read as follows:

"(c) of the Framework Agreement of 3 December 2008 between the Principality of Liech- tenstein and the Swiss Confederation on cooperation in the field of visa procedures, entry and

residence as well as on police cooperation in the border area."

Art. 75

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 January 2010, otherwise on the day of promulgation.

XVII. Law on the Organization of Government and Administration (RVOG)

from 19 September 2012

I. General provisions Art. 1

Subject

1) This law regulates the functions, procedures and organization of the Government and lays down the basic principles for the organization of the official agencies and special commissions.

2) Special legal provisions remain reserved.

Art. 2

Designations

The designations of persons and functions used in this Act shall apply to persons of male and female gender.

Art. 3

Principles of governmental and administrative activity

1) The Government, official bodies and special commissions act on the basis of the Constitution and the law.

2) They work for the common good, uphold the rights of citizens, and collaborate on common tasks.

3) They act in accordance with the principles of expediency, proportionality and economic efficiency.

4) They cooperate with the municipalities on common tasks. For the purpose of co-ordination in the most important areas of responsibility, the government meets with the heads of the municipalities in joint conferences if required.

5) Administrative tasks shall be carried out, as far as possible and reasonable, by the offices and special commissions, and shall remain with the Government only when the importance of the tasks so requires.

II. Government

A. Collegial government

1. General

Art. 4

Principle

1) The collegiate government is the supreme governing and executive authority of the country.

2) It consists of the head of government and four other members of the government. The members of the government perform their duties in a full-time capacity.

3) The head of government has a special position under the Constitution and has special powers.

Art. 5

Incompatibility

1) The members of the Government may not hold any other office, profession or trade. They may also not participate in corporations, institutions and foundations that have the purpose of making a profit.

2) The members of the Government are allowed to accept mandates in public and non-profit organizations that serve the special public interests of the state and municipalities.

2. Functions Art. 6

Planning and control of government and administrative activities

1) The collegial government plans and controls governmental and administrative activities.

2) It supervises the fulfillment of the state's tasks.

Art. 7

Strategic goals of government activity

1) The collegiate government sets strategic goals and derives from these a re gulation program in which the goals and projects are formulated.

2) The government program shall be brought to the attention of the Diet no later than six months after the collegial government takes office.

3) The collegial government subjects the implementation of the strategic goals and the government program to a periodic performance review.

Art. 8

Legislation

Subject to the right of initiative of the Reigning Prince, the Diet and the people, the collegial government shall direct the preliminary legislative procedure. It shall

shall submit to Parliament draft legislative and financial resolutions and State treaties pursuant to Article 8(2) of the Constitution and shall issue the ordinances necessary for the implementation of such laws and directly applicable State treaties.

Art. 9

Management organization

1) The collegial government shall, within the framework of the Constitution and the law, ensure the proper organization of the administration and adapt it to the circumstances.

2) It shall determine by ordinance the division of the administration into offices and shall assign to them, within the framework of the law, subject areas that are as interrelated as possible.

3) If the collegiate government changes the designations of offices within the scope of its organizational competence, it shall adapt the corresponding designations in other laws by ordinance.

Art. 10

Supervision

1) The collegial government shall exercise permanent and systematic supervision over the offices and special commissions.

2) Day-to-day supervision shall be exercised by the members of the Government responsible in accordance with the allocation of responsibilities. Art. 89 of the Constitution is reserved.

3) Supervision shall include an examination of the legality, expediency, proportionality, economic efficiency as well as the speed and simplicity of the performance of tasks; this shall also apply to the independent performance of business within the meaning of Art. 78 Para. 2 of the Constitution.

4) Supervision shall be exercised by appropriate means. Where necessary, special control bodies internal or recognized external to the administration may be established to assist the collegial government or the members of the government.

5) The collegial government shall exercise supervision over special corporations, institutions and foundations under public law, as well as other public enterprises, in accordance with the special provisions.

Art. 11

Enforcement and administration of justice

1) The collegial government ensures the execution of all laws and legally permissible orders of the Reigning Prince or the Diet.

2) It shall exercise administrative justice insofar as it is conferred upon it by legislation.

Art. 12

More functions

The collegial government shall perform other duties assigned to it by the Constitution or by law.

3. Procedure and organization Art. 13

Collegial principle

1) The members of the Government shall represent the decisions of the collegial Government. In special cases, the College may release a member of the Government from representing a decision in public.

2) If a member of the government in the collegial government is defeated in a vote with a motion, he/she has the right to demand that the motion and the result of the vote be recorded in the minutes.

Art. 14

Priority of collegial business

The business of the collegial government shall take precedence over the other obligations of the members of the government.

Art. 15

Coordination and consultation process

1) If a transaction falls within the scope of responsibility of several members of the government, they shall ensure timely mutual information and coordination on their own initiative.

2) In order to prepare important decisions of the collegial government, a consultation procedure is carried out with the individual members of the government.

Art. 16 Repealed

Art. 17 *Rules of Procedure*

In all other respects, the procedure and organization shall be governed by the Government's rules of procedure.

B. Ministries Art. 18

Principle

1) The following ministries are established under the collegiate government:

a) Ministry of Presidential Affairs and Finance;

b) Ministry of External Affairs;

c) Ministry of Society;

d) Ministry of the Interior;

e) Ministry of Infrastructure.

2) The business areas of economy, justice, education, environment, sports and culture shall be assigned to the individual ministries pursuant to subsection 1; the designation of the ministry shall be adjusted accordingly.

3) The Ministry of Presidential Affairs and Finance shall be assigned to the Head of the Government. The assignment of the other ministries and the business areas under subsection 2 shall be made by government resolution.

4) Each member of the government is the head of a ministry and bears the title "minister".

Art. 19

Business allocation

The collegial government shall distribute its business among the individual ministries by decree, taking into account its importance and scope according to subject matter and material connection.

Art. 20

Outline

The ministries are subdivided into offices and special commissions. They each have a general secretariat.

Art. 21

Management of ministries

1) The members of the Government shall be entitled and obliged to manage the ministries entrusted to them, subject to the special powers of the Head of Government.

2) The members of the government set the goals and priorities in their ministries. In doing so, they take into account the government program and other decisions taken by the collegial government concerning priorities and goals.

3) In their ministries, the members of the Government shall, in principle, have unrestricted rights of instruction, control and self-intervention. The issuance of administrative ordinances, in particular service instructions, by the collegial government in accordance with Arts. 10 and 92 of the Constitution and other special statutory regulations are reserved.

Art. 22

Duties of the members of the government

The members of the Government, in their capacity as heads of a ministry, are responsible in particular for the following tasks:

a) they prepare the motions from their area of responsibility for decision-making by the collegial government and represent it in the government session;

b) they ensure the preparation of draft reports and motions to the Diet and represent the Government's proposals before the Diet;

c) represent the collegial government in its sphere of competence at home and abroad, unless the Reigning Prince, the Head of the Government or the member of the Government entrusted with the affairs of the Ministry of Foreign Affairs is assigned to do so;

d) they coordinate the business activities in the offices subordinate to them and ensure cooperation between the offices;

e) they regularly assess the performance of the offices under their authority and periodically review them to ensure that they are meeting their objectives;

f) they issue the necessary performance mandates to the heads of the offices and carry out employee appraisals;

g) they plan the longer-term activities in their ministry and submit proposals on the longer-term objectives to the collegial government;

h) they participate in the preparation of and compliance with the national budget and commitment credits;

i) they inform the collegial government on an ongoing basis about the most important developments in their area of responsibility;

k) they shall exercise day-to-day supervision over the offices and special commissions under their authority, as well as day-to-day supervision over the special corporations, institutions and foundations under public law assigned to their ministries, as well as other public enterprises; the supervisory powers of the collegial government shall remain reserved.

Art. 23

Representation

If a member of the Government is prevented from performing his duties, they shall be performed by another member of the Government designated by the collegial Government. Art. 79 para. 2 and Art. 88 of the Constitution remain reserved.

Art. 24

Transfer of tasks

The members of the Government may, in the interest of expeditious and expedient handling of business and without prejudice to their statutory responsibility and authority, authorize heads of office to handle and sign certain transactions in their name and on their behalf.

III. Offices

A. General

Art. 25

Principle

1) Offices are:

a) the staff units of the collegiate government;

b) the staff units of the ministries;

c) the offices.

2) Unless otherwise provided, the provisions of Arts. 34 to 39 shall apply mutatis mutandis to the staff units referred to in par. 1 letters a and b.

B. Staff units of the collegial government

1. General

Art. 26

Principle

1) Staff positions of the collegial government are:

a) the government secretary;

b) the government office;

c) other staff positions, if the collegial government so decides.

2) They report directly to the collegial government. Day-to-day supervision is exercised by the head of government.

2. Government Secretary

Art. 27

Position and tasks

1) The Secretary of the Government is the secretary of the collegial government. He keeps minutes of the meetings of the collegial government and assists the chairman in the execution and implementation of government resolutions and in coordination tasks.

2) The Secretary of the Government shall perform other duties assigned to him by law, ordinance or government resolution.

3) The collegial government appoints two deputies for the Secretary of the Government.

3. Government Chancellery Art. 28

Position

The Government Chancellery is the central staff unit of the collegial government and is headed by the Secretary of the Government.

Art. 29

Tasks

The Government Office is responsible in particular for:

a) assisting the Secretary of the Government in the performance of his duties under Art. 27;

b) the chancery services and registry of the government;

c) government information and communication;

d) the protocol of the government;

e) the performance of other tasks assigned to it by law, ordinance or government resolution.

C. Staff units of the ministries

1. General

Art. 30

Principle

Staff units of the ministries are:

a) the general secretariats;

b) the other staff positions.

2. General Secretariat

Art. 31

Position

1) The General Secretariat is the central staff unit of the Ministry.

2) Each General Secretariat is headed by a Secretary General. For each General Secretariat, a Deputy General Secretary shall be appointed, who shall assume the rights and duties of the General Secretary if he is prevented from attending.

3) The Secretary General shall be employed on a fixed-term basis, for the first time after the entry into force of this Act for a period of five years and subsequently for a period of four years. In the event of premature termination of the employment relationship, the new Secretary General shall be employed for the remaining term of the previous Secretary General.

Art. 32

Tasks

The General Secretariat shall assist the responsible member of the Government in the performance of his duties and shall be responsible in particular for:

a) the planning, organization and coordination of the Ministry's business activities;

b) the preparation of the Ministry's budget;

c) ensuring the controlling of the Ministry;

d) the information and communication of the Ministry with the support of the Government Office;

e) coordinating the activities of the Ministry with those of the other ministries and the collegiate government;

f) the performance of other duties assigned to him by the competent member of the Government.

3. Other staff units of ministries Art. 33

Tasks

The other staff units of the ministries are primarily active in an advisory and supportive capacity. In particular, they can be assigned tasks in the areas of planning,

Preparation, coordination and supervision are assigned.

D. Offices Art. 34

Tasks

The offices shall carry out the business assigned to them by law, ordinance, government resolution or order of the competent member of the government.

Art. 35

Assignment

Each office is assigned to a ministry, taking into account the factual interrelationship of its business.

Art. 36

Instructions

1) The responsible member of the Government may issue the necessary instructions, unless individual matters are assigned to an office for independent handling, subject to para. 2. Unless there are special reasons, instructions shall be issued via the head of the office.

2) If a decision of the Office is not subject to appeal to the collegial government, the collegial government may issue instructions to the Office on how a matter is to be decided in an individual case in accordance with the law. If the particular importance or complexity of a decision so requires, the Office shall submit it to the collegial government for the issuance of a directive.

Art. 37

Management of the offices

1) Each office shall be headed by a head of office. A deputy head of office shall be appointed for each office, who shall assume the rights and duties of the head of office if he/she is prevented from performing his/her duties. In the case of larger offices with different areas of responsibility, two deputy heads of office may be appointed.

2) The head of the office is the superior of all employees assigned to the office. He is authorized and obligated to issue instructions to the employees.

3) The Head of the Office shall organize the Office in such a way as to ensure proper service. To this end, he or she may, in agreement with

the responsible member of the government into departments and other organizational units, taking into account in particular the size and duties of the office and any administrative ordinances of the collegial government.

4) The head of the office is responsible to the responsible member of the government for the professional, personal and organizational management of the office as well as for the proper and timely completion of the tasks assigned to the office.

Art. 38

Title

1) The heads of offices bear the title of "director" when dealing with foreign countries.

2) The collegial government may confer the title of "ambassador" on heads of office who are primarily responsible for foreign policy and foreign economic affairs.

Art. 39

Authority to act and sign

The heads of office, in cooperation with the Office of Personnel and Organa- tion, shall regulate the powers of action and signature of the respective office.

IV. Coordination organs

A. General Secretaries Conference

Art. 40

Composition and Chair

1) The General Secretaries Conference consists of the Secretary of the Government and the General Secretaries of the five Ministries.

2) The Secretary of the Government shall preside.

Art. 41

Tasks

The General Secretaries Conference shall perform the following duties on behalf of the collegiate government:

a) Discuss and prepare interdepartmental tasks;

b) Coordination of interdepartmental tasks;

c) Review of bills concerning the organization of ministries;

d) other tasks assigned by the collegiate government.

B. Office Manager Conference

Art. 42

Composition and Chair

1) The Conference of Heads of Offices consists of the members of the Government and the Heads of Offices. If they are unable to attend, the heads of office are represented by their deputies.

2) The head of government presides over the meeting.

Art. 43

Convening and agenda

1) The Head of Government shall convene the Conference of Heads of Offices as required or at the request of the Committee of Heads of Offices, announcing the agenda.

2) The collegial government prepares the agenda after consultation with the Committee of Heads of Offices.

Art. 44

Tasks

The conference of heads of offices is used for internal communication and coordination between the collegial government and the offices, especially with regard to fundamental organizational and personnel issues.

C. Representation of the heads of the offices Art. 45

Committee of Heads of Offices

The heads of the offices shall appoint a committee of five members from among their number. This committee is responsible in particular for:

a) the representation of their interests;

b) the development of joint positions in consultations and statements;

c) The coordination of common concerns; and

d) To act as a point of contact for the collegial government on important organizational and personnel issues.

V. Special Commissions Art.

46

Insertion

1) By law or by virtue of statutory authority may be appointed:

a) Commissions for the independent handling of business within the meaning of Art. 78 Para. 2 of the Constitution (authority commissions);

b) permanently advisory commissions (advisory boards).

2) The collegial government may appoint non-permanent advisory commissions to assist it in the preparation of certain business.

3) The appointment of a special commission shall be waived if the business can be more appropriately handled by an official body or a special corporation, institution or foundation under public law.

Art. 47

Review

The special commissions shall each be reviewed with regard to necessity, tasks and composition before their members are reappointed.

Art. 48

Composition

When appointing the special commissions, taking into account their tasks, care shall be taken that:

a) its members have sufficient expertise; and

b) they are balanced in terms of gender, age and interest groups.

Art. 49

Assignment and supervision

1) Each special commission shall be assigned to a ministry, taking into account the factual interrelation of the business.

2) They shall be subject to the day-to-day supervision of the competent member of the Government, unless otherwise provided by special law.

Art. 50

Orders and instructions

1) The competent member of the Government may issue orders and the necessary instructions, unless individual business is assigned to the special commissions.

are transferred to independent execution. Para. 2 and special statutory regulations remain reserved.

2) If a decision of an authority commission is not subject to appeal to the collegial government, the collegial government may issue instructions to it as to how a transaction is to be decided in an individual case in accordance with the law. If the particular importance or complexity of a decision so requires, the commission shall submit it to the collegial government for the issuance of a directive.

Art. 51

Responsibility

The members of the special commissions shall be responsible to the col- legial government for the performance of their duties.

Va. File management and data protection

A. Electronic file management and administration

Art. 51a

Principle

1) The government and the official agencies must keep and manage their files electronically in a professional manner.

2) They shall use electronic file management systems, which shall include specialist applications, for the purposes referred to in paragraph 1.

3) You can use the electronic file management systems for electronic communication in accordance with Art. 4 of the E-Government Act.

4) The Government shall regulate the details of electronic record keeping and management by ordinance. It shall determine in particular:

a) the general principles of electronic file management and administration, in particular file creation and file processing;

b) the cases in which, notwithstanding para. 1, files or parts of files may be kept or managed in physical form for technical, organizational or economic reasons; it shall regulate the principles of file keeping and management for these cases;

c) the conditions under which physical records may be destroyed or returned after they have been electronically recorded in the records management systems.

5) The provisions of this chapter shall apply mutatis mutandis to the special commissions.

Art. 51b

Reuse and transmission of data

1) Insofar as data have been recorded in electronic file management systems in accordance with Art. 51a, they shall also be used for other transactions.

2) For the purposes of para. 1, the Government and the official agencies shall provide each other and other authorities with the necessary data or grant access rights to the data in the electronic file management systems.

3) When reusing and transmitting personal data, the government and the official agencies shall take into account the principles set forth in Art. 51g.

B. Privacy

Art. 51c

Principle

1) The provisions of this section shall apply to the processing of personal data in electronic file management systems pursuant to Art. 51a.

2) Special provisions on the processing of personal data in electronic specialized applications remain unaffected.

Art. 51d

Processing of personal data

The government and official agencies may process personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses, in electronic file management systems pursuant to Art. 51a only to the extent necessary to:

a) to perform tasks assigned to it by law;

b) Business to process;

c) Organize workflows;

d) Determine whether data about a particular individual is being processed;

e) facilitate access to the documentation.

Art. 51e

Data security

The government and the official agencies shall protect the information and personal data contained in electronic file management systems by appropriate means.

The data must be protected against unauthorized or unlawful processing, accidental loss or destruction, or accidental damage by means of appropriate technical and organizational measures.

Art. 51f

Data evaluation

1) The government and the official agencies may evaluate all personal data processed in electronic file management systems pursuant to Art. 51a in an anonymized manner.

2) The government may regulate the details of data evaluation by decree.

Art. 51g

Reuse and transmission of data

1) The Government and the official agencies may also use personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offenses recorded in electronic records management systems pursuant to Art. 51a, for other transactions and transmit them to each other for this purpose if:

a) this is provided for by special legislation;

b) the conditions for processing for another purpose pursuant to Article 6(4) of Regulation (EU) 2016/679 or pursuant to Article 22 of the Data Protection Act are met;

c) the requirements for data transmission pursuant to Art. 24 of the Data Protection Act are met; or

d) the data subject has consented to the reuse or transfer of the data.

2) The transmission of data pursuant to par. 1 may be effected by means of access authorizations to electronic file management systems pursuant to Art. 51a.

Art. 51h

Data retention and deletion

1) The government and the official agencies may retain personal data, including special categories of personal data and personal data relating to criminal convictions and criminal offences, for as long as they are required to fulfill the purposes set out in Art. 51d, subject to retention periods prescribed by special law.

2) You may delete the data only after they have been sorted out and offered to the Office of Culture in accordance with Art. 7 of the Archives Act.

VI. Final provisions Art. 52

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act. In particular, it shall determine the responsibilities and tasks of the ministries and the assignment of the offices and special commissions to the individual ministries.

Art. 53

Reporting to the state parliament

The Government shall inform Parliament of its decisions concerning the organization of the administration in the Accountability Report.

Art. 54

Repeal of previous law

It is repealed:

a) Act of July 17, 1973, on the Administrative Organization of the State, LGBl. 1973 No. 41;

b) Act of 21 March 1996 on the Amendment of the Act on the Administrative Organization of the State, LGBl. 1996 No. 62;

c) Announcement of the Office Plan of November 25, 1986, LGBl. 1987 No. 6.

Art. 55

Modification of designations

1) In the following laws, the term "Justice Department" or "member of the Government responsible for the Justice Department" shall be replaced by the term "member of the Government responsible for the Justice Department" in the grammatically correct form:

a) Act of 15 September 2000 on International Mutual Assistance in Criminal Matters (Mutual Assistance Act, RHG), LGBl. 2000 No. 215;

b) Act of 20 October 2004 on Cooperation with the International Criminal Court and Other International Courts (ZIGG), LGBl. 2004 No. 268;

c) Act of October 23, 2002 on the Validity of Settlements in Payment and Securities Settlement Systems (Final Settlement Act), LGBl. 2002 No. 159;

d) Act of November 25, 2010 on Judicial Proceedings in Legal Matters outside of Litigation (Ausserstreitgesetz; AussStrG), LGBl. 2010 No. 454.

2) In Article 9(1) of the Act of 22 June 2007 on Assistance to Victims of Criminal Offences (Victim Assistance Act, OHG), LGBl. 2007 No 228, the designation "Ressort Jus- tiz" shall be replaced by the designation "dem Mi- nisterium zuständig für den Geschäftsbereich Justiz".

3) In the following laws, the term "Department of Finance" shall be replaced by the term "Member of the Government responsible for the Ministry of Presidential Affairs and Finance", in the grammatically correct form:

a) Act of 30 June 2010 on International Administrative Assistance in Tax Matters (Tax Administrative Assistance Act; SteAHG), LGBl. 2010 No. 246;

b) Law of 16 September 2009 on Administrative Assistance in Tax Matters with the United States of America (Tax Administrative Assistance Act-USA; AHG-USA), LGBl. 2009 No. 303.

4) In Article 8(1) of the Act of 20 October 2004 on Cooperation with the International Criminal Court and Other International Courts (ZIGG), LGBl. 2004 No. 268, the term "Ministry of Foreign Affairs" shall be replaced by the term "member of the Government responsible for the Ministry of Foreign Affairs", in the grammatically correct form.

5) In Article 32(1) of the Act of 23 May 1996 on the Protection of Nature and the Countryside, LGBl. 1996 No 117, the term "responsible government department holder" shall be replaced by the term "government member responsible for the Ministry of Infrastructure and the Environment".

6) Article 1 of the Act of 30 October 1996 implementing the European Convention of 20 May 1980 on the Recognition and Enforcement of Decisions concerning Custody of Children and

the restoration of custody, LGBl. 1997 No. 24, the designation "Res- sort" shall be replaced by the designation "Government Member".

7) In Article 20(2) of the Act of 24 April 2008 on the Promotion of Energy Efficiency and Renewable Energy Sources (Energy Efficiency Act; EEG), LGBl. 2008 No. 116, the term "holder of the Ministry of Economy" shall be replaced by the term "member of the Government responsible for the Ministry of Economy".

8) In Article 6(2) of the Law of 30 June 2010 on Liechtenstein Al- ters and Health Assistance (LAKG), LGBl. 2010 No. 243, the word "ressortmässig" shall be replaced by the word "geschäftsmässig".

9) In Article 7(3) of the Act of 14 March 2002 on the Financial Intelligence Unit (FIU), LGBl. 2002 No 57, the designation "holder of the Ministry of Finance" shall be replaced by the designation "member of the Government responsible for the Ministry of Presidential Affairs and Finance".

10) In the Act of 26 April 2007 on International Humanitarian Cooperation and Development (IHZEG), LGBl. 2007 No. 149, replace in the respective grammatically correct form:

a) in Article 10(1)(a), the words "ministries responsible under the departmental plan" shall be replaced by the words "ministries responsible under the allocation of responsibilities";

b) in Art. 10 Para. 1 Letter b the designation "departments" by the designation "mini- steries".

11) In Article 31(1)(a) of the Judicial Service Act (RDG) of 24 October 2007, LGBl. 2007 No. 347, the words "a department or office" shall be replaced by the words "an office".

12) In Article 48 of the Public Prosecutor's Act (StAG) of December 15, 2010, LGBl. 2011 No. 49, the words "a department or an office" shall be replaced by the words "an office".

Art. 56

Entry into force

1) This Act shall enter into force on February 1, 2013.

2) It will be applied for the first time with the new appointment of the government in 2013.

XVIII. Public Prosecutor's Act (StAG)

from 15 December 2010

I. General provisions Art. 1

Subject

This Act regulates the duties and organization of the Public Prosecutor's Office, as well as the service law of public prosecutors and non-prosecutorial employees.

Art. 2

Tasks of the public prosecutor's office

The Office of the Public Prosecutor is responsible for safeguarding the interests of the state in the administration of justice, in particular in the administration of criminal justice, in fulfillment of the tasks assigned to it by law or state treaty. It is responsible for public prosecution and judicial prosecution in criminal proceedings.

Art. 3

Terms and designations

1) For the purposes of this Act, "non-prosecutorial employees" shall mean employees of the Registry and prosecutorial trainees.

2) The designations of persons, functions and professions used in this Act shall be understood as referring to persons of both male and female genders.

II. Organization

A. Structure and organs of the public prosecutor's office

Art. 4

Prosecutors

1) The Public Prosecutor's Office performs its duties through prosecutors.

2) Prosecutors shall be independent in the performance of their duties, unless otherwise provided by this Act.

3) The public prosecutors shall work independently and on their own responsibility within the scope of the tasks assigned to them by the distribution of business or in individual cases by the head of the public prosecutor's office.

Art. 5

Head of the public prosecutor's office

1) The public prosecutor's office is headed by a public prosecutor. The head of the public prosecutor's office shall represent the public prosecutor's office externally. In the event of his absence or incapacity, his powers shall be vested in his deputy.

2) The head of the prosecutor's office and his deputy are appointed by the government from among the prosecutors.

Art. 6

Departments

The head of the public prosecutor's office, his deputy and each other public prosecutor shall each head a department. The competence of the departments shall be specified in the distribution of business.

Art. 7

Office

1) The office supports the departments in the fulfillment of their tasks.

2) The office is responsible in particular for:

a) the execution of the prosecutor's decisions;

b) the registration of transactions;

c) the keeping of diaries and registers; and

d) the other administrative business of the departments.

3) The head of the public prosecutor's office may specify the organization of the office and its communication with the departments.

B. Instructions Art. 8

Principle

1) The government may issue in writing to the head of the prosecutor's office:

a) general instructions;

b) instructions on the handling of a particular criminal case; such instructions may not be to drop the charges (Section 22(1) of the Code of Criminal Procedure), to discontinue the proceedings (Sections 64, 158(2) of the Code of Criminal Procedure), to withdraw from the prosecution as a result of diversion (Section IIIa of the Code of Criminal Procedure), to withdraw the indictment or to refrain from lodging an appeal to the detriment of the accused.

2) If a written instruction in a specific criminal case pursuant to subsection 1 is not possible for special reasons, in particular because of imminent danger, the court shall

If a verbal instruction is not possible, it must be confirmed in writing as soon as possible.

3) Instructions may be given to prosecutors only by the head of the prosecutor's office, either orally or in writing.

4) Instructions must always be issued and justified with reference to this legal provision.

5) The constitutional right to suppress investigations initiated by the Prince Regnant shall remain unaffected.

Art. 9

Right of remonstration, protection of conscience, notification of instructions

1) A public prosecutor who considers that an instruction given to him to deal with a particular case is unlawful shall notify the head of the public prosecutor's office or, if the head himself is concerned, the government of this fact, unless the measure cannot be postponed due to imminent danger, before complying with the instruction.

2) If a public prosecutor considers an instruction to be unlawful or requests an instruction in writing, the head of the public prosecutor's office or, if it concerns the head himself, the government shall issue the instruction in writing or repeat it in writing, failing which it shall be deemed to have been withdrawn.

3) If a public prosecutor is convinced of the unlawfulness or indefensibility of the conduct required of him or if there are other reasons worthy of consideration, the head of the public prosecutor's office shall release him or her from further handling of the case upon a written and sufficiently substantiated request, unless the measure cannot be postponed due to imminent danger.

4) The obligation to maintain official secrecy is not violated by the mere communication of the fact that and in which direction an instruction has been issued for the handling of a specific criminal case.

C. Distribution of business, auditing, attendance and reporting

Art. 10

Business allocation

1) The head of the public prosecutor's office shall distribute the business to the individual departments on an annual basis. In doing so, he shall ensure an even workload of the public prosecutors in the departments and provide for deputy arrangements.

2) The distribution of business shall be simple and clear and shall contain the designation of the departments and the respective names of the public prosecutors.

3) The distribution of business shall not apply to orders which, due to their urgency, must be made during on-call duty and due to the transfer of tasks by the head of the public prosecutor's office.

4) The distribution of business shall be brought to the attention of the director responsible for the public prosecutor's office and shall be made known to the public in an appropriate manner.

5) Insofar as it is necessary for the proper conduct of business, the head of the public prosecutor's office may temporarily take over the duties of another public prosecutor or delegate certain generally defined business to a public prosecutor for independent handling. If events occur which have longer-term effects on the course of business, the allocation of business shall be amended, in particular if:

a) Changes have occurred in the staffing of prosecutors;

b) this is necessary due to the inability of a public prosecutor to perform his duties;

c) a public prosecutor is prevented from performing his duties within a reasonable period of time due to the scope of his duties.

Art. 11

Revision

1) The head of the public prosecutor's office shall revise the executions of the public prosecutors. He may designate one of the other prosecutors for this purpose.

2) The waiver of prosecution for a criminal offense assigned to the criminal court shall always be subject to revision.

Art. 12

Presence in the office and on-call duty

1) The head of the public prosecutor's office shall arrange the presence of the public prosecutors in such a way that they can properly perform their official duties.

2) Outside the regular duty to be present, a public prosecutor shall be on call. A public prosecutor shall be on call in order to ensure the timely execution of applications and orders that cannot be delayed.

3) During the period of on-call duty, the public prosecutor shall stay in the country or in a foreign country close to the border and shall ensure that he or she can be reached at any time and shall

can perform the necessary official acts.

4) The head of the public prosecutor's office shall allocate the public prosecutors to the call office in such a way as to ensure that the public prosecutors are called up as evenly as possible.

Art. 13

Reports

1) The head of the public prosecutor's office shall immediately report criminal cases of special public interest to the member of the government responsible for the public prosecutor's office and to the head of the government.

2) Criminal cases against members of the Diet, the Government or persons exercising the function of a head of a municipality or a municipal council of a Liechtenstein municipality shall be reported unless a connection with the political activity can be excluded.

3) The report must be made in writing, in urgent matters also orally in advance, in an appropriate manner.

4) If applications and declarations have to be made or submitted immediately due to imminent danger, the reporting must be made up immediately.

Art. 14

Annual reports

1) Each year, by the end of February, the head of the Public Prosecutor's Office shall submit to the Government an annual report on the lawful conduct of business of the Public Prosecutor's Office for the attention of the Diet.

2) The annual report shall provide information on the criminal cases settled in the course of the fiscal year and those still pending and shall explain the development of business.

3) The annual report may also reveal perceptions about the state and course of the administration of justice, as well as about deficiencies in legislation and, if necessary, contain appropriate proposals for amendments.

D. Documentation and registration Art. 15

Diary

1) A diary must be kept at the prosecutor's office for each criminal case.

2) To be entered in the diary are the reasons for:

a) a withdrawal of a complaint;

b) a setting explanation;

c) a withdrawal from prosecution due to diversion;

d) a withdrawal of a petition for punishment or sentence, an indictment, a petition for placement in an institution for mentally abnormal lawbreakers, or any other independent petition.

3) When filing a petition for punishment or penalty, the special circumstances that are important for the indictment, the presentation of evidence and the assessment of the penalty shall be noted in key words.

4) Custody items shall be specially marked.

5) The original of applications for punishment or sentencing, indictments, applications for placement in an institution for mentally abnormal offenders and appeals shall be attached to the diary, and a copy of reports shall be attached to the diary.

6) The results of the court hearings as well as any declarations of appeal shall be recorded in the diary.

Art. 16

Register

1) The public prosecutor's office shall keep registers of criminal cases in which all essential procedural data, criminal acts, procedural steps as well as orders, applications and instructions of the public prosecutor shall be entered.

2) The Government shall regulate the details in particular on the type, content, form and keeping of the registers by ordinance.

Art. 17

Inspection of diaries and records

1) Subject to para. 2, the right to inspect diaries shall be granted to the following persons:

a) the member of the Government responsible for the Public Prosecutor's Office and the Head of the Government, and in case they are prevented from attending, their deputies or a person authorized by them;

b) to the extent necessary, to those authorities concerned with criminal or disciplinary proceedings against a public prosecutor or with proceedings under the Public Liability Act against the Land for official activities of a public prosecutor.

2) For the purpose of scientific research, the head of the public prosecutor's office may grant the right to inspect diaries. As a rule, inspection may not be granted until ten years after the charges have been dropped or the proceedings have otherwise ended.

3) If there is a justified legal interest, the documents attached to the diary may be inspected, unless there are special circumstances to the contrary. As a rule, this right of inspection exists only after the charges have been dropped, the proceedings have been discontinued, the prosecution has been withdrawn in accordance with IIIa. The right to inspect the documents attached to the diary shall be granted only after the charges have been dropped, the proceedings have been discontinued, the prosecution has been withdrawn in accordance with Section IIIa.

Art. 18

Processing of personal data

The prosecutor's office may process personal data, including special categories of personal data and personal data on criminal convictions and criminal offenses,

to the extent necessary for the performance of their duties under this Act.

E. Relationship with the courts Art. 19

Performing acts at the courts

1) The sphere of action of public prosecutors and their relations with the courts shall be governed by the special statutory procedural provisions, in particular the Code of Criminal Procedure.

2) The representation of the prosecution at the final hearing shall, if possible, be assigned to the public prosecutor who has been primarily involved in the case up to that point, insofar as this is in the interest of an expedient prosecution.

3) In proceedings under Sections 312 and 317 of the Code of Criminal Procedure, the representation of the prosecution in the final hearing before the Regional Court and the representation in the appeal proceedings before the Supreme Court may also be assigned to trainee judges.

F. Supervision

Art. 20

Internal Affairs

1) The Head of the Public Prosecutor's Office shall supervise prosecutors, trainee judges entrusted with prosecutorial duties and non-prosecutorial employees. The Head of the Public Prosecutor's Office shall be supervised by the Government.

2) The subject of the supervision are in particular:

a) the control of the volume of business, the deadlines for completion and the keeping of the diary and registers;

b) The monitoring of prolonged procedural shutdowns; and

c) continuing education in the administration of justice.

3) No ordinary appeal shall be allowed against decisions and orders made by the supervisory bodies in the exercise of supervision.

Art. 21

Internal Affairs Complaint

1) Complaints for improper conduct in the performance of official acts or for refusal or delay in the administration of justice may be filed in writing by any person:

a) with the government, insofar as they concern the head of the public prosecutor's office;

b) with the head of the public prosecutor's office, insofar as they concern the other public prosecutors, trainee judges entrusted with the performance of public prosecutorial duties and non-prosecutorial employees.

2) All complaints that are not manifestly unfounded shall be notified to the prosecutor or the head of the prosecutor's office concerned with a request to remedy the complaint within a specified period and to report thereon or to disclose the obstacles to remedy.

G. Exclusion and rejection of prosecutors Art. 22

Exclusion

Prosecutors may not hold office if they:

a) have a personal interest in the matter;

b) are or were married to or cohabited with a defendant, or are related by blood or marriage to the 4th degree. Election-

Stepchildren, stepchildren and foster children are treated in the same way as natural children;

c) Are agents, representatives, employees, or officers of a person charged;

d) are witnesses in the case.

Art. 23

Rejection

1) Prosecutors may request exclusion themselves or be opposed by defendants and parties to the proceedings if:

a) there is a close friendship, personal enmity or a special relationship of duty or dependence with the accused or a party to the proceedings;

b) they are in a legal dispute with the accused or a party to the proceedings or could be biased in the matter for other reasons.

2) The recusal of a prosecutor must be reported within five days from the date of knowledge of the reason for recusal.

Art. 24

Exclusion and rejection procedures

1) Each public prosecutor shall refrain from all prosecutorial acts from the moment a reason for exclusion is known, except in case of imminent danger.

2) As soon as a reason for refusal or exclusion is known, each public prosecutor shall be obliged to inform the head of the public prosecutor's office and, if the head himself is concerned, his deputy in due time.

3) The head of the public prosecutor's office and, if the head himself is concerned, his deputy shall be obliged, if there is a reason for refusal or exclusion, to exclude the public prosecutor concerned and to entrust his deputy with the performance of the duties in accordance with the distribution of business.

III. Service law

A. General

Art. 25

Applicable law

This chapter regulates the service law of public prosecutors. The service law of non-prosecutorial employees shall be governed by the provisions of the State Personnel Act, unless otherwise provided hereinafter.

B. Preparatory service

Art. 26

Principle

The training to become a public prosecutor takes place within the framework of the judicial preparatory service according to Art. 6 ff. of the Judicial Service Act.

Art. 27

Repealed

Art. 28

Repealed

Art. 29

Repealed

Art. 30

Repealed

Art. 31

Repealed

C. Establishment of the employment relationship Art. 32

Tender and employment

1) Vacancies of public prosecutors shall be advertised by the Government in the official pub- lication organs for free application.

2) The head of the public prosecutor's office shall submit to the government a statement on the suitability of the applicants and, if there are several applicants, a reasoned proposal for the appointment.

3) The Government shall hire public prosecutors without being bound by the appointment proposal of the Head of the Public Prosecutor's Office by concluding a written employment contract.

Art. 33

Employment Requirements

1) Subject to subsections (2) and (3), the following requirements shall be met for employment as a public prosecutor:

a) Liechtenstein citizenship;

b) full capacity to act;

c) unrestricted personal and professional suitability;

d) Completion of the judicial preparatory service in accordance with Art. 6 et seq. of the Judicial Service Act.

2) Liechtenstein nationals who have practiced law in Liechtenstein for at least three years are exempt from the requirement under paragraph 1(d). Furthermore, Liechtenstein citizens who have previously served as a full-time judge at a court of law in Liechtenstein or as a public prosecutor at the Liechtenstein Public Prosecutor's Office shall be exempt from the requirement under paragraph 1(d).

3) Exempt from the requirements of subsection 1(a) and (d) are:

a) Austrian nationals who have worked as a full-time public prosecutor or judge for at least five years without interruption immediately prior to their application;

b) Swiss nationals who, immediately prior to their application, have worked continuously for at least five years as a full-time public prosecutor, judge or court clerk.

Art. 34

Duration of the employment relationship

1) Prosecutors are employed until they reach the age limit for ordinary retirement.

2) A temporary appointment is permitted for a maximum of three years; it may be extended for a maximum of two additional years in justified cases.

Art. 35

Oath of Service

1) Before taking up their duties, prosecutors shall swear to observe the Constitution and all other laws and to perform their duties conscientiously.

2) The head of the government is responsible for administering the oath of office to prosecutors.

D. Rights and Duties of Prosecutors Art. 36

General duties

1) The public prosecutors shall be bound to loyalty to the state and shall observe the legal system in force in Liech- tenstein without exception. They shall cooperate with

to devote their full strength to the service, to fulfill the duties of their office conscientiously, impartially and unselfishly, and to settle the matters pending with the Office of the Public Prosecutor as quickly as possible.

2) The public prosecutors shall be obliged to participate in the training of trainee public prosecutors, trainee judges and trainee public prosecutors. According to the instructions of the head of the public prosecutor's office, they shall, in particular, participate in the preparation of opinions on consultations or in working groups concerning the business area of the public prosecutor's office.

3) Prosecutors shall conduct themselves in and out of office without reproach and refrain from doing anything that might diminish confidence in the prosecutorial function.

Art. 37

Duty to follow instructions

Prosecutors are obliged to comply with the instructions in accordance

with Articles 8 and 9.

Art. 38

Confidentiality

1) The public prosecutors shall be bound to secrecy with regard to all facts of which they become aware exclusively in the course of their official duties vis-à-vis anyone to whom they are not required to report such facts in the course of their official duties.

2) The obligation to maintain confidentiality shall continue unchanged in the relationship outside the service and in retirement as well as after the termination of the service relationship.

3) Prosecutors shall not express their views on the criminal cases they are to handle outside the office.

Art. 39

Release from the obligation to maintain secrecy

1) If the public prosecutors are required to testify in court or before an administrative authority, they shall report this to the department responsible for supervision, indicating the subject of the requested testimony.

2) If the interest in testifying outweighs the interest in secrecy, prosecutors may be released from the duty of confidentiality.

3) For the release from the obligation of secrecy is responsible:

a) at the head of the prosecutor's office the government;

b) in the case of other prosecutors, the head of the prosecutor's office.

Art. 40

Prohibition on accepting gifts

Prosecutors shall be prohibited from accepting gifts or other benefits offered directly or indirectly to them or their relatives with regard to their official duties. It shall also be prohibited for them to procure or be promised gifts or other benefits in relation to the performance of their duties.

Art. 41

Excluded activities

1) The public prosecutors shall not engage in any activities outside of their employment which may affect the reputation or independence of their office or which may hinder them in the performance of their official duties or which may jeopardize other significant official interests.

2) Prosecutors may not be members of Parliament or the Government, nor may they hold the office of head of a municipality or a municipal council of a Liechtenstein municipality.

3) Prosecutors may not practice law, practice patent law, or act as trustees or asset managers.

4) Unless otherwise provided by law, there shall be no restrictions on membership of commissions and advisory councils appointed by Parliament or the Government.

Art. 42

Secondary occupations of public prosecutors

1) Any employment which the public prosecutor performs outside his employment and outside activities pursuant to Art. 41 par. 4 shall be deemed to be secondary employment.

2) The commencement, nature and extent of secondary employment must be approved by the department responsible for supervision.

3) The competent authority may prohibit prosecutors from engaging in secondary employment to the extent that it interferes with the performance of official duties.

Art. 43

Salary and compensation

The financial entitlements of public prosecutors arising from their employment are governed by the Salaries Act.

Art. 44

Official expenses

The reimbursement of official expenses is based on the corresponding regulations for state personnel.

Art. 45

Vacation

1) The vacation entitlement of prosecutors in each calendar year shall be:

a) 23 working days until the year in which the 39th year of age is fulfilled;

b) 25 working days from the year in which the 40th year of age is fulfilled;

c) 28 working days from the year in which the age of 50 is fulfilled;

d) 30 working days from the year in which the age of 60 is fulfilled.

2) Vacations shall be scheduled by the Head of the Public Prosecutor's Office, taking into account the wishes of the public prosecutors, in such a way as not to interfere with the operation of the service.

Art. 46

Vacation and days off

1) The granting of paid and unpaid leave for public prosecutors, as well as the regulation of days off duty, shall be governed by the provisions of the State Personnel Act and its implementing regulations.

2) The head of the prosecutor's office may, upon written request, authorize a prosecutor to take unpaid leave of up to 20 working days per calendar year.

3) Unpaid leave of 21 or more working days per calendar year requires government approval.

Art. 47

Privacy

The provisions of the State Personnel Act shall apply mutatis mutandis to data protection, in particular the processing and transmission of personal data of public prosecutors.

E. Change of use

Art. 48

Temporary service assignment

Public prosecutors may, with their consent and with the consent of the head of the public prosecutor's office, be temporarily assigned by the government to an office of the state administration to perform administrative duties.

F. Termination of employment Art. 49

Principle

1) The termination of employment of public prosecutors shall be governed, subject to Article 50 of this Act, by Articles 32(1) (termination of employment), 33 (resignation), 34 (age limit), 35 (dismissal from service), 36 (provisional suspension) and 36 (dismissal from service) of this Act.
(dismissal), 37(2) (service court) and 38(1) and (2) (proceedings before the service court) of the Judges Service Act shall apply mutatis mutandis, provided that the powers of the presidents of the courts shall be vested in the head of the public prosecutor's office in the case of public prosecutors, and in the government in the case of the head of the public prosecutor's office.

2) As a service court is responsible:

a) the President of the Supreme Court for the Head of the Public Prosecutor's Office and the other prosecutors;

b) a service panel of the Supreme Court consisting of three senior judges with legal expertise as an appeal authority.

Art. 50

Cancellation

1) The Government may terminate the employment of a public prosecutor for substantial operational or economic reasons, in particular if financial resources cease to exist. In this case, the position of the public prosecutor shall be deleted from the establishment plan.

2) The public prosecutor concerned and the head of the public prosecutor's office shall be heard prior to a dismissal under subsection 1.

G. Disciplinary law

Art. 51

Principle

1) The disciplinary law of public prosecutors shall be governed by Articles 39 (imposition of disciplinary and administrative sanctions), 40 (limitation period), 41 (administrative sanction), 42 para. 1

to 4 (disciplinary sanctions), 43 paras. 2 to 4 (disciplinary tribunal), 44 (investigat- (exclusion and rejection of persons from the court), 46 paras. 1 and 2 (imposition of an administrative penalty by order), 47 (preliminary investigations), 48 (disciplinary investigation), 49 (hearings and determination of the facts), 50 (inspection of files and completion of the disciplinary investigation), 51 (discontinuance and refusal orders), 52 (oral hearing), 53 (exclusion of the public and publication of the decision), 54 (content and pronouncement of the decision), 55 paras. 1 and 3 (appeal against the decision), 56 (decision on reimbursement of costs without oral hearing), 58 (termination of disciplinary proceedings due to death or resignation), 59 (suspension of disciplinary proceedings), 60 paras. 1 and 2 (cancellation of disciplinary penalty), 61 (suspension without oral hearing), 62 (annulment of suspension), 63 paras. 1 and 2 (decision on the application for reinstatement), 66 (effect of reinstatement), 67 (finding after reinstatement), 68 (compensation for lost salary), 69 (reinstatement), 70 (making service) and 71 (exemption from fees) of the Judicial Service Act shall apply mutatis mutandis.

2) As a disciplinary court is responsible:

a) the President of the Supreme Court for the Head of the Public Prosecutor's Office and the other prosecutors;

b) a disciplinary panel of the Supreme Court, consisting of three senior judges with legal expertise, as an appeal authority.

3) The decision of the disciplinary court shall be communicated to the head of the public prosecutor's office and the government after it has become final.

IV. Transitional and final provisions Art. 52

Transitional provisions

1) Subject to subsections (2) and (3), the new law shall apply to employment relationships existing at the time of the entry into force of this Act.

2) The disciplinary provisions of this Act shall apply to breaches of duty committed before the entry into force of this Act, if the laws in force at the time of the act would not be more favorable to the prosecutor in their overall effect.

3) Prosecutors who are engaged in secondary employment at the time of the enactment of this Act may continue to do so, provided that the requirements of

Art. 41 par. 1 are complied with.

Art. 53

Repeal of previous law

The Princely Decree of May 19, 1914, issuing an official instruction for the Public Prosecutor's Office at the Princely District Court of Vaduz established by the simultaneously promulgated Law on the Introduction of a New Code of Criminal Procedure, LGBl. 1914 No. 4, is repealed.

Art. 54

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 February 2011, otherwise on the day of promulgation.

Law on the

XIX. List of beneficial owners of legal entitiesr (VwbPG)

from 3 December 2020

Art. 1

Subject and purpose

1) This Act regulates for the purpose of combating money laundering, predicate offenses to money laundering and terrorist financing in particular:

a) the obligations of legal entities and beneficial owners;

b) keeping the list of beneficial owners of legal entities;

c) the processing and disclosure of data;

d) supervision of the register of beneficial owners of legal entities; and

e) the penalties for violations of this law.

2) It serves to implement Articles 30 and 31 of Directive (EU) 2015/ 849 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

3) The valid version of the EEA legal provisions referred to in this Act results from the promulgation of the decisions of the EEA Joint Committee in the Liechtenstein Gazette pursuant to Art. 3(k) of the Promulgation Act.

Art. 2

Definitions and designations

1) For the purposes of this Act shall be deemed to include:

a) "beneficial owner" means a natural person on whose initiative or in whose interest a transaction or activity is ultimately carried out or a business relationship is ultimately established. In the case of legal entities, it is also the natural person who ultimately owns or controls the legal entity. The government shall regulate the details by ordinance;

b) "Due Diligence Officer" means a due diligence officer as defined in Article 3 of the Due Diligence Act;

c) }, "legal entity":

1. domestic legal entities, companies, trusts or other communities or entities of property, irrespective of their legal form, in accordance with Annexes 1 and 2, insofar as in the case of trusts in accordance with Annex 2, which are managed by persons in accordance with Art. 3 para. 1 let. k of the Due Diligence Act, proof is not provided that the beneficial owners are entered in a register in accordance with Art. 31 of Directive (EU) 2015/849 of another EEA member state. The government shall regulate the closer with an ordinance;

2. trusts or similar legal arrangements established abroad which are administered domestically, unless proof is provided that the beneficial owners are entered in a register pursuant to Art. 31 of Directive (EU) 2015/849 of another EEA member state. The Government shall regulate the details by ordinance;

3. trusts or similar legal arrangements administered in a third country, for which a business relationship with a person subject to due diligence has been entered into or real estate has been acquired in Germany

unless proof is provided that the beneficial owners are entered in a register pursuant to Article 31 of Directive (EU) 2015/849 of another EEA Member State. The Government shall regulate the details by ordinance;

d) "stand-alone legal entity according to Annex 1": legal entity according to Annex 1 for which ultimately no legal entity according to Annex 2 or no corresponding foreign legal entity exists:

1. holds or controls an interest or voting rights of 25% or more;

2. has an interest of 25% or more in the profits; or

3. exercises control in another way;

e) "Third Country" means a country that is not a member of the European Economic Area (EEA);

f) "Financial institution" means a financial institution as defined in Article 3(2) of Directive (EU) 2015/849;

g) "Business Relationship" means any business, professional or commercial relationship that is maintained in connection with the Entity's commercial activities and that is expected to last for a certain period of time when the contact is established;

h) "Founders and Protectors" means founders, incorporators and settlors, and protectors or persons in similar or equivalent capacities.

2) The designations of persons, functions and professions used in this Act shall be understood to mean members of the male and female sexes.

II. Obligations of Legal Entities and Beneficial Owners Art. 3

Establishment and verification of the identity of beneficial owners

1) The legal entities have to verify the identity of their beneficial owners.
determine.

2) They must take risk-based and reasonable measures to verify the identity of the beneficial owners in order to satisfy themselves that they are indeed the beneficial owners. This includes risk-based and appropriate measures to establish the identity of the beneficial owners.
and control structure of the legal entity.

3) If doubts arise over time as to the identity of the beneficial owners, the legal entities must repeat the process of establishing and verifying the identity of the beneficial owners.

4) The Government shall regulate the details of the determination and verification of the identity of beneficial owners by ordinance.

Art. 4

Collection and communication of the data of the beneficial owners

1) Legal entities shall obtain the following data on their beneficial owners and notify the Office of Justice in electronic form:

a) for natural persons: Surname, first name, date of birth, country of residence and nationality;

b) in the case of domestic legal entities, companies, trusts or other communities or property units, irrespective of their legal form: company number, name or business name, legal form, registered office and address and, in the case of those that are not entered, displayed or filed in the Commercial Register, additionally the date of incorporation;

c) in the case of foreign legal entities, companies, trusts or other communities or property units, irrespective of their legal form: company number, name or business name, legal form, registered office and address, date of incorporation, where applicable place and date of entry in the foreign commercial register or in a comparable register.

2) The legal entities pursuant to Annex 1 shall, in addition to the data on the beneficial owners pursuant to paragraph 1, also obtain information on their economic interest and notify the Office of Justice thereof in electronic form.

3) In addition to the data on the beneficial owners pursuant to paragraphs 1 and 2, the legal entities pursuant to Art. 2(1)(c)(3) must also provide the Office of Justice with a domestic address for service.

4) The legal entities shall notify the Office of Justice of the data pursuant to paras. 1 to 3 within the following deadlines:

a) legal entities pursuant to Annex 1 within 30 days of their entry in the Commercial Register;

b) legal entities required to be entered, notified or deposited in the Commercial Register pursuant to Annex 2 within 30 days of their entry in the Commercial Register or after submission of the notification of formation in the case of foundations not entered in the Commercial Register or after deposit of the trust instrument in the case of trusts not entered in the Commercial Register;

c) legal entities not required to be entered, notified or deposited in the Commercial Register pursuant to Annex 2 within 30 days of their formation;

d) legal entities pursuant to Art. 2(1)(c)(2) within 30 days of commencing domestic administration;

e) legal entity pursuant to Art. 2 para. 1 let. c item 3 within 30 days after the commencement of the business relationship with a person subject to due diligence or after the acquisition of the property.

5) The legal entities must notify the Office of Justice of any changes in data pursuant to paras. 1 to 3 within 30 days of becoming aware of them. Furthermore, the following legal entities must notify the Office of Justice of the discontinuation of the requirements for registration within 30 days of becoming aware of this:

a) legal entities not required to be registered, notified or deposited in the Commercial Register pursuant to Annex 2;

b) legal entity pursuant to Art. 2 Para. 1 Let. c No. 2; and

c) Legal entity according to Art. 2 para. 1 let. c item 3.

6) Trustees of trusts pursuant to Annex 2 shall disclose their status to due diligence officers and transmit the data pursuant to para. 1 in a timely manner if they establish a business relationship or carry out an occasional transaction (Art. 2 para. 1 let. d of the Due Diligence Act).

7) The Government shall regulate the details of the collection and communication of data of the beneficial owners by ordinance.

Art. 5

Obligations of the beneficial owners

The beneficial owners shall provide the Entity with all information necessary for the fulfillment of its obligations under Articles 3 and 4.

III. Keeping the list of beneficial owners of legal entities

Art. 6

Principle

1) The Office of the Judiciary maintains an electronic register of the economically be-
persons authorized by legal entities (list).

2) The directory is maintained in German. The right to enter foreign-language versions of the company name, the name or the designation remains reserved.
of a legal entity.

3) The Government shall regulate the details of the keeping of the register with ver-
order.

Art. 7

Directory content

1) In the directory are entered:

a) the data of the legal entities and the beneficial owners assigned to them in accordance with Art. 4;

b) the comments on discrepancies according to Art. 9 par. 3.

2) The Government shall regulate the details of the content of the list by ordinance.

Art. 8

Extracts and certificates

1) The Office of Justice shall, upon request, issue extracts from the register and certificates of entries in the register to legal entities against payment of a fee or within the framework of disclosure pursuant to Articles 15 to 17.

2) The Office of Justice verifies the legitimacy of the applicants or their authorized representatives. As part of the verification, it may in particular inspect suitable documents, the commercial register or an equivalent foreign register.

3) Extracts and certificates from the register have no public faith.

4) The Government shall regulate the details of extracts and certificates by decree.

Art. 9

Obligation to report discrepancies

1) The persons subject to due diligence are obliged to report to the Office of Justice within 30 days of becoming aware of any discrepancies they discover between the data entered in the register on the beneficial owners of legal entities and the information available to them on these persons. This also applies to authorities pursuant to Art. 13 para. 1, provided that this does not unnecessarily impair their statutory mandate.

2) The obligation to report pursuant to para. 1 shall not apply if:

a) the entity has been notified of the incorrect or incomplete entry by the person subject to due diligence and the latter initiates a correction within 30 days of becoming aware of it; or

b) the person subject to due diligence has made a notification to the FIU staff unit in accordance with Art. 17 of the Due Diligence Act.

3) The Office of Justice notes the reported discrepancies in the register and takes the necessary measures to eliminate the discrepancies.

4) The Government shall regulate the details of reporting discrepancies by decree.

Art. 10

Networking of the directory

The directory shall be interconnected with the central registers of other EEA member states via the central European platform pursuant to Art. 22 of Directive (EU) 2017/1132. The interconnection shall be carried out in accordance with the technical specifications and procedures issued by the EU Commission.

IV. Privacy

A. General

Art. 11

Principle

Unless otherwise specified below, the provisions of data protection legislation shall apply to data protection.

B. Data processing Art. 12

Data processing and security

1) The Office of Justice shall keep the register exclusively for the purpose of combating money laundering, predicate offenses to money laundering and terrorist financing in accordance with the provisions of this Act. The data may not be processed for other purposes.

2) The Office of Justice is authorized to process the information and personal data to be entered in the register within the scope of its performance of duties under this Act.

3) It is authorized to process the data for statistical purposes or to forward it for processing to the domestic authorities pursuant to Art. 13 (1), provided that the data are required for analyses for the purpose of combating money laundering, predicate offenses to money laundering and terrorist financing.

4) The information and personal data to be entered in the directory shall be protected by appropriate technical and organizational measures against unauthorized or unlawful processing, accidental loss, destruction or accidental damage.

5) The Office of Justice shall delete personal data from the register five years after:

a) the deletion of a legal entity pursuant to Art. 2 para. 1 subpara. c no. 1 from the Commercial Register or the termination of such legal entities which are not registered, displayed or deposited in the Commercial Register;

b) the termination of the domestic administration of a legal entity pursuant to Art. 2, para. 1, subpara. c, item 2; or

c) the termination of the business relationship or the sale of the real estate of a legal entity pursuant to Art. 2 para. 1 let. c item 3.

6) For the purposes of data protection control, every data processing operation shall be logged in the directory. The log data shall be transmitted to the data protection agency immediately upon request. Log data may only be used for the purposes of

of data protection control by the data protection agency and to ensure data security. Log data may not be processed for other purposes. To be logged are:

a) the time of the data processing;

b) the persons processing the data; and

c) Purpose and nature of data processing.

7) The log data must be retained for ten years and then deleted.

8) The Government shall regulate the details of data processing and security by decree, in particular:

a) the measures taken to ensure the secure disclosure of data;

b) the operation of the directory, the access to the data, the processing authorization, the retention, archiving and deletion of data, as well as the logging of requests.

C. Disclosure of data Art. 13

Disclosure of data to domestic authorities in the retrieval procedure

1) The FIU Unit, the FMA, the National Police, the Tax Administration, the Office of the Attorney General, the Regional Court and the Liechtenstein Bar Association may, in individual cases and without restriction, inspect the data on beneficial owners of legal entities entered in the register in a retrieval procedure, insofar as this is necessary for the purpose of combating money laundering, money laundering offences and terrorist financing. It must be ensured that the legal entities concerned are not informed of a data query.

2) Subject to special statutory provisions, the rights of the person concerned under Articles 13 to 16, 18 and 21 of Regulation (EU) 2016/679 shall not apply insofar as their fulfillment would disclose information that must be kept secret due to overriding legitimate interests of the Office of Justice, the FIU Unit, the FMA, the National Police, the Tax Administration, the Office of the Public Prosecutor, the Regional Court, the Liechtenstein Bar Association or third parties. Art. 34 para. 2 of the Data Protection Act shall apply mutatis mutandis.

3) For each inspection pursuant to para. 1, the time of the query, the data viewed or retrieved, including the reasons, and the person making the query shall be recorded. The Office of Justice shall inform the authorities referred to in paragraph 1 on a quarterly basis.

and reports to the government after the end of each calendar year on the data retrievals that have been made.

4) The Government shall regulate the details of the disclosure of data to domestic authorities in the retrieval procedure by decree.

Art. 14

Disclosure of data to foreign authorities within the scope of administrative assistance

Domestic authorities pursuant to Art. 13 (1) shall decide on the admissibility of the disclosure of data within the framework of administrative assistance. If necessary, they shall inspect the directory in the retrieval procedure and transmit the data to the requesting competent foreign authority.

Art. 15

Disclosure of data to banks and financial institutions

1) Upon request, the Office of Justice shall disclose the data of legal entities entered in the register for the purpose of performing due diligence or acts to combat money laundering, predicate offenses to money laundering and terrorist financing:

a) a bank or financial institution domiciled in the country or in another EEA member state; or

b) of a bank domiciled in a third country if, in addition to the requirements set out in Directive (EU) 2015/849, the data protection requirements set out in Article 45 of Regulation (EU) 2016/679 are also met.

2) The application under paragraph 1 shall be submitted to the Office of Justice. It must contain the following information and documents:

a) Information about the applicant:

1. for domestic banks and financial institutions: Company name or surname and address of the bank or financial institution as well as surname and first name of the natural person authorized to represent the company; the power of representation must be proven;

2. in the case of foreign banks and financial institutions: the competent foreign supervisory authority in addition to the information required under No. 1;

b) Company or name of the legal entity whose data is to be disclosed;

c) a declaration that the data from the directory are necessary for the fulfillment of due diligence obligations or tasks to combat money laundering, predicate offenses to money laundering and terrorist financing.

3) The Office of Justice shall refuse to disclose data if, despite a request, the application does not contain all the information and documents required under paragraph 2.

4) The Office of Justice shall indicate, as appropriate, in the course of disclosing data that a discrepancy has been reported under Article 9.

5) The legal entity concerned shall not be a party to the procedure for disclosing data to banks and financial institutions. It must be informed about the disclosure that has taken place.

6) The Government shall regulate the details of the disclosure of data to banks and financial institutions, in particular the manner and form of application and the execution of the disclosure, by ordinance.

Art. 16

Disclosure of data to domestic due diligence parties

1) Upon request, the Office of Justice shall disclose the data on legal entities entered in the register to domestic persons subject to due diligence as part of the fulfillment of their due diligence obligations. This does not apply to the data of founders and protectors who do not exercise control over a non-single legal entity as defined in Annex 1. Art. 15 remains reserved.

2) The application under paragraph 1 shall be submitted to the Office of Justice. It must contain the following information and documents:

a) Company name or name and address of the person subject to due diligence as well as the name and first name of the natural person authorized to represent the company; the power of representation must be proven;

b) Company or name of the legal entity whose data is to be disclosed;

c) a declaration that the data from the directory are necessary for the fulfillment of the due diligence obligations.

3) Upon receipt of the application, the Office of the Judiciary shall obtain a statement from non-single legal entities as set forth in Appendix 1 as to whether a founder or pro- tector exercises control over the relevant legal entity.

4) If, at the time of filing the request pursuant to paragraph 1, proceedings for restricting the disclosure of data pursuant to Art. 18 are already pending or if such proceedings are opened during proceedings for the disclosure of data, the proceedings for the disclosure of data shall remain suspended until the final decision on the restriction of disclosure.

5) The Office of the Judiciary has requested disclosure of data relating to the relevant

beneficial owners if:

a) the application does not contain all the information and documents required in accordance with paragraph 2 despite a request to do so;

b) a founder or protector does not exercise control over a non-single entity as defined in Annex 1; or

c) there is a restriction on the disclosure of data in accordance with Art. 18.

6) The legal entity concerned shall not be a party to the procedure for disclosing data to other parties subject to due diligence. It must be informed about the disclosure that has taken place.

7) The Government shall regulate the details of the disclosure of data to domestic due diligence entities, in particular the manner and form of application and the implementation of the disclosure, by ordinance.

Art. 17

Disclosure of data to third parties

1) Domestic and foreign persons and organizations may apply to the Office of Justice for disclosure of the data of sole legal entities entered in the register pursuant to Annex 1 against payment of a fee.

2) The application under paragraph 1 shall be submitted to the Office of Justice. It must contain the following information and documents:

a) Information about the applicant:

1. for natural persons: Surname, first name and address;

2. for legal entities and organizations: Company name, surname or designation and address, purpose and registered office as well as surname and first name of the natural person authorized to represent the company; proof of the power of representation must be provided;

b) Company name or name of the single legal entity according to Annex 1 whose data are to be disclosed; and

c) a statement that the data from the register are necessary to combat money laundering, predicate offenses to money laundering and terrorist financing.

3) The Office of Justice shall refuse to disclose information about the relevant beneficial owners if:

a) the application pursuant to paragraph 1 does not contain all the required information and documents pursuant to paragraph 2 despite a request to do so;

b) the declaration under subsection 2(c) is not credible;

c) there is a restriction on the disclosure of data pursuant to Art. 18; or

d) the fee has not been paid.

4) Domestic and foreign persons and organizations may apply to the Office of Justice for disclosure of the data entered in the register for a fee in respect of legal entities that are not to be regarded as stand-alone legal entities pursuant to Annex 1. This does not apply to the data of founders and protectors who do not exercise control over a non-single legal entity according to Annex 1. Art. 13, 15 and 16 remain reserved.

5) The application under paragraph 4 shall be submitted to the Office of Justice. It shall contain the following information and documents:

a) Information about the applicant:

1. for natural persons: Surname, first name and address;

2. for legal entities and organizations: Company name, surname or designation and address, purpose and registered office as well as surname and first name of the natural person authorized to represent the company; proof of the power of representation must be provided;

b) Company or name of the legal entity whose data is to be disclosed;

c) Details of the purpose for which the information requested will be used; and

d) proof of a legitimate interest pursuant to paragraph 6 or of a controlling interest pursuant to paragraph 7.

6) A legitimate interest pursuant to para. 5 let. d exists if the use of the requested data in the context of combating money laundering, predicate offenses to money laundering and terrorist financing is credibly demonstrated.

7) A controlling interest pursuant to paragraph 5(d) exists if a trust or similar legal arrangement entered in the register holds a direct or indirect interest of 25% or more in a company or legal entity domiciled in a third country.

8) The Office of Justice shall obtain after the receipt of the request under paragraph 4:

a) a statement from the legal entities concerned as to whether there is a legitimate interest under subsection 6 or a controlling interest under subsection 7; and

b) a statement by the legal entities concerned as to whether a founder or protector exercises control over the relevant legal entity.

9) If, at the time of filing the application in accordance with par. 1 or 4, proceedings for

If a decision to restrict the disclosure of data pursuant to Art. 18 is pending or if such a decision is opened during a procedure for the disclosure of data, the procedure for the disclosure of data shall remain suspended until a final decision on the restriction of disclosure has been made.

10) The Office of Justice shall forward the application under paragraph 4, including the related documents under paragraphs 5 and 8, to the VwbP Commission for a decision.

11) The VwbP Commission shall refuse to disclose data relating to the relevant beneficial owners if:

a) the application pursuant to paragraph 4 does not contain all the required information and documents pursuant to paragraph 5 despite a request to do so;

b) a founder or protector does not exercise control over a non-single legal entity as defined in Annex 1;

c) there is a restriction on the disclosure of data in accordance with Art. 18;

d) a sufficient purpose according to para. 5 let. c is not given;

e) a legitimate interest according to para. 6 does not exist;

f) a controlling interest pursuant to paragraph 7 does not exist; or

g) the fee has not been paid.

12) Disclosure of data shall be made by the Office of Justice after the legally valid decision of the VwbP Commission on a request under subsection 4.

13) The legal entity concerned shall not be a party to the procedure for disclosing data to third parties; the right to submit a statement or declaration in accordance with paragraph 8 shall remain reserved. The legal entity concerned shall be informed of the disclosure that has taken place.

14) The Government shall regulate the details of the disclosure of data to third parties, in particular the manner and form of the application and the execution of the disclosure, by ordinance.

Art. 18

Restriction of the disclosure of data in the case of interests worthy of protection

1) The Office of Justice may, at the request of a legal entity, fully or partially restrict the disclosure of data to domestic persons subject to due diligence and third parties pursuant to Articles 16 and 17 if the legal entity proves that, taking into account all the circumstances of the individual case, the disclosure is contrary to the overriding interests of the beneficial owners that merit protection.

2) Overriding interests worthy of protection are deemed to exist if the beneficial owner:

a) by disclosing data to a disproportionate risk of be- trug, kidnapping, extortion, protection racket, harassment,

Would be subjected to violence or intimidation; or

b) is a minor or otherwise legally incompetent.

3) The restriction on the disclosure of data is granted for a period of five years. In the case of minors who are beneficial owners, it shall be granted until they reach the age of majority. If the conditions for restricting disclosure cease to apply before the expiry of this period, the legal entity shall notify the Office of Justice thereof in writing. An extension of the restriction on disclosure is permissible if the legal entity proves to the Office of Justice that there are still overriding interests of the beneficial owners that are worthy of protection that prevent the disclosure of data.

4) The Office of Justice is required to publish on its website, on an annual basis, statistical data on the number of exemptions granted and, in general terms, their justifications, and to submit them to the EFTA Surveillance Authority (ESA).

D. Data protection rights Art. 19

Right to information of data subjects

The right of data subjects to access personal data processed under this Act shall be governed by Article 15 of Regulation (EU) 2016/679. The right of access shall not apply to log data pursuant to Article 12 (6) and data in connection with inspection pursuant to Article 13 (1) and (2).

V. Supervision and enforcement

Art. 20

Responsibilities

The supervision and enforcement of this Act shall be incumbent upon:

a) the Office of Justice;

b) the Financial Market Authority (FMA); and

c) of the VwbP Commission.

Art. 21

Official Secrets

Anyone entrusted with the enforcement of the provisions of this Act or involved in their enforcement shall be bound by official secrecy and shall maintain secrecy vis-à-vis other official bodies and private persons about the observations made in the exercise of this activity and shall refuse to allow access to official files. Art. 22 and 23 remain reserved.

Art. 22

Cooperation of domestic authorities

The Office of Justice, the FMA, the FIU Unit, the National Police, the Tax Administration, the Public Prosecutor's Office and the Regional Court are obliged to cooperate closely, to provide each other, unsolicited or upon request, with all information necessary for combating money laundering, related predicate offenses and terrorist financing, and to provide information as well as personal data, including personal data on criminal convictions and offenses, and documents.

Art. 23

Tasks and powers of the Office of Justice

1) The Office of Justice shall, within the scope of its supervision, monitor compliance with the provisions of this Act and the regulations issued thereunder.

2) The Office of Justice is responsible for the following tasks in particular:

a) checking the completeness of the registered data according to Art. 4;

b) random checks of the plausibility of the data entered in accordance with Art. 4;

c) keeping the register according to Art. 6 et seq;

d) the disclosure of data pursuant to Art. 13 et seq.; and

e) carrying out inspections in accordance with Art. 24.

3) The Office of Justice shall have all the powers necessary to perform its functions and may, in particular:

a) issue rulings and directions and make decisions necessary for the application of this Act;

b) require the use of certain forms in electronic form;

c) from the legal entities and their organs all information, clarifications, documents and copies required for the enforcement of this Act, while setting

within a reasonable period of time. This obligation of the legal entities and their organs takes precedence over all state-recognized obligations to maintain confidentiality;

d) demand the restoration of the lawful condition in accordance with Art. 26;

e) submit a notification to the FIU staff unit in accordance with Art. 17 of the Due Diligence Act;

f) report violations of this Act to the competent supervisory authorities and bodies responsible for imposing supervisory and disciplinary measures on legal entities or their bodies;

g) file a complaint with the public prosecutor's office; or

h) order the liquidation of a legal entity according to Annex 1 or 2, if the communication of the data cannot be obtained.

Art. 24

Controls by the Office of Justice and independent third parties

1) If there is reason to believe that a legal entity has violated the provisions of this Act, an inspection may be carried out. The inspection shall be carried out by the Office of Justice or by independent third parties appointed by it.

2) Only auditors, auditing firms and special statutory auditors within the meaning of Art. 26 (1) of the Due Diligence Act qualify as independent third parties.

3) Independent third parties shall conduct their inspections in accordance with the Office of Jus- tice. They are obliged to:

a) submit an inspection report to the Office of Justice;

b) comply with the principles determined by the Office of Justice on the control activity and the implementation of the controls;

c) to process the documents and data of the inspections exclusively within the country and to retain them for a period of ten years; and

d) provide the Office of Justice, upon request, with all information, documents, and copies that the Office of Justice requires to carry out its activities under this Act.

4) The independent third parties are subject to official secrecy pursuant to Art.

21. the obligation to report and provide information pursuant to para. 3 remains reserved.

5) The costs of the independent third parties shall be borne by the controlled legal entities. The bodies authorized to represent the company shall be jointly and severally liable if the costs are borne by the

controlled legal entity are not paid or this has already been deleted. At the request of the legal entity concerned, independent third parties shall prepare a cost estimate prior to the start of the audit. The costs must be based on the applicable customary rates and must be proportionate to the purpose of the control activity.

6) Legal entities shall provide the Office of Justice and independent third parties with unrestricted access to all information that is relevant in connection with the fulfillment of their obligations under this Act and that they therefore deem necessary for the performance of inspections.

Art. 25

Controls by the FMA

1) The FMA shall carry out regular random inspections at legal entities which are subject to due diligence or which have at least one body which is subject to due diligence and which are subject to its supervision, in order to check whether the data pursuant to Art. 7 of this Act correspond to those pursuant to Art. 7 of the Due Diligence Act, or may have such inspections carried out.

2) Insofar as the FMA has inspections pursuant to paragraph 1 carried out by third parties, the inspected legal entities shall bear the costs for the inspection activities as well as the associated administrative costs. The costs of the commissioned third parties shall be based on the applicable customary rates and must be proportionate to the purpose of the inspection activity.

3) If, in the course of its inspections, the FMA determines that the data on the beneficial owners was not obtained or was not obtained correctly or completely or was not communicated to the Office of Justice, it shall report this to the Office of Justice.

Art. 26

Restoration of the lawful state

1) The Office of Justice shall informally request the legal entity concerned to restore the lawful state of affairs within a reasonable period of time if there is reason to believe that administrative or other minor errors may have led to incorrect or incomplete data transmission.

2) The time limit under para. 1 may be reasonably extended in justified cases. If the error is not corrected within the time limit, the Office of Justice shall issue a corresponding order.

3) The imposition of penalties in accordance with Art. 31 is reserved.

Art. 27

VwbP Commission

1) The government appoints a VwbP commission consisting of three to five members and three deputies. The government appoints the chairman and his deputy; both must be legally qualified. The term of office is four years. Reappointment is permitted.

2) The Commission is made up of experts from the fields of financial services and data privacy. The members are independent in the exercise of their function.

3) The commission shall be responsible for the tasks assigned to it in Art. 17.

4) Resolutions of the Commission shall be adopted by a simple majority of the votes of the members and alternates present. In the event of a tie, the chairman or his deputy shall have the casting vote.

5) The Government shall regulate the details of the organization and tasks of the Commission by ordinance. The commission shall adopt rules of procedure.

Art. 28

Fees

1) The Office of the Judiciary and the VwbP Commission, within the scope of their responsibilities under this Act, shall collect fees for:

a) Activities related to the keeping of the register according to Art. 6 to 9;

b) the disclosure of data pursuant to Art. 17 and the restrictions on the disclosure of data pursuant to Art. 18; and

c) Activities related to supervision under Articles 23, 24 and 26.

2) The Government shall regulate the details of the fees, in particular their amount, by ordinance.

Art. 29

Reimbursement of costs

There is no entitlement to reimbursement of fees and party and representation costs vis-à-vis the authorities or other parties.

VI. Legal remedies

Art. 30

Complaint

1) Appeals against decisions of the Office of Justice or the VwbP Commission may be lodged with the Appeals Commission for Administrative Matters within 14 days from the date of notification.

2) Appeals against decisions of the Appeals Commission for Administrative Matters may be lodged with the Administrative Court within 14 days of notification.

VII. Penal provisions

Art. 31

Misdemeanors and infractions

1) The district court shall punish for misdemeanor with imprisonment for a term not exceeding three years or with a fine not exceeding 360 daily penalty units who:

a) obtains information from the Office of Justice or the VwbP Commission by false pretenses; or

b) uses information contrary to the purpose stated in the request pursuant to Art. 15 para. 2 let. c, Art. 16 para. 2 let. c as well as Art. 17 para. 2 let. c and para. 5 let. c.

2) The Office of Justice shall punish with a fine of up to 200,000 francs for a misdemeanor, if the act does not constitute a criminal offense within the jurisdiction of the courts:

a) fails to comply with its obligations under Articles 3, 4, 9 or 34 or fails to comply with them in a timely manner or fails to comply with them fully or correctly in terms of content;

b) impedes, hinders or makes impossible the proper performance of a control in accordance with Art. 24; or

c) fails to comply with a request to complete or correct the data or with an order of the Office of Justice to correct a discrepancy under Article 9 or with any other request.

3) In the case of negligent commission, the upper penalty limits under paras. 1 and 2 shall be reduced to half.

Art. 32

Responsibility

If the offences are committed by a legal entity, the penal provisions shall apply to the members of the management level and other natural persons who have acted or should have acted on their behalf, but with joint and several liability of the legal entity for fines, penalties and costs.

VIII. Transitional and final provisions Art. 33

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 34

Transitional provisions

1) Legal entities existing at the time of the entry into force of this Act shall notify the data pursuant to Art. 4 to the Office of Justice within six months of the entry into force of this Act.

2) Persons subject to due diligence shall report discrepancies under Art. 9 to the Office of Justice only after the expiry of the period specified in para. 1.

3) The previous law shall apply to proceedings for the disclosure of data pending at the time of the entry into force of this Act.

Art. 35

Repeal of previous law

The Act of December 6, 2018 on the List of Beneficial Owners of Domestic Legal Entities (VwEG), LGBl. 2019 No. 8, is repealed.

Art. 36

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on April 1, 2021, otherwise on the day following its promulgation.

By proxy of the Reigning Prince: gez. *Alois*

Hereditary

prince *Adrian*

Hasler

Princely head of

government

Appendix 1

List of legal entities

1. associations (Art. 246 et seq. PGR), insofar as they are subject to registration in the Commercial Register;

2. stock corporations (Art. 261 et seq. PGR);

3. Limited partnerships (Art. 368 et seq. PGR);

4. Shareholding companies (Art. 375 et seq. PGR);

5. Limited liability companies (Art. 389 ff. PGR);

6. Cooperatives (Art. 428 ff. PGR);

7. Mutual insurance associations and auxiliary funds (Art. 496 ff. PGR);

8. Establishments (Art. 534 et seq. PGR), insofar as these are not covered by Annex 2;

9. Public enterprises (Art. 571 ff. PGR);

10. General partnerships (Art. 689 ff. PGR);

11. Limited partnerships (Art. 733 ff. PGR);

12. Trust companies (trust reg.; Art. 932a PGR), insofar as they are not covered by Annex 2;

13. European Economic Interest Groupings (EEIG; EEIGG);

14. European Companies (Societas Europaea, SE; SEG);

15. European Cooperatives (Societas Cooperativa Europaea, SCE; SCEG). Annex

2

List of legal entities

1. institutions with a foundation-like structure (Art. 543 para. 1 sentence 2 PGR) and institutions whose beneficiaries are third parties (Art. 545 para. 1bis PGR);

2. Foundations (art. 552 § 1 PGR);

3. Trusteeships (Trust; Art. 897 et seq. PGR);

4. trust-like structured trust companies (trust reg.; Art. 932a PGR).

1 *Report and motion and government statement no. 75/2020 and 132/2020*

2 *Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on prevention of the use of the financial system for the purpose of money laundering and terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).*

3 *Directive (EU) 2017/1132 of the European Parliament and of the Council of 14 June 2017 on certain aspects of company law (OJ L 169, 30.6.2017, p. 46).*

4 *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data, on the free movement of such data and repealing Directive 95/46/EC (Data Protection Regulation).*

Basic Regulation) (OJ L 119, 4.5.2016, p. 1).

Introductory Act of

May 13, 1924 to the

I. Customs treaty with Switzerland

from 29 March 1923

enacted 13 May 1924

I give my consent to the following resolutions passed by Parliament in its session of January 11, 1924, on the basis of Article 8 of the Constitution and in execution of Article 38 of the State Treaty with Switzerland on the annexation of the Principality to the Swiss customs territory of March 29, 1923 (hereinafter referred to as ZV).

1. Section General

Provisions

A. Applicable federal law Art.

1

I. Scope

1) For the duration of the Customs Treaty, the provisions now in force in Switzerland and coming into legal effect for the duration of the Treaty shall apply in the Principality of Liechtenstein:

a) of the entire Swiss customs legislation;

b) other federal legislation, insofar as the customs union requires their application.

2) Excluded from this are all provisions of federal legislation which establish an obligation on the part of the Confederation to make a contribution (Art. 4 ZV).

3) For the duration of the Customs Treaty, the Principality, as part of the Swiss customs territory, shall occupy the position pursuant to Articles 1 and 6 of the Customs Treaty.

4) As long as the customs treaty lasts, the trade and customs treaties which Switzerland has concluded and will conclude with third countries apply in the Principality (Art. 7 and 8 ZV).

5) All monetary payments to be made in application of the federal legislation and state treaties in force in the Principality on the basis of the Customs Treaty (Art. 4 and 7 ZV) must be paid in Swiss currency.

Art. 2

II. Entry into force

1) The provisions applicable in Liechtenstein on the basis of the Customs Treaty, insofar as they are already in force in Switzerland when the Customs Treaty enters into force, shall also become binding for the territory of the Principality at that moment.

2) Retrieved

Art. 3

III. Applicability statement

1) The Government shall examine whether the provisions designated as applicable by the competent federal authorities are part of the federal legislation referred to in Article 4 of the Customs Treaty and shall submit them to Parliament for information as soon as possible.

2) However, it shall, as far as possible, ask Parliament for its wishes if the Swiss Federal Council notifies it, on the basis of Art. 8, para. 3 of the Customs Treaty, of the intended conclusion of a trade and customs treaty with Austria.

Art. 4

IV. Announcement

1) The Government shall announce the entry into force of all federal provisions applicable on the basis of the Customs Treaty in due time in the National Gazette, stating the full title, and shall include a relevant Government resolution in the National Gazette.

2) It shall also establish a list of all such provisions and add to it from time to time.

3) A collection of all decrees and treaties applicable in Liechtenstein is available for inspection by anyone at the Government Chancellery during office hours.

B. The

authorities

Art. 5

I. In general

1) Insofar as the application of Swiss federal legislation according to the customs treaty comes into consideration, written communication between the federal and princely authorities takes place directly.

2) The officials and employees of the Confederation entrusted with the execution of the Customs Treaty shall, in the course of their duties, be granted the right of free movement and the right to perform official acts in accordance with the law, and shall be afforded the same assistance by the authorities as the canonical authorities are obliged to afford in Swiss territory.

3) Wherever the applicable federal legislation refers to authorities of any kind, this shall be understood to mean the Liechtenstein judicial and administrative authorities.

4) The appointment of an arbitrator according to Art. 43 of the Customs Treaty shall be made by the Reigning Prince upon the proposal of the Diet.

II. The

manageme

nt Art. 6

1. The competence

1) Where federal law provides for the jurisdiction of administrative authorities under cantonal law (such as government, department, district and county authorities), the government and its departments are responsible, unless the jurisdiction is reserved for a municipal or local authority.

2) In the latter case, the executive authority shall be the head of the municipality, whereas the advisory authority shall be the municipal council, unless otherwise provided by the clear meaning of Liechtenstein or Swiss law.

ZollV

3) Where federal law designates the municipal police authorities as competent, the head of the municipality is competent. In all other cases, the powers conferred on the cantonal police authorities are vested in the government.

4) The Government shall also be responsible for dealings with the organs of the Federal Administration when they act on the basis of the Customs Treaty.

2. The procedure

Art. 7

a) In general

1) The Act on the General Administration of the Province in Administrative Matters, including the provisions on administrative penal matters and administrative enforcement proceedings, shall apply to the proceedings in administrative matters, unless otherwise provided for in the individual federal decrees.

2) If, according to the applicable federal legislation, the appeal in administrative matters goes to a federal authority, the challenged decision of the government shall be forwarded to that authority and recourse to the Administrative Court shall be excluded.

Art. 8

b) In police matters

1) With regard to criminal proceedings for police offenses under federal law, the provisions concerning administrative criminal proceedings contained in the Act on the General Administration of the Land shall apply, subject to the right of appeal to a federal authority provided for in federal law.

2) Where the applicable legislation provides for recourse to the court against decisions or orders of an administrative authority in criminal police matters in further proceedings, the following shall apply:

a) the Government shall designate in advance the competent administrative body, whether in individual cases or in general, for issuing orders or decisions in police criminal matters.

b) Appeals against such administrative penal orders (penal bans) or decisions shall be lodged with the deciding or ordering administrative body for the attention of the Regional Court as the court of appeal in accordance with the provisions of the Act on the General Administration of the Province.

Art. 9

3. Material right

1) Acts or omissions prohibited or required by this Act or by the applicable federal legislation, or declared prohibited or required by the Government in execution of the Customs Treaty, shall, in the absence of a special penalty provision, be subject to Article 140 of the Act on the General Administration of the Province, to the administrative penalty procedure and, with the exception of the provisions on the penalty for insubordination, to the administrative enforcement procedure.

2) The provision of Art. 54, para. 4 of the Act on the General Administration of the Province shall apply to administrative penalties imposed by municipal authorities.

3) The position of customs personnel in accordance with Art. 19 to and including 22 of the Customs Treaty in administrative matters, in particular in tax matters, is reserved.

III. Jurisdiction Art. 10

1. Civil matters

1) Where, on the basis of the applicable federal law, the Liechtenstein courts have jurisdiction in civil matters, the Liechtenstein judge shall decide in the first instance, subject to referral to the higher courts. Liechtenstein private law shall apply in addition, unless the applicable law contains a different provision.

2) Swiss civil servants and employees stationed in the country and their dependents living in the same household as them, insofar as they are Swiss nationals, have their place of residence under civil law in Buchs.

3) This provision shall not affect the other places of jurisdiction and the applicable law, insofar as they do not depend on the civil law domicile (e.g. place of jurisdiction and venue of the located object).

2. Criminal cases

Art. 11

a) In general

1) Violations of applicable federal legislation are subject to punishment in accordance with the penal provisions thereof.

2) The federal authorities have the right to pardon sentences imposed in accordance with Swiss federal legislation (Art. 32 ZV).

Art. 12

b) Responsibility

1) Where, on the basis of applicable federal law, the Liechtenstein courts have jurisdiction in criminal matters, the court that has jurisdiction on the basis of the threat of punishment in the applicable federal legislation pursuant to §§ 13 to 15 of the Liechtenstein Code of Criminal Procedure shall decide in the first instance.

2) Retrieved

3) The right to refer the matter to the higher Liechtenstein authorities is reserved, unless the Customs Treaty (Art. 27 ff.) provides otherwise.

4) Likewise, the jurisdiction of the Federal Criminal Court remains reserved, insofar as it is given in accordance with the federal legislation applicable in the Principality on the basis of Art. 4 of the Customs Treaty (Art. 30 ZV).

c) The

procedure

Art. 13

aa) In general

1) Proceedings before the courts in the case of violations of the applicable federal legislation shall be governed primarily by the provisions of the Customs Treaty and otherwise by the Liechtenstein Code of Criminal Procedure.

2) Appeals against judgments of the Liechtenstein courts (Art. 12 of this Law) pursuant to Arts. 27 and 28 of the CC shall be made to the Cantonal Court in St. Gallen. In the appeal proceedings, the provisions of the Swiss Code of Criminal Procedure, as amended from time to time, shall apply.

3) The right to appeal within the meaning of the Code of Criminal Procedure, with the exception of appeals against judgments to the Liechtenstein supreme courts, is also reserved in these cases.

4) The right of appeal in cassation pursuant to Art. 106 et seq. of the Federal Act on the Organization of the Federal Judiciary against such rulings is reserved (see Annex).

Art. 14

bb) Remedies

1) Unless otherwise provided by the applicable Swiss legislation, each office must expressly state in its decisions or orders whether they are subject to further legal proceedings and, if so, indicate where the appeal is to be lodged, together with the time limit for appeal.

2) In the instruction, it must be pointed out that the appeals can be filed orally at the pro- tocol or by means of a petition.

3) If an incorrect time limit for appeal is stated in the decision and this is longer than the statutory time limit, the right of appeal shall be preserved during this longer period. If a shorter period is stated, the statutory period shall apply, and if the right of appeal is missing at all, the period for appeal shall not run.

4) If the instruction does not designate the correct office for filing the appeal, but instead incorrectly designates another office for receipt of the appeal, the time limit for filing the appeal shall be deemed to have been observed even if the appeal was filed at the incorrect office.

5) The latter office shall forward the appeal ex officio to the competent office.

Art. 15

d) Enforcement

1) The Principality of Liechtenstein enjoys the same legal status as the Swiss cantons with regard to the enforcement of penalties pronounced in accordance with the applicable federal legislation (Art. 31. ZV).

2) The proceeds of fines and penalties imposed in execution of the provisions applicable on the basis of the Customs Treaty and accruing to the Principality shall accrue to the country.

e) Special status of customs personnel

Art. 16

aa) Civil servants, employees and their dependents

1) Criminal acts committed in the Principality of Liechtenstein by Swiss officials and employees of Swiss nationality stationed here and by members of the Swiss nationality living in the same household as them shall be prosecuted and judged by those authorities that would be competent to prosecute and judge if the criminal acts had been committed in the district of Werdenberg, unless the government, in agreement with the competent federal authorities, orders otherwise. In these cases, the criminal and criminal procedure law applicable in the Canton of St. Gallen shall apply.

2) The Princely Government shall have the accused or convicted person arrested at the request of the competent Swiss authority or, if necessary, on its own initiative; in any case, however, it shall hand him over to the Swiss authorities without delay.

3) Furthermore, the Princely Authorities shall take the measures necessary to ensure security and shall grant the competent Swiss authorities any legal assistance requested.

4) The Swiss authorities responsible for prosecuting such criminal acts are authorized to enter the territory of the Principality of Liechtenstein and to carry out official acts there after prior notification of the Princely Government.

5) This article does not apply to members of the Swiss Border Guard Corps, subject to Art. 25, para. 4, of the Customs Treaty.

Art. 17

bb) Border Guard Corps

1) Criminal acts committed in the territory of the Principality of Liechtenstein by members of the Swiss Border Guard Corps stationed there shall be prosecuted and judged by the Swiss military tribunal declared competent by the Swiss Federal Council, unless the Government, in agreement with the competent federal authorities, orders otherwise.

2) The organs of the Swiss military justice system are entitled to enter the territory of the Principality of Liechtenstein for the purpose of prosecuting such criminal acts after prior notification to the Princely Government and to perform official acts there.

3) The Princely Court authorities are obliged to provide legal assistance to the Swiss military courts in the same way as the cantonal courts on Swiss territory.

4) With regard to criminal acts not provided for in the Federal Military Criminal Code, Article 24 of the Customs Treaty shall also apply to members of the Border Guard Corps.

2. Section Special

Administrative Branches

Art. 18

A. Precious metals

1) Gold, silver and platinum goods and substitutes for such imported from foreign countries are subject to the obligatory federal precious metal import control upon import and must be forwarded for this purpose by the customs office of entry to the competent control office for gold and silver goods.

2) Gold, silver and platinum goods exported from the Principality of Liechtenstein to Switzerland and substitute goods for such goods must comply with the Swiss legal provisions on the control and guarantee of the fineness of precious metal goods.

3) Gold, silver and platinum goods and substitute goods for such exported from or via the Principality of Liechtenstein to foreign countries are subject to the same provisions as apply to goods of the same kind exported from Switzerland.

4) Persons domiciled in the Principality of Liechtenstein who wish to trade in precious metals in Switzerland must obtain a federal authorization to trade in precious metals for which the same conditions apply as for companies established in Switzerland, and are subject to the obligations applicable to Swiss authorized companies for the operation of this trade.

B. Alcohol

monopoly

Art. 19

I. In general

1) The production of monopoly-free spirits for the purpose of sale requires a permit from the government.

2) The government supervises the same.

3) It may withdraw the permit if the legal requirements are not complied with.

4) Any distiller wishing to sell distilled water shall be bound by the provisions of this Act.

II. Serving and retail sale of distilled water Art. 20

1. Requirement of the authorization

1) The sale of non-denatured distilled waters may only take place on the basis of a granted permit. Serving for consumption on the spot may only take place in public houses.

2) The sale of distilled waters may not take place in quantities less than one liter, except for inns.

Art. 21

2. Requests

Applications for such permits must be submitted in writing by the petitioners to the municipal council by November 30 for the following year and must contain specific and reliable information on the estimated quantity and value of each individual beverage subject to patent that is to be sold.

Art. 22

3. Surveys

The municipal councils shall examine the applications with regard to the correctness of the information provided and the qualifications of the applicant and, if necessary, make inquiries. The applications shall then be forwarded to the government, accompanied by a relevant report.

Art. 23

4. Issuance of the permit

1) The government shall issue the permits on the basis of the reports of the municipal councils. In doubtful cases, both the government and the municipal boards are obliged to make further inquiries on their own initiative and, in particular, to demand the presentation of books and accounts.

2) An appeal against decisions of the Government may be lodged with the Administrative Court within a period of 14 days.

Art. 24

5. Prerequisites. Personal

1) Permits will only be issued to persons who are of their own right, who are of good repute and who can guarantee that the business will be conducted without complaint from the police.

2) If the transaction is carried out for the account of a company, association, guardian or person who has been appointed a custodian, the authorization must be issued in the name of the managing director, who must therefore be in possession of the specified requirements.

6. Duration

Art. 25

The permits are issued for the duration of one calendar year. For new business, the authorization can also be granted during the year.

Art. 26

1) Permits are issued exclusively for sale through the alley.

2) Peddling distilled water of any kind is prohibited.

3) The sale of liquor except in taverns is prohibited before 8 a.m. and after 8 p.m.

Art. 27

7. Prohibitions

1) Prohibited the sale of distilled water:

a) to persons who are drunk;

b) to notorious drinkers;

c) to persons under the age of 18;

d) to inmates of insane asylums, as well as to institutions for the treatment of drunkards and similar institutions;

e) to such persons who are subject to the ban on taverns or who are not allowed to visit taverns, such as inmates of institutions for the poor, etc.

2) The retail sale and serving of distilled water is prohibited in barracks establishments.

Art. 28

8. Control

1) In addition to the farmers, the heads of the municipalities and their police authorities shall be obliged to monitor the observance of the provisions of the federal law and this law concerning the alcohol monopoly.

2) These bodies shall, in case of knowledge of violations of the applicable regulations, record a penal protocol and send it through the government to the competent federal authority.

3) In the event of violations of the provisions concerning the alcohol monopoly of this law, the municipal authorities shall report to the government.

4) The tax on spirits shall be determined by the Government by ordinance in agreement with the Finance Commission.

9. Penal provisions

Art. 29

1) Violations of the provisions of this law concerning the alcohol monopoly, in particular false statements about the expansion of the business, or the sale of distilled water without a license, shall be punishable by the government with fines of 10 francs to 200 francs; in addition, the offender shall pay the amount of the fee presumably evaded.

2) In case of recidivism, the above fines may be doubled and the offender's license may be revoked.

3) If the offender fails to pay the fine imposed on him within a period to be fixed, his patent shall be revoked without further ado.

Art. 30

Holders of licenses to sell spirits shall obtain confirmation of their licenses from the government within one month of being publicly requested to do so. The government may only issue this confirmation if the municipal authorities affirm the need.

Art. 31

C. Stamp and coupon tax

1) The receipt of stamp duties in accordance with the provisions of federal law shall be governed by special implementing regulations issued by the Federal Tax Administration in agreement with the Princely Government.

2) The final decision of the Federal Tax Administration or the Swiss Federal Supreme Court on the legal nature of a deed or a legal relationship in accordance with the provisions of the federal legislation on stamp duties is binding on the Liechtenstein administrative and judicial authorities when levying the coupon tax in accordance with the fifth section of the Tax Act. The unconditional payment of the stamp duty by the taxpayer is in this respect equivalent to a legally binding decision on the legal nature of the deed or legal relationship.

3) Section III of the Final Protocol to the Customs Treaty remains reserved.

D. Publicly dangerous epidemics

Art. 32

I. Authorities

1) The general handling of the epidemic police in the case of smallpox, Asian cholera, typhus (war typhus, famine typhus, etc.) and plague is the responsibility of the government, which is assisted by the medical officer as an advisory authority.

2) A health commission shall be appointed in each countryside to supervise and implement the relevant measures.

3) These consist of 5 members each with the same number of substitutes, who are elected by the Diet for a period of 3 years.

4) They are under the technical supervision of the medical officer or the state veterinarian, and otherwise under the supervision of the government.

5) There is compulsion to hold office. Refusal to hold office shall be punished by the government in accordance with Article 18 of the Act on the General Administration of the State.

II. Preventive measures Art.

33

1. In general

1) When an epidemic listed in Article 41 approaches, the health commissions shall ensure that everything that could promote the spread of the disease is eliminated as far as possible.

2) In particular, the same have to pay attention to the control of food and beverages.

Art. 34

2. Drinking water and wells

1) Drinking water from wells, soda fountains and cisterns, which is not entirely unsuspicious, shall be tested. If its purity seems doubtful, chemical and microscopic examination shall be carried out by the body designated by the government.

2) Wells, sod wells, and cisterns that have been shown to yield un- pure water shall be closed immediately.

3) In case of running wells, the supply pipe must be cut off for this purpose; in case of soda wells, the drawbar must be removed or secured by a chain fitted with a lock.

4) Any pollution of springs and headwaters, streams and rivers from which water is taken for drinking is prohibited.

Art. 35

3. Buildings etc.

1) Houses or individual dwellings which are densely inhabited or in which businesses are operated which could have a harmful effect on the environment or contribute to the spread of the epidemic must be subject to special control.

2) The government may order partial or total evacuation of such houses or the cessation of the operation of harmful trades, as well as any disinfection.

3) The outlets, slurry tanks, and drains shall be carefully monitored and any malfunctions that pose a threat to public health shall be corrected immediately.

Art. 36

III. Special disease police

1) All diseases covered by the epidemic police must be reported to the head of the municipality immediately after their outbreak, in the case of cholera within the first 12 hours, and in the case of other diseases within 24 hours.

2) If a doctor is called immediately, he or she, or otherwise the owner of the dwelling, or if he or she is affected, any adult housemate, is obliged to report the matter to the head of the municipality.

3) The head of the municipality shall notify the medical officer without delay.

4) If the head of the municipality becomes aware of the occurrence of an acute epidemic disease, even in the absence of a direct report to him, he shall ascertain this and inform the public health officer.

5) The medical officer will send special notification forms and instructions to community leaders and physicians.

IV. Measures against the spread of epidemics

1. Segregation

Art. 37

a) Location

1) Anyone suffering from smallpox, Asiatic cholera, typhus (war typhus, famine typhus, etc.), or plague shall be segregated in their home with the person designated to care for them.

2) Until the arrival of a member of the health commission or the public health officer, the attending physician shall make the necessary arrangements, in particular to ensure that the sick person is secluded in his home and that the other members of the household do not leave the home.

3) If it is not possible to isolate the patient sufficiently in his or her home, he or she shall be transferred to the designated isolation home. Exceptions are only permissible if the condition of the patient makes his transfer to the isolation home appear dangerous.

b) Place of segregation

Art. 38

aa) In general

1) It is necessary for the proper isolation of the patient in his apartment:

a) that he has a room for himself alone or only in common with others afflicted with the same disease;

b) that this room meets the requirements to be placed on a hospital room;

c) that the persons in charge of the maintenance and care of the sick stay with the sick, either in their room or in a room separated from the other rooms of the house, do not communicate with the other inhabitants of the house and do not carry on any business.

Art. 39

bb) Traffic with the outside world

1) Persons providing maintenance and nursing care may only leave the locked rooms with the permission of the attending physician after a thorough disinfection checked by him and after putting on fresh or disinfected clothes.

2) They are strictly forbidden to stay in public places (schools, churches, pubs, etc.). The same applies to family members who have come into contact with the patient.

3) The exchange of vessels and utensils should take place outside the door of the patient's room without direct intercourse of persons and with the use of appropriate disinfection.

Art. 40

cc) Prohibition of access

1) It is forbidden to enter the dwellings of people suffering from the disease. The entrance of the same and the door of the house shall be marked by the local police with a clearly visible sign.

2) Damage or tearing off the same is punishable by law.

Art. 41

dd) Commercial transactions, etc.

1) In the event of a cholera epidemic, stores and sales premises, as well as public houses located in a building in which a cholera case has occurred, must remain closed until the evacuation or death of the infected person and the disinfection of the dwelling (including lavatories) has been carried out in accordance with the regulations.

2) In houses in which a person suffering from smallpox or typhus is lying, stores and salesrooms as well as public houses may only continue to be operated if the sick rooms are on higher floors and all traffic is prevented between the persons operating the store on the one hand and the sick person and those caring for him on the other.

3) Otherwise, commercial businesses, sales premises or inns are to be closed immediately and kept closed.

Art. 42

ee) Healthy persons

1) Healthy adults from infected homes may go about their usual occupation with the permission of the treating physician. As a rule, this permission should not be granted if it is a matter of working together with other workers in an enclosed space. On the other hand, they are not allowed to visit churches, schools, public houses, theaters, public assembly halls, etc.

2) Likewise, children from smallpox, cholera and typhus homes are strictly prohibited from attending school, Christian instruction and church. These prohibitions apply for as long as medical supervision lasts.

Art. 43

c) Duration

1) Segregation must be maintained until the disease has completely subsided (in the case of smallpox, until the last scab has fallen off) and disinfection has been carried out according to the instructions.

2) In private care, the duration of segregation is decided by the Health Commission, in consultation with the public health officer.

2. Transport of sick persons

Art. 44

a) Approval

1) The transportation of persons suffering from a contagious acute epidemic disease from one municipality to another is prohibited.

2) An exception to this rule is made when several municipalities have a common hospital, or when the government allows transport on the basis of the medical officer's opinion.

3) Such transports shall take place under the supervision of the medical officer.

Art. 45

b) Protective provisions

1) Those accompanying the sick must avoid contact with other persons, visits to public houses, etc., until they have been properly disinfected.

2) Under no circumstances may the public means of transport (railroads, post offices, hackney carriages, etc.) be used for the transport of the sick. In larger towns and villages, wagons or portables, etc., must be available for such transports and used exclusively for this purpose.

3. In case of death

Art. 46

a) Treatment of the corpses

Corpses of persons who have died of epidemic diseases should be disinfected and placed as soon as possible in a well-tempered coffin, provided with disinfectants, and kept in isolation.

Art. 47

b) Funeral

1) The funeral may take place 26 to 36 hours after the death, depending on the doctor's opinion and testimony.

2) Persons attending the funeral, even the relatives of the deceased, are not allowed to enter the house of death.

3) The bearers and all persons involved in the disposal of the corpse should carefully disinfect themselves. All equipment that has been in contact with the corpse must also be disinfected.

Art. 48

c) Transportation of the body

1) Transporting the bodies of persons who have died of epidemic diseases is prohibited.

2) By way of exception, the medical officer may issue a permit subject to the imposition of strict safety measures.

V. Smallp

ox Art.

49

1. In case of danger

In the event of an outbreak of smallpox, vaccination of the still unvaccinated children of the locality shall be carried out immediately.

2. Smallpox vaccination

Art. 50

a) Mandatory vaccination

1) It is mandatory for parents or foster parents to have their children or foster-commanded vaccinated.

2) A special vaccination certificate shall be issued to each individual upon request.

3) Vaccination is carried out by means of animal lymph, the procurement of which is the responsibility of the government.

Art. 51

b) Time

1) Vaccination is entrusted to the doctor appointed by the government.

2) He shall attend to the same with all fidelity and conscientiousness every year, namely in the months of April, May and June, and only exceptionally for important reasons and with special consideration of local conditions in the later summer or autumn months.

Art. 52

c) Vaccination registry

1) The registrars of civil status are obliged to keep a special register with the help of the heads of municipalities and to send it to the medical officer about:

a) those left unvaccinated at the last vaccination,

b) those born and died since then,

c) the children who have since immigrated and have not been vaccinated.

2) The community leaders must ensure that the children are brought together at the appointed time in a suitable place, that good order and quiet are maintained to the best of their ability, and that the vaccinator is accompanied by a screamer upon request, who must keep the tables exactly as prescribed during vaccination and visitation.

Art. 53

d) Penalty provision

1) Parents or persons representing parents who persistently and unacceptably deprive their children or foster children of vaccination shall be fined up to 50 francs by the government in favor of the Poor Fund.

2) Parents or persons representing parents who fail to bring their children or foster children to the general examination without sufficient excuse shall be subject to the same penalty.

3) If the competent authorities do not support the vaccinator as required, or prevent him from carrying out his functions, he must report this to the government accurately and promptly, so that the government can issue further instructions, depending on the circumstances.

4) The administrative enforcement procedure remains reserved.

Art. 54

e) Compensation of the doctor

1) The vaccinator shall carry out the regular annual vaccination at the expense of the municipalities. The relevant invoice is to be submitted to the government at the same time as the tables and the report.

2) For extraordinary vaccinations, he has to draw the usual daily allowances and travel expenses from the national treasury with recourse to possible culprits, for which he will submit a specified invoice to the government at the same time as the report.

E. Movement of foodstuffs and commodities Art. 55

I. In general

1) Supervision of the circulation of foodstuffs and commodities shall be exercised under the direction of the Government by the public health officer as food inspector, the health commissions (Art. 32) or the local experts and meat inspectors.

2) However, the Government may delegate the functions of a food inspector to a separate body and must make the necessary arrangements for the use of a suitable laboratory for the purpose of testing food and commodities.

3) It also has to provide the meat showers and local experts with the opportunity to attend courses.

Art. 56

II. Election and remuneration of local experts and meat inspectors

1) For each municipality, the municipal council shall elect a meat inspector and a local ex- perts for a period of three years, beginning January 1, 1924, who shall be subject to confirmation by the government.

2) Also, several municipalities may have a common local expert or meat inspector.

3) The salary of this official is the responsibility of the municipalities.

4) The meat inspector is under the supervision of the state veterinarian.

III. Food inspection Art. 57

1. Subject

1) The local experts shall carry out inspections, surveys of samples for the purpose of chemical examination and possibly the preliminary testing of foodstuffs in their official circles.

2) They must carry out up to four inspections a year on the orders of the medical officer. Further inspections shall be ordered by the municipal council as required.

Art. 58

2. Compensation obligation

There is no right to compensation for the taking of samples even if it turns out that the sample taken was not objectionable.

3. The procedure

Art. 59

a) In general

Samples intended for examination shall be sent to the Food Inspector and, if necessary, by him to the laboratory designated by the Government, with a request for notification of the findings.

Art. 60

b) Objection procedure

1) Complaints made independently by food inspectors and local experts shall be reported simultaneously to the medical officer and to the municipal board.

2) The medical officer shall inform the person concerned of the complaint made against him.

3) The party concerned is entitled to lodge an objection in writing with the government within five days of receipt of the notification from the medical officer and to request a higher expert opinion.

4) After the opponent has paid a sufficient advance on costs, the Government shall appoint the expert or experts in accordance with the Foodstuffs Act.

Art. 61

c) Criminal proceedings

1) Violations falling under Articles 36, 37, 38 and 41 of the Foodstuffs Act shall be settled by the courts.

2) When dealing with cases, the basic principle is that the owner of the goods is primarily responsible for the quality of the goods in circulation.

3) The convicted person shall bear the costs of the technical examination.

Art. 62

d) Judicial proceedings

The competent court is obliged to deal with the transferred cases in an expeditious manner and to deliver the motivated decision to the Government immediately after the judgment has been rendered.

Art. 63

e) Fines, costs and liability

1) The costs of publishing the acquitting judgment shall be borne by the State.

2) If local experts or health authorities cause damage by unjustified action, the municipality shall be liable for it, subject to recourse against the person at fault.

3) If supervisory bodies of the state cause damage in the aforementioned manner, the state shall be liable for it, also with the right of recourse to the wrongdoer.

IV. The meat show

1. Material provisions

Art. 64

a) In general

1) The meat inspectors have the functions assigned to them by the federal legislation.

2) Meat from calves, lambs and kids that are not at least three weeks old may not be designated as bankable.

3) The transport of ordered meat to the customers from village to village is organized.

4) The government is responsible for issuing the authorization to dispatch meat in accordance with Art. 30 of the Federal Law.

5) The authority to authorize meat shipments according to Art. 30 of the Federal Law is the Government.

Art. 65

b) Remote places

1) Private individuals and owners of remote boarding houses and mountain inns may have animals slaughtered for in-house use without the involvement of the meat inspector. However, they are obliged to call the meat inspector in cases where the slaughtered animals show pathological changes.

2) It is reserved to the municipalities to establish provisions on control also for these cases.

Art. 66

2. The procedure

1) If the meat inspector finds fault with goods or equipment in accordance with Articles 18 and 57 of the Ordinance on Slaughtering, Meat Inspection, etc., he shall make the necessary decisions and immediately notify the head of the commune in writing, who shall immediately inform the party concerned or his representative thereof.

2) Objections to findings and orders of the meat inspectors shall be lodged with the head of the municipality as soon as possible, and in any case within five days of receipt of the notification of the objection.

3) The objections raised shall be settled in accordance with the provisions of Articles 17 to 19 of the Act.

4) The manner of execution shall be communicated to both the meat inspector and the government.

5) The municipalities may charge the following maximum fees for the meat inspection: Art. 67

3. The fees

Retrieved

F. Control of animal diseases

Art. 68

I. Organization

Retrieved

Art. 69

II. The government

Retrieved

Art. 70

III. The country veterinarian

Retrieved

Art. 71

IV. The Health Commission

Retrieved

V. Livestock

inspectors

Art. 72

Retrieved 1. Election and compensation

2. Duties

Art. 73

Retrieved a) In general

Art. 74

Retrieved b) Health certificates and livestock traffic

Art. 75

Retrieved VI. The meat showers

Art. 76

Retrieved VII. Weeder (Wasenmeister)

Art. 77

VIII. Forms

1) Health certificate forms may be obtained from the Livestock Inspectors at the Re- gistration Office.

2) Duplicate health certificates shall be retained by livestock inspectors for two years.

3) The cost price will be charged.

Art. 78

IX. Fees

1) When issuing health certificates, livestock inspectors draw the following rates:

Form A for a health certificate Fr. -.50 Form B for a

health certificate Fr. -.30

and for each additional animal on the same certificate Fr. -

.10 Form C for a health certificate Fr. -.10

and for each additional animal on the same ticket Fr. -.10

2) The fees are paid into the municipality's coffers. Stamp duties are not payable for health certificates.

Art. 79

X. Responsibility for permits

1) Applications for the granting of patents for the peddling of poultry shall be submitted to the Government, which shall obtain the opinion of the State Veterinary Surgeon. Likewise, if necessary for the control of animal diseases, the license may be temporarily withdrawn at any time at the request of the State Veterinarian.

2) Applications concerning the import of animals for slaughter from foreign countries or neighboring agricultural border traffic must be submitted to the national veterinarian for forwarding to the federal authorities.

3) Anyone wishing to keep flocks of migratory sheep in the Principality requires a permit from the State Veterinarian.

Art. 80

XI. Reporting

1) Slaughterhouse administrations shall report monthly to the state veterinarian on the number and origin of foreign slaughter animals imported into the slaughterhouse by each importer.

2) If diseases are detected in slaughter animals from foreign countries, the slaughterhouse administration must inform the state veterinarian immediately.

Art. 81

XII. Duty of disclosure

1) The state veterinarian is responsible for imposing the simple or aggravated ban.

2) Anyone who keeps animals is obliged to notify the competent livestock inspector and the local authority without delay of any outbreak of disease among his livestock and of any suspicious phenomena which give rise to the fear of the outbreak of such a disease, and to take measures to prevent the transmission of the disease to other animals as far as possible.

3) The same duty is incumbent on persons entrusted with the care or treatment of animals.

XIII. Contributions of the country to disease

damage Art. 82

1. Scope

Retrieved

Art. 83

2. Cost absorption

Retrieved

G. Control of phylloxera Art.

84

I. Monitoring of the vineyards

1) The government provides for the supervision of vineyards, gardens, nurseries and greenhouses by the municipalities.

2) It shall immediately report any occurrence of phylloxera to the competent federal authorities and, in agreement with them, shall take the necessary measures to control the pest.

Art. 85

II. Import

1) The import of vine seedlings, cuttings, vine wood, vine leaves and vine cuttings, unstamped grapes, used protective stakes and vine canes, compost and fertilizer soil is prohibited.

2) Table and vintage grapes, pomace, fruit trees, seedlings and shrubs coming from countries that are members of the International Phylloxera Convention.

of November 3, 1881, may not be imported without the authorization of the competent federal authority. From the States which have acceded to the Convention, these articles may be imported without special authorization, provided that the consignments comply with the provisions of Articles 2 and 3 of the Convention and are accompanied by the certificates prescribed therein.

3) Table grapes may be imported only in boxes, crates or baskets of no more than ten kilos.

4) Plants can only be imported via the following customs offices: Buchs, Schaan-Vaduz, Nendeln, Schaanwald.

5) The competent federal authority may, on the recommendation of the Government, grant exceptions to the provisions of this Article.

Art. 86

III. Traffic in the customs territory

1) Vine seedlings, vine cuttings, rootstocks and vine timbers, used protective stakes and vine stakes, compost and fertilizer soil circulating within the customs area must be accompanied by a certificate of origin. Vines and parts thereof shall be packed in wooden boxes completely closed with screws. No consignment may contain vine leaves.

2) If phylloxera is detected in the Principality, any export of vine seedlings, vine wood, vines, vine leaves and vine cuttings, unpressed grapes and pomace, used protective stakes and vine stakes, compost and fertilizer soil shall be prohibited by the Government.

Art. 87

IV. Penal provisions

1) Violations of the provisions of Art. 84 to 86 shall be punished by a fine of 50 to 500 francs.

2) Any person who has imported or put into circulation any of the objects referred to in these articles by means of a false certificate of origin or consignment note or concealment of the contents of a consignment or in any other fraudulent manner shall be punished by imprisonment of up to 6 months and fines of up to 1,000 francs for the benefit of the country.

Art. 88

H. Alien Police

1) The Government will conclude a special agreement with the competent Swiss authorities on the regulation of foreign police relations.

2) The Government is empowered to amend the existing legal provisions on settlement and residence and to review the existing residence and settlement permits.

I. Factory legislation

I. General Art.

89

1. Responsibility

1) The government is in charge of enforcing the factory legislation.

2) The Government submits a report to the Department of Industry and Trade of the Federal Department of Economic Affairs. The government submits a report and a proposal to the Department of Industry and Commerce of the Federal Department of Economic Affairs on whether an industrial establishment should be subject to the law as a factory and whether a factory subject to the law should be deleted from the list of factories.

Art. 90

2. Factory directories

1) Inventories of factories shall be kept in accordance with a standard form.

2) The government keeps these registers for the whole country, the municipal councils for their municipality.

3) The municipal councils are obliged to notify the government of changes in the existence, designation and establishment of factories.

4) The violations of the applicable regulations are treated as police cases.

5) Statutes of factory health insurance funds to which workers contribute shall be submitted to the government for review.

Art. 91

3. Building applications and building permits

1) Applications for the establishment of new factories and the conversion or extension of existing ones, as well as for the furnishing of existing premises for factory purposes, shall be submitted to the Government.

2) In each of the establishments designated in more detail in accordance with a government ordinance, the owner of the establishment or his representative shall introduce all means of protection for the prevention of diseases and accidents that are necessary according to experience and applicable according to the state of the art and the given conditions.

3) The Government is authorized to issue appropriate directives after hearing the parties concerned.

4) The Federal Council shall regulate the participation of the federal factory inspectors in accident prevention, as well as the application of this article to such establishments that are not subject to special federal regulations with regard to accident prevention.

Art. 92

4. Operating licenses

1) The permit to open the plant is issued by the government only after the completed plant has been inspected and found to meet the requirements of the construction permit.

2) The owner of the plant must inform the government of the completion of the plant without delay. The government shall commission the federal factory inspector with the investigation. Factory Inspector.

3) For the permit according to Art. 49, 50 and 52 of the Factory Act, a fee of 2 to 20 francs is payable.

Art. 93

5. Age certificate

1) Age cards for juvenile workers shall be issued free of charge and according to a uniform form:

a) by the civil registrar of the worker's place of birth if the worker is a Liechtensteiner or a foreigner born in Liechtenstein;

b) from the civil registrar of the worker's hometown if the worker is a Liechtensteiner but was born abroad;

c) by the leader of the settlement and residence control, if the worker is a foreigner and his place of birth is abroad.

Art. 94

6. Time control of overtime permits

1) Time control in the factories is entrusted to the municipal councils. They are to examine the notifications of work schedules received from the factory owners and send them to the government.

2) Overtime permits are issued by the government, and the local authorities are responsible for monitoring compliance with them.

II. Proceedings in civil disputes

Art. 95

1) The procedure in civil disputes arising from the legal relationship between the factory owner and the workers shall be governed by the provisions of the Civil Procedure Code of 1912 with the following amendments and additions (B. G. Art. 29):

2) Professional representation in legal proceedings is inadmissible unless such representation appears to be justified by the particular personal circumstances of a party.

3) The judge shall investigate the facts relevant to the decision ex officio. He shall not be bound by the parties' requests for evidence and shall assess the results of the evidence at his own discretion. The decision shall be made on the basis of thorough and expeditious proceedings.

4) The procedure is free of charge.

5) In cases of wilful litigation, the judge is authorized to impose fines on the defaulting party and to order him to pay all or part of the costs.

Art. 96

1. Court proceedings

1) An official conciliation office is established to mediate collective disputes between factory owners on the one hand and workers and employees on the other concerning the employment relationship and the interpretation and execution of the collective or standard employment contract.

2) Anyone who fails to comply with the invitation of the conciliation office may be fined up to 50 francs by the latter in favor of the country.

2. The Official Conciliation Office Art. 97

a) In general

1) The Unification Office consists of a president, two members, two substitutes and an actuary, all of whom are elected by the government for a term of three years. The government also appoints deputies for the president and the actuary. Half of the members and half of the substitutes shall be elected by the employers and half by the employees.

2) The Office of Conciliation is under the supervision of the Government.

3) As compensation, the members of the Conciliation Board receive the same per diem as the members of the Landtag.

4) The parties do not have to pay any fees.

b) Organization

Art. 98

c) Commencement of activity

1) The conciliation board shall act on its own initiative or at the request of the government, at the request of the municipal authorities or at the request of one of the parties.

2) The request shall be submitted in writing to the President of the Conciliation Board with a precise description of the issues in dispute and the claims made by a party, as well as the persons authorized to represent the party in the oral hearing.

d) Procedure

Art. 99

aa) First mediation attempt

1) At the hearing to be ordered by the President, the Conciliation Office shall investigate as fully as possible the causes and circumstances of the disputes and shall seek to determine the points in dispute individually. It shall thereupon endeavor to bring about an equitable mediation, duly considering all the circumstances in question.

2) The Conciliation Office has the right to conduct hearings in mediation and arbitration proceedings on issues related to the dispute. It may also request payrolls, lists of fines or other checks.

3) The Actuary of the Conciliation Office shall record the course of the hearing, the issues in dispute as they arose, with the demands of the parties, the proposals for agreement and the results of the conciliation.

Art. 100

bb) Second mediation attempt

1) If the proposals of the conciliation office are rejected and conciliation could not be reached, a second hearing shall be ordered within 14 days at the latest and the attempt at conciliation shall be continued, unless this appears to be completely futile after the result of the first hearing. The conciliation office shall be authorized to publish its proposals in the national gazettes.

2) The Office of Arbitration shall only be authorized to take a decision that would be binding on the parties if the parties unanimously declare on the record that they entrust the Office with this task.

Art. 101

3. Voluntary conciliation bodies

1) If business owners and their workers and employees in the same industry establish a voluntary conciliation board to replace the official conciliation board, they shall notify the Government and the president of the conciliation board thereof in writing.

2) They shall also report on the outcome of the negotiations to the Government and the Presidium.

Art. 102

III. Country Holidays

1) Public holidays are: New Year's Day, Epiphany, Easter Monday, Ascension Day, Whit Monday, Corpus Christi, Assumption Day, All Saints' Day, Assumption Day, Christmas Day, St. Stephen's Day.

2) The government may introduce additional holidays by ordinance.

K. Import and export

Art. 103

I. In general

1) Insofar as licenses are required for the import and export of goods, applications must be sent in three copies either by the government or directly to the competent federal authority.

2) The forms are available from the aforementioned offices as well as from the government.

3) The government or an agency designated by it is responsible for issuing certificates of origin.

Art. 104

1) The import, transit and transport of live and dead specimens of the following birds is prohibited:

all insectivores, i.e., all warbler (sylvia) species, all chat, tit, buntings, pipits, swallows, flycatchers, and wagtails;

of passerine birds: larks, starlings, blackbirds and thrushes, with the exception of the blackbird, redwing and mistle thrush, chaffinches and goldfinches, siskins and goldfinches;

of scouts and climbing birds: the cuckoos, treecreepers, woodpecker tits, turnstones, hoopoes and all woodpecker species;

of crows: the jackdaws, the alpine jackdaws, the alpine crows;

of birds of prey: the kestrels, as well as all species of owls, with the exception of the great eagle owl;

of marsh and swimming birds: the stork and the swan.

2) By way of exception, such import and transit may be authorized by the competent authority in individual cases for a limited number of live specimens to be kept in cages.

Section 3 Final Provisions

A. Introductory provisions Art. 105

I. In general

1) The Government shall publish in the official gazettes a list of all provisions which are applicable in Liechtenstein as a result of the Customs Treaty.

2) At the same time, it shall prepare a list of all such provisions and shall place a complete compilation of the applicable provisions in the government registry for anyone's inspection.

3) The same procedure shall apply to the special agreements which the Government is instructed to conclude with Swiss authorities on the basis of this Act.

4) Insofar as this Act does not contain transitional provisions, the Government may issue such provisions in agreement with the competent organs if this appears necessary.

5) In particular, it is also authorized:

a) to conclude special agreements with the federal authorities on subjects related to the customs treaty and to take the appropriate measures to obtain the recognition by a foreign government of the applicability of Swiss customs and trade treaties;

b) to conclude treaties or agreements with governments of other states on matters in all fields of law in agreement with the Finance Commission or, in the case of more important matters, in agreement with the Diet.

II. Cust

oms

Art. 106

1. Speculative import of goods

1) The government may have an inventory made of all goods throughout the country that are subject to a Swiss import ban or that are subject to a Swiss import duty that is higher than the Liechtenstein import duty.

2) Everyone is obliged to show his stock of goods to the competent bodies upon request and to provide truthful information about his possession of goods and cash and their origin.

3) Goods and cash which were imported into Liechtenstein before the entry into force of the Customs Treaty in order to be subsequently imported into Switzerland in evasion of Swiss import and customs regulations are subject to subsequent customs clearance in the amount of the difference between the Liechtenstein and the Swiss customs amount.

4) Punishment under Article 2 of the Enabling Act of June 12, 1923, is reserved.

Art. 107

2. Dismantling of the Liechtenstein Customs Administration

1) The Liechtenstein customs personnel shall be released from their service as of the date of entry into force of the Customs Treaty.

2) The Government shall also take appropriate measures for the use, lease or disposal of the real estate and movables released by the Customs Treaty.

3) Customs offences committed before the entry into force of the Customs Treaty shall remain subject to the provisions of the old law and shall be judged by the authorities which were competent before the entry into force of the Customs Treaty.

4) The Government will make the necessary arrangements with the competent Swiss authority for the use of customs houses and the quartering of customs personnel.

Art. 108

III. Infringement of intellectual property

1) Until the enactment of Liechtenstein laws on the protection of industrial, literary and artistic property in accordance with Art. 5 of the Customs Treaty, the protection acquired in Switzerland in accordance with the legislation there can also be enforced domestically under civil and criminal law before the local courts.

2) This provision shall apply retroactively from December 1, 1923.

Art. 109

B. Amendment and repeal of existing law

Upon the entry into force of the Customs Treaty, the provisions of the legislation of Liechtenstein shall be amended in the following manner:

1. Insofar as the individual provisions of this Act or the applicable federal legislation result in an amendment of the Code of Civil Procedure, the Code of Criminal Procedure, the Act on the General Administration of the Province or other laws, they shall be repealed or amended.

Repealed or amended are in particular:

2. Sections 377, 387, 393 to and including 408, 445, 479, 480, and 481 of the Penal Code.

3. All conflicting provisions of the Police Code, including, but not limited to, Sections 1, 10, 11, 12, 15 through and including 20, 23, 24, 26, 27, 28, 30 through and including 44, 46 through and including 70,

73 to and including 88, 90, 91, 92, 93, 95, and 99.

The Government shall be instructed to reissue the provisions of the Police Regulations and other relevant ordinances still in force into a uniform ordinance, in a contemporary version, and to declare the Police Regulations and other ordinances out of force altogether.

4. The Stamp Act of 1883, LGBl. 1883 No. 5, the Tax Act of 1884, LGBl. 1884 No. 5 and their supplementary acts, the Act of June 1, 1922 concerning the provisional collection of court and administrative costs and fees, LGBl. 1922 No. 22, and other tax laws, insofar as it is conditioned by the Swiss stamp legislation, in particular Art. 2 of the Federal Stamp Duties Act of October 4, 1917, and the other applicable stamp legislation.

If, in accordance with the provisions of this Act, a document is subject to a tax or has been declared exempt from tax, neither this document itself nor any other document relating to the same legal relationship may be subject to stamp, registration or entry duties.

5.

a) Art. 26 of the Industrial Code of December 13, 1915, LGBl. 1915 No. 14,

b) Art. 1 (al. 2) and Art. 4, first sentence, of the Act of 11 January 1916 concerning the enactment of new peddling regulations, LGBl. 1916 No. 2,

c) Art. 1 of the Act of November 24, 1921, concerning the Supplementation and Partial Amendment of the Peddling Act, LGBl. 1921 No. 23, and

d) §§ Sections 40 to and including 45 of the Industrial Code of December 13, 1915, LGBl. 1915 No. 14, insofar as the provisions of the Factory Code apply.

1.

a) The Act of December 1, 1921, concerning the New Regulation of Import, Export and Transit, LGBl. 1921 No. 25,

b) the law of January 3, 1922, concerning the amendment of the previous law, LGBl. 1922 No. 3,

c) the Act of July 7, 1922, amending Article 7 of the Act on the Import, Export and Transit of Goods, LGBl. 1922 No. 30, and

d) Section 83 of the Tax Act of January 11, 1923, LGBl. 1923 No. 2.

2.

a) e Ordinance of November 20, 1873, on the Examination of the Dead and the Burial of Corpses, LGBl. 1873 No. 7,

b) s Sanitary Act of October 8, 1874, LGBl. 1874 No. 3,

c) e Ordinance of July 9, 1878, concerning the sale of meat, LGBl. 1878 No. 5,

d) e Ordinance of March 31, 1911, concerning the obligation to report contagious human diseases, LGBl. 1911 No. 1,

e) e Ordinance of July 27, 1911, on Trade and Traffic in Foodstuffs, LGBl. 1911 No. 3,

f) e Ordinance of November 13, 1912, concerning the Weight and Procurability of Customary Breads, LGBl. 1912 No. 4,

g) e Ordinance of May 11, 1915, concerning the sale of margarine and artificial fats, LGBl. 1915 No. 6, and

h) e Announcement of the Government of May 20, 1915, concerning the establishment of a milk testing station, LGBl. 1915 No. 8.

3. e government is authorized to repeal at the appropriate time:

a) s Enabling Act of June 12, 1913, LGBl. 1913 No. 13, and the Ordinance of June 15, 1923, concerning the Importation of Goods, LGBl. 1923 No. 14; and

b) s Law of 22 June 1923 on the Disposal of Real Property, LGBl. 1923 No. 16, and the Ordinance of 18 October 1923 on the Enforcement of this Law, LGBl. 1923 No. 20.

Art. 110

Entry into force

1) This Act is declared not to be urgent and shall enter into force immediately after its promulgation.

2) Its execution is entrusted to my government.

Vaduz, May 13, 1924

signed. Johann

gez. Schädler

Princely head of government

Annex I

Excerpt from the Code of Criminal Procedure of the Canton of St. Gallen

Remedies

Art. 187

If an appeal is lodged, the filing and registration fee shall be paid in accordance with the provisions of the Rules relating to Fees. If justified by special circumstances, it may be waived by the president of the court seized of the case upon request.

A. Appeal Art. 188

1) The parties may appeal to the Criminal Division of the Cantonal Court against the main judgments of the District Courts, including the decisions on the resumption of proceedings, within 14 days after the judgment has been issued or the complete judgment has been served. For the state, the time limit is calculated from the day on which the judgment is received by the public prosecutor's office. If the appeal is filed by the public prosecutor or by the defendant, it shall also be valid for and against the civil plaintiff.

2) The plaintiff shall have the right of independent appeal only with respect to the question of damages and costs, and only to the extent that the appeal would be admissible if the civil action were dealt with in the civil procedure. Until the expiry of the time limit for appeal, the plaintiff is entitled to declare to the court registry of the first instance for the attention of the other party that he will assert the civil action separately in civil proceedings.

3) If several defendants are involved, the appeal shall be valid only for those who have taken it.

Art. 189

In the same way, an appeal may be lodged against the judgments of the juvenile courts in which a sentence of imprisonment has been imposed.

Art. 190

The appeal must be submitted in writing to the registry of the cantonal court, together with the judgment of the first instance. The court shall inform the other party thereof. The execution of the judgment shall be suspended by the public prosecutor. Security measures remain reserved.

Art. 191

1) As a rule, the hearing before the second instance shall begin with the reading of the judgment of the first instance.

2) Thereupon, the negotiations shall proceed in accordance with the provisions of Articles 162 to 174.

3) A mere repetition of the hearing of the first instance shall be avoided as much as possible.

4) The public prosecutor shall conduct the prosecution in all cases brought to the second instance.

Annex II

Excerpt from the Federal Law on the Administration of Justice of March 22, 1893

C. Cassation

Art. 160

1) An appeal in cassation may be lodged with the Federal Court (Court of Cassation) against the final judgments of the cantonal courts and against the decisions of the cantonal referral authorities in criminal cases which are to be judged in accordance with federal laws, in accordance with the following provisions.

2) The provisions of the Federal Act of June 30, 1849, on appeals in cassation against judgments concerning violations of federal fiscal laws remain reserved.

Art. 161

1) In cases where prosecution is dependent on the application of the injured party, only the parties to the proceedings affected by the decision shall be entitled to appeal to the court of cassation; in cases where, pursuant to Articles 153 to 155, the findings are to be sent to the Federal Council on a regular basis, the Federal Council shall also be entitled to appeal to the court of cassation.

2) The appeal in cassation may, if the injured party has asserted his claim before the cantonal criminal judge and the same is to be decided upon in accordance with Swiss law, also be lodged with respect to the civil point, whether alone or in conjunction with the criminal point. The right of appeal to the Federal Supreme Court in respect of the civil claim is excluded if the injured party files an appeal in cassation.

Art. 162

The appeal in cassation is admissible against the judgments of the second instance, as well as against those judgments in respect of which the right of appeal (Appellation) does not take place according to the cantonal legislation, and against negative decisions of the cantonal transfer authority of the last instance.

Art. 163

The appeal in cassation can only be based on the fact that the judgment or the decision is based on the violation of a federal legal provision.

Art. 164

1) The appeal must be filed within ten days from the date of the opening of the judgment or decision.

2) For the Federal Council, the period begins to run from the day on which it receives the copy of the cantonal judgment or decision (Art. 153 and 155).

3) The filing of an appeal shall suspend the execution of the judgment appealed against only if the President or the Court of Cassation itself so orders.

Art. 165

1) The appeal shall be lodged with the authority that issued the judgment or decision by submitting a written statement.

2) The Federal Council shall appeal through the mediation of the cantonal government.

Art. 166

1) At the latest within ten days of the lodging of the appeal, the cantonal office shall send a copy of the contested judgment or decision, together with the files, to the Court of Cassation.

2) This shall be done even if the appeal is filed late.

Art. 167

1) Within twenty days from the date of the opening of the judgment or decision, the appellant shall submit his applications in writing to the Court of Cassation and state the grounds on which they are based.

2) Failure to comply with this provision shall render the appeal ineffective.

Art. 168

The Court of Cassation shall examine of its own motion whether the appeal is admissible and whether it has been filed in the statutory form and within the statutory period.

Art. 169

1) If the appeal does not immediately prove to be inadmissible, the Court of Cassation shall notify the other party of the notice of appeal.

2) The latter shall have the right to file a response within twenty days of the notification of the notice of appeal. A double exchange of correspondence or a final oral hearing shall only be permitted in exceptional cases.

Art. 170

If a petition for cassation or an appeal against a cantonal court judgment is filed with the competent cantonal authority in accordance with cantonal legislation, the decision of the Court of Cassation shall be suspended until that petition has been dealt with.

Art. 171

1) The Court of Cassation shall examine only the claims in the written appeal.

2) However, the Court of Cassation is not bound by the appellant's objections and legal arguments.

Art. 172

1) If the Court of Cassation finds the appeal well-founded, it shall set aside the contested decision and refer the matter back to the cantonal authority for a new decision.

2) The authority to which the case is remanded shall also base its decision on the legal assessment on which the cassation is based.

Art. 173

The Court of Cassation is also entitled to set aside the cantonal decision and to refer the case back (Art. 172(1)) if the decision suffers from defects that make it impossible for the court to examine the application of the law (Art. 163).

Art. 174

The provisions of Articles 160 to 173 shall apply mutatis mutandis to penalty notices issued by the cantonal administrative authorities for violations of federal police laws which, under cantonal legislation, cannot be brought before the courts by the parties concerned.

II. Convention for the Protection of Human Rights and Fundamental Freedoms

from November 4, 1950

Entry into force for the Principality of Liechtenstein: September 8, 1982

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on December 10, 1948;

Considering that the purpose of this Declaration is to ensure the universal and effective recognition and observance of the rights declared therein;

Considering that the aim of the Council of Europe is to achieve greater unity among its members and that one of the means of attaining this aim is the maintenance and development of human rights and fundamental freedoms;

Reaffirming their profound belief in these fundamental freedoms, which are the basis of justice and peace in the world, and whose preservation rests essentially on a truly democratic political regime, on the one hand, and on a common understanding and respect for human rights, on the other, from which they derive;

Resolved, as Governments of European States animated by the same spirit and possessing a common heritage of spiritual goods, political traditions, respect for liberty and supremacy of law, to take the first steps towards a collective guarantee of certain rights proclaimed in the Universal Declaration;

the undersigned governments, members of the Council of Europe, agree as follows:

Art. 1

Commitment to respect human rights

The High Contracting Parties shall secure to all persons under their jurisdiction the rights and freedoms set forth in Section I of this Convention.

Section I Rights

and freedoms

Art. 2

Right to life

1) The right to life of every human being is protected by law. Apart

of execution of a death sentence pronounced by a court in case of a crime punishable by death by law, an intentional killing shall not be made.

2) Killing shall not be considered a violation of this article if it results from an absolutely necessary use of force:

a) to ensure the defense of a person against unlawful use of force;

b) to make a proper arrest or prevent the escape of a properly detained person;

c) to suppress, within the limits of the law, a riot or insurrection. Art. 3

Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Art. 4

Prohibition of slavery and forced labor

1) No one shall be held in slavery or servitude.

2) No one may be forced to perform forced or compulsory labor.

3) For the purposes of this Article, "forced or compulsory labor" shall not include:

a) any work normally required of a person who has been detained or conditionally released under the conditions provided for by article 5 of the present Convention;

b) any service of a military character, or in the case of conscientious objection in countries where such objection is recognized as justified, any other service in lieu of military duty;

c) any service in case of emergencies and disasters that threaten the life or welfare of the community;

d) any work or service that is part of the normal duties of citizenship.

Art. 5

Right to freedom and security

1) Everyone has a right to freedom and security. A person may be deprived of his or her liberty only in the following cases and only in the manner prescribed by law:

a) if he is lawfully detained after conviction by a court of competent jurisdiction;

b) if he has been lawfully arrested or is being held in custody for failure to comply with a lawful court order

or to compel the performance of an obligation prescribed by law;

c) if he or she has been lawfully arrested or is being held in custody for the purpose of being brought before the competent judicial authority, provided that there is sufficient suspicion that the person concerned has committed a criminal offense or there are reasonable grounds for believing that it is necessary to prevent the person concerned from committing a criminal offense or from escaping after having committed such an offense;

d) in the case of lawful detention of a minor ordered for the purpose of supervised education or lawful detention of a minor ordered for the purpose of bringing him before the competent authority;

e) if he is in lawful custody because he is a source of danger for the spread of contagious diseases or because he is mentally ill, an alcoholic, addicted to intoxicants or a vagrant;

f) if he/she has been lawfully arrested or is being held in custody to prevent him/her from entering the territory without authorization or because he/she is the subject of deportation or extradition proceedings pending against him/her.

2) Anyone arrested must be informed of the reasons for his arrest and the charges against him in the shortest possible time and in a language he understands.

3) Any person arrested or detained under the provision of paragraph 1c of this Article shall be immediately brought before a judge or other official authorized by law to perform judicial functions. He or she shall be entitled to be tried within a reasonable time or to be released from custody during the proceedings. Release may be conditional upon the provision of security for appearance in court.

4) Any person deprived of his liberty by arrest or detention shall have the right to apply for a trial in which a court shall decide on the lawfulness of the detention and, in case of unlawfulness, shall order his release.

5) Anyone who has been subject to arrest or detention contrary to the provisions of this Article shall be entitled to compensation.

Art. 6

Right to a fair trial

1) Everyone shall be entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law, on civil claims and liabilities or on the merits of criminal charges against him. The judgment must be announced publicly, but the press and the public may be excluded during all or part of the trial in the interests of morality, public order or national security in a democratic state, or when the interests of juveniles or the protection of the private life of the litigants so require, or, in special circumstances, when the public trial would prejudice the interests of justice, in which case only to the extent necessary in the opinion of the court.

2) Until proven guilty by law, the person accused of a criminal offense is presumed innocent.

3) Each defendant has at least (English text) especially (French text) the following rights:

a) to be informed in as short a time as possible, in a language which he or she understands, of all the details of the nature and cause of the accusation against him or her;

b) have sufficient time and opportunity to prepare his defense;

c) to defend himself or herself or to obtain the assistance of counsel of his or her choice and, if he or she does not have the means to pay for counsel, to obtain the assistance of a public defender of rights free of charge if the interests of justice so require;

d) To ask or cause to be asked questions of the prosecution witnesses and to obtain the calling and examination of the exculpatory witnesses under the same conditions as the prosecution witnesses;

e) to request the free assistance of an interpreter if the defendant does not understand the language of the court proceedings or is unable to express himself or herself in it.

Art. 7

No punishment without law

1) No one may be convicted of an act or omission that was not punishable under domestic or international law at the time it was committed. Likewise, no higher penalty may be imposed than the penalty threatened at the time of the commission of the punishable act.

2) This Article shall not preclude the conviction or punishment of a person guilty of an act or omission which, at the time of its commission, was punishable under the principles of law generally recognized by civilized peoples.

Art. 8

Right to respect for private and family life

1) Everyone has the right to respect for his private and family life, his home and his correspondence.

2) Interference by a public authority in the exercise of this right shall be permitted only to the extent that such interference is provided for by law and constitutes a measure necessary in a democratic society for national security, public peace and order, the economic well-being of the country, the defense of law and order and the prevention of criminal offenses, the protection of health and morals, or the protection of the rights and freedoms of others.

Art. 9

Freedom of thought, conscience and religion

1) Everyone shall have the right to freedom of thought, conscience and religion; this right shall include the freedom of the individual to change his religion or belief, and the freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, teaching, observance and observance of religious observances.

2) Freedom of religion and belief may not be subject to restrictions other than those provided for by law, which in a democratic society are necessary measures in the interest of public welfare.

security, public order, health and morals, or for the protection of the rights and freedoms of others.

Art. 10

Freedom of expression

1) Everyone has the right to freedom of expression. This right shall include freedom of opinion and freedom to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article does not preclude States from subjecting radio, cinema or television enterprises to a licensing procedure.

2) Since the exercise of these freedoms entails duties and responsibilities, it may be subject to certain formalities, conditions, restrictions or threats of punishment provided by law, such as are necessary in a democratic society in the interest of national security, territorial integrity or public safety, the maintenance of order and the prevention of crime, the protection of health and morals, the protection of good reputation or the rights of others, to prevent the dissemination of confidential information or to safeguard the reputation and impartiality of the administration of justice.

Art. 11

Freedom of assembly and association

1) All people have the right to assemble peacefully and to associate freely with others, including the right to form and join trade unions for the protection of their interests.

2) The exercise of these rights shall not be subject to any restrictions other than those prescribed by law and which are necessary in a democratic society in the interests of national security, public safety, the maintenance of order and the prevention of crime, the protection of health and morals, or the protection of the rights and freedoms of others. This Article does not prohibit the imposition of legal restrictions on the exercise of these rights by members of the armed forces, police or state administration.

Art. 12

Right to marry

Upon reaching marriageable age, men and women have the right to marry and found a family according to the relevant national laws.

Art. 13

Right to effective complaint

If the rights and freedoms set forth in the present Convention have been violated, the violated person shall have the right to file an effective complaint with a national authority, even if the violation has been committed by persons acting in an official capacity.

Art. 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Art. 15

Suspension in case of emergency

1) In case of war or other public emergency threatening the life of the nation, any of the High Contracting Parties may take measures suspending the obligations provided for in this Convention to the extent strictly required by the situation and on condition that such measures are not inconsistent with other obligations under international law.

2) The foregoing provision does not permit the invalidation of Art. 2 except in the case of deaths resulting from lawful acts of war, or of Art. 3, 4 para. 1 and 7.

3) Any High Contracting Party exercising this right of abrogation shall inform the Secretary General of the Council of Europe in detail.

of the measures taken and the reasons for them. He shall also inform the Secretary General of the Council of Europe of the date on which such measures cease to have effect and the provisions of the Convention resume full application.

Art. 16

Restrictions on the political activity of foreigners

Nothing in Articles 10, 11, and 14 shall be construed to prohibit the High Contracting Parties from imposing restrictions on the political activity of aliens.

Art. 17

Prohibition of abuse of rights

Nothing in this Convention shall be interpreted as conferring on any State, group or person any right to engage in any activity or to perform any act aimed at the abolition of the rights and freedoms set forth in this Convention or at imposing limitations on such rights and freedoms more extensive than those set forth in this Convention.

Art. 18

Limitation of legal restrictions

The limitations on these rights and freedoms permitted by the present Convention shall not be applied for purposes other than those for which they were intended.

Section II

European Court of Human Rights Art. 19

Establishment of the Court

In order to ensure the observance of the obligations assumed by the High Contracting Parties in this Convention and the Protocols thereto, a European Court of Justice for

Human Rights, hereinafter referred to as the "Court". It shall perform its functions as a permanent Court.

Art. 20

Number of judges

The number of judges of the Court shall be equal to that of the High Contracting Parties.

Art. 21

Requirements for the office

1) Judges must be of high moral standing and either meet the qualifications required to hold high judicial office or be legal scholars of recognized repute.

2) The candidates must not have reached the age of 65 at the time when the list of three candidates is to be received by the Parliamentary Assembly in accordance with Article 22.

3) Judges shall sit on the Court in their personal capacity.

4) During their term of office, judges shall not engage in any activity incompatible with their independence, impartiality, or with the requirements of full-time employment in that office; all questions arising from the application of this paragraph shall be decided by the Court.

Art. 22

Election of judges

1) The judges shall be elected by the Parliamentary Assembly for each High Contracting Party by majority vote from a list of three candidates proposed by the High Contracting Party.

2) Retrieved

Art. 23

Term of office and dismissal

1) The judges are elected for nine years. Their re-election is not permitted.

2) The judges shall remain in office until their successors take office. They shall, however, remain active in the cases with which they are already dealing.

3) A judge may be dismissed only if the other judges decide by a two-thirds majority that he or she no longer meets the necessary requirements.

4) Retrieved

Art. 24

Registry and rapporteur

1) The Court of Justice shall have a Registry, the duties and organization of which shall be laid down in the Rules of Procedure of the Court of Justice.

2) When the Court sits in single-judge session, it is assisted by rapporteurs who perform their duties under the supervision of the President of the Court. They shall be members of the Registry of the Court.

Art. 25

Plenum

The Plenum of the Court

a) elects its President and one or two Vice-Presidents for three years; their re-election is permitted,

b) forms chambers for a certain period of time,

c) elects the Presidents of the Chambers of the Court; they may be re-elected,

d) adopts the Rules of Procedure of the Court;

e) Elects the chancellor and one or more deputy chancellors;

f) submits applications in accordance with Art. 26 par. 2.

Art. 26

Appointment of single judges, committees, chambers and Grand Chamber

1) For the examination of cases brought before it, the Court shall sit with a single Judge, in Committees of three Judges, in Chambers of seven Judges and in a Grand Chamber of seventeen Judges. The Chambers of the Court shall constitute the Committees for a fixed period.

2) At the request of the full Court, the number of Judges per Chamber may be reduced to five for a specified period by unanimous decision of the Committee of Ministers.

3) A judge sitting as a single judge shall not consider a complaint against the High Contracting Party for which he has been elected.

4) The Chamber and the Grand Chamber shall be composed ex officio of the judge elected for a High Contracting Party participating as a party. In the absence of such a judge or if he is unable to attend the sessions, a person shall attend the sessions in the capacity of a judge whom the President of the Court shall select from a list submitted to him in advance by the Contracting Party concerned.

5) The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the Rules of the Court. When a case is referred to the Grand Chamber in accordance with Article 43, judges of the Chamber which delivered the judgment shall not be members of the Grand Chamber; this shall not apply to the President of the Chamber and to the judge who sat in the Chamber on behalf of the High Contracting Party which was a party to the case.

Art. 27

Powers of the single judge

1) A single judge may declare an appeal filed under Art. 34 inadmissible or strike it from the register if such a decision can be taken without further examination.

2) The decision is final.

3) If the single judge does not declare an appeal inadmissible and does not strike it from the Court's register, he shall transmit it to a panel or board for further consideration.

Art. 28

Powers of the committees

1) A committee to which a complaint filed under Article 34 is referred may do so by unanimous vote:

a) declare inadmissible or remove from the register if such a decision can be made without further examination; or

b) and, at the same time, give a judgment on the merits, provided that the question of interpretation or application of that Convention or the Protocols thereto on which the case is based is the subject of settled case-law of the Court.

2) The decisions and judgments under paragraph 1 are final.

3) If the judge elected for the High Contracting Party involved as a party is not a member of the committee, he may be invited by the latter at any time during the proceedings to take the seat of a member on the committee; in so doing, the committee shall take into account all relevant circumstances, including whether that Party has opposed the application of the procedure referred to in subparagraph (b) of paragraph 1.

Art. 29

Decisions of the Chambers on admissibility and merits

1) If neither a decision under Art. 27 or 28 nor a judgment under Art. 28 is rendered, a Board shall decide on the admissibility and merits of appeals filed under Art. 34. The decision on admissibility may be taken separately.

2) A Chamber shall decide on the admissibility and merits of State appeals brought under Article 33. The decision on admissibility shall be taken separately, unless the Court decides otherwise in exceptional cases.

3) Retrieved

Art. 30

Transfer of the case to the Grand Chamber

If a case pending before a board raises a serious question of

interpretation of this Convention or the Protocols thereto, or if the decision on a question before it may lead to a difference of opinion.

If the Court of First Instance is unable to reach a decision on the merits of a case, the Chamber may remit the case to the Grand Chamber at any time before it has reached its decision.

Art. 31

Powers of the Grand Chamber

The Grand Chamber

a) shall decide on appeals lodged under Article 33 or Article 34 if a Chamber has transferred the case to it under Article 30 or if the case has been referred to it under Article 43,

b) shall decide on questions referred to the Court by the Committee of Ministers in accordance with Art. 46, para. 4, and

c) deals with requests for expert opinions according to Art. 47.

Art. 32

Jurisdiction of the Court

1) The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of this Convention and the protocols thereto, which are referred to it in accordance with articles 33, 34, 46 and 47.

2) If there is a dispute as to the jurisdiction of the Court, the Court shall decide.

Art. 33

State complaints

Any High Contracting Party may refer to the Court any alleged violation of this Convention and the Protocols thereto by another High Contracting Party.

Art. 34

Individual complaints

The Court may be seized by any natural person, non-governmental organization or group of persons claiming to be the victim of a violation by one of the High Contracting Parties of any of the rights recognized in the present Convention or in the Protocols thereto, by means of a petition

shall be dealt with. The High Contracting Parties undertake not to impede the effective exercise of this right.

Art. 35

Admissibility requirements

1) The Court may deal with a matter only after all domestic remedies have been exhausted, in accordance with generally recognized principles of international law, and only within a period of four months after the final domestic decision.

2) The Court of Justice shall not deal with an individual complaint lodged under Article 34 that

a) is anonymous, or

b) is substantially the same as a complaint previously examined by the Court or has already been submitted to another international investigative or comparative body and does not contain new facts.

3) The Court shall declare inadmissible an individual application brought under Article 34:

a) if it considers them to be incompatible with this Convention or the Protocols thereto, manifestly unfounded or abusive; or

b) if it considers that the complainant has not suffered a significant disadvantage, unless respect for human rights as recognized in this Convention and the Protocols thereto requires an examination of the merits of the complaint.

4) The Court shall dismiss an appeal which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Art. 36

Third party participation

1) In all cases pending before a Chamber or the Grand Chamber, the High Contracting Party of which the appellant is a national shall be entitled to submit written observations and to participate in the oral proceedings.

2) In the interests of justice, the President of the Court may give any High Contracting Party which is not a party to the proceedings or any person concerned who is not an appellant the opportunity to submit written observations or to take part in the oral proceedings.

3) In all cases pending before a Chamber or the Grand Chamber.

the Commissioner for Human Rights of the Council of Europe may submit written comments and participate in the oral proceedings.

Art. 37

Deletion of complaints

1) The Court may decide at any time during the proceedings to remove a complaint from its register if the circumstances give reason to believe that

a) the complainant does not intend to pursue his complaint further,

b) the dispute has been brought to a resolution, or

c) further consideration of the appeal is not warranted for other reasons identified by the Court.

However, the Court shall continue the examination of the application if respect for human rights as recognized in this Convention and the Protocols thereto so requires.

2) The Court may order the re-registration of an appeal in its register if it considers it justified by the circumstances.

Art. 38

Examination of the case

The Court shall examine the case with the representatives of the Parties and, if necessary, conduct investigations, and the High Contracting Parties concerned shall grant all facilities necessary for the effective conduct of the investigations.

Art. 39

Amicable agreement

1) The Court may, at any time during the proceedings, place itself at the disposal of the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in the present Convention and the Protocols thereto.

2) The procedure under paragraph 1 is confidential.

3) In the event of an amicable settlement, the Court shall, by means of a decision limited to a brief statement of the facts and the solution reached, strike the case from its register.

4) This decision shall be forwarded to the Committee of Ministers, which shall monitor the implementation of the amicable settlement as set forth in the decision.

will.

Art. 40

Public hearing and inspection of files

1) The hearing shall be public, unless the Court decides otherwise due to special circumstances.

2) Documents held by the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Art. 41

Just compensation

If the Court finds that this Convention or the Protocols thereto have been violated and if the domestic law of the High Contracting Party concerned allows only imperfect reparation for the consequences of such violation, the Court shall, if necessary, award just satisfaction to the injured party.

Art. 42

Chamber judgments

Judgments of the Chambers shall become final in accordance with Art. 44 par. 2.

Art. 43

Referral to the Grand Chamber

1) Within three months from the date of the Chamber's judgment, either party may, in exceptional cases, request that the case be referred to the Grand Chamber.

2) A panel of five judges of the Grand Chamber shall accept the application if the case raises a serious question of interpretation or application of this Convention or the Protocols thereto, or a serious question of general importance.

3) If the committee accepts the application, the Grand Chamber shall decide the case by judgment.

Art. 44

Final judgments

1) The judgment of the Grand Chamber is final.

2) The judgment of a chamber becomes final,

a) if the parties declare that they will not request the case to be referred to the Grand Chamber,

b) three months after the date of the judgment, unless the case has been requested to be referred to the Grand Chamber, or

c) if the committee of the Grand Chamber has rejected the request for referral under Art. 43.

3) The final verdict will be published.

Art. 45

Reasons for the judgments and decisions

1) Reasons shall be given for judgments and decisions declaring appeals admissible or inadmissible.

2) If a judgment does not express, in whole or in part, the concurring opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

Art. 46

Binding force and execution of judgments

1) The High Contracting Parties undertake to comply with the final judgment of the Court in all cases to which they are parties.

2) The final judgment of the Court shall be forwarded to the Committee of Ministers, which shall supervise its execution.

3) If, in the opinion of the Committee of Ministers, the supervision of the execution of a final judgment is hindered by a question concerning the interpretation of that judgment, the Committee of Ministers may refer the matter to the Court of Justice for a ruling on that question of interpretation. The decision of the Committee of Ministers to refer the matter to the Court shall require a two-thirds majority of the votes of the members entitled to participate in the meetings of the Committee.

4) If, in the opinion of the Committee of Ministers, a High Contracting Party refuses to comply with a final judgment of the Court in a case to which it is a party, the Committee of Ministers, after having admonished the party concerned, may, by a decision adopted by a two-thirds majority of the votes of the members entitled to attend meetings of the Committee, refer to the Court the question whether that party has complied with its obligation under paragraph 1.

5) If the Court finds a violation of paragraph 1, it shall refer the case back to the Committee of Ministers for consideration of the measures to be taken. If

the Court finds that there has been no violation of paragraph 1, it shall refer the case back to the Committee of Ministers, which shall decide to discontinue its examination.

Art. 47

Expert opinion

1) The Court may, at the request of the Committee of Ministers, give advisory opinions on questions of law concerning the interpretation of this Convention and the Protocols thereto.

2) Such opinions shall not deal with any question relating to the content or scope of the rights and freedoms recognized in Section I of this Convention and in the Protocols thereto, or with any other question on which the Court or the Committee of Ministers may be called upon to give a decision pursuant to proceedings instituted under this Convention.

3) The decision of the Committee of Ministers to request an advisory opinion from the Court shall require a majority vote of the members entitled to participate in the meetings of the Committee.

Art. 48

Advisory jurisdiction of the Court of Justice

The Court shall decide whether a request for an advisory opinion made by the Committee of Ministers falls within its competence under Article 47.

Art. 49

Justification of the expert opinions

1) Reasons are given for the Court's opinions.

2) If the opinion does not express, in whole or in part, the concurring opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

3) The opinions of the Court shall be transmitted to the Committee of Ministers.

Art. 50

Costs of the Court

The costs of the Court shall be borne by the Council of Europe.

Art. 51

Privileges and immunities of judges

In the exercise of their functions, judges shall enjoy the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements concluded on the basis of that article.

Section III

Miscellaneous provisions

Art. 52

Inquiries of the Secretary General

Upon receipt of a request to this effect from the Secretary General of the Council of Europe, each High Contracting Party shall make the necessary declarations as to the manner in which its internal law ensures the effective application of all the provisions of this Convention.

Art. 53

Respect for recognized human rights

Nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms set forth in the laws of any High Contracting Party or in any other agreement to which it is a party.

Art. 54

Powers of the Committee of Ministers

Nothing in this Convention shall limit the powers conferred by the Statute of the Council of Europe on the Committee of Ministers.

Art. 55

Exclusion of other dispute resolution procedures

The High Contracting Parties agree that, except by special agreement, they will not avail themselves of any treaty, convention or declaration in force between them to submit of their own motion any dispute concerning the interpretation or application of this Convention to a procedure other than that provided for in the Convention.

Art. 56

Spatial scope

1) Any State may, at the time of ratification or at any other time thereafter, by notification addressed to the Secretary General of the Council of Europe, declare that, subject to the provisions of paragraph 4 of this article, the present Convention shall apply to all or any of its members.

areas for whose international relations it is responsible.

2) The Convention shall apply to the territory or territories designated in the declaration from the thirtieth day after the date of receipt of the declaration by the Secretary General of the Council of Europe.

3) In the above-mentioned areas, the provisions of this Convention shall be applied taking into account local needs.

4) Any State which has made a declaration in accordance with paragraph 1 of this article may at any time thereafter declare, in respect of one or more of the territories specified in such declaration, that it accepts the competence of the Court to receive applications from individuals, non-governmental organizations or groups of individuals in accordance with Article 34 of this Convention.

Art. 57

Reservations

1) Any State may, at the time of signature of this Convention or at the time of the deposit of its instrument of ratification, make a reservation in respect of any provision of the Convention to the extent that any law then in force in its territory is not in conformity with the provision in question. Reservations of a general nature shall not be permitted under this article.

2) Any reservation made under this Article shall be accompanied by a brief statement of the contents of the law concerned.

Art. 58

Cancellation

1) A High Contracting Party may not denounce this Convention before the expiration of a period of five years from the date on which the Convention shall take effect for it and only after giving six months' notice to the Secretary General of the Council of Europe; the Secretary General shall

shall notify the other High Contracting Parties of the termination.

2) Such denunciation shall not have the effect of releasing the High Contracting Party concerned from its obligations under this Convention in respect of any act which might constitute a breach of those obligations and which was done by the High Contracting Party before the date of its effective withdrawal.

3) Subject to the same reservation, a contracting party shall withdraw from this

Convention, which is leaving the Council of Europe.

4) In accordance with the provisions of the preceding paragraphs, the Convention may also be terminated in respect of a territory to which it has been extended under Article 56.

Art. 59

Signature and ratification

1) This Convention shall be open to signature by the members of the Council of Europe and shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary General of the Council of Europe.

2) The European Union may accede to this Convention.

3) This Convention shall enter into force after the deposit of ten instruments of ratification.

4) For any signatory State whose ratification occurs later, the Convention shall enter into force on the date of deposit of its instrument of ratification.

5) The Secretary General of the Council of Europe shall notify all members of the Council of Europe of the entry into force of the Convention, the names of the High Contracting Parties which have ratified it and the deposit of any instrument of ratification subsequently received.

Art. 60 to 66Discontinued

Done at Rome, this 4th day of November 1950, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the Signatory States.

(Signatures follow)

Reservations according to Art. 64 and other declarations Liechtenstein

1. Retrieved

2. Pursuant to Art. 64 of the Convention, the Principality of Liechtenstein makes the proviso that the provisions of Art. 6 para. 1 of the Convention concerning the publicity of the proceedings and the pronouncement of the judgment shall apply only within those limits derived from principles currently expressed in the following Liechtenstein laws:

Act of December 10, 1912, on Judicial Proceedings in Civil Disputes, LGBl. 1912 No. 9/I;

Law of 10 December 1912 on the Exercise of Jurisdiction and the Jurisdiction of the Courts in Civil Matters, LGBl. 1912 No. 9/II;

Law of December 31, 1913, on the Introduction of a Criminal Procedure Ordinance, LGBl. 1914 No. 3;

Law of April 21, 1922, concerning the legal welfare procedure, LGBl. 1922 No. 19;

Act of April 21, 1922, on the General Administration of the Province, LGBl. 1922 No. 24;

Law of November 5, 1925, on the State Court, LGBl. 1925 No. 8;

Act of January 30, 1961, on State and Local Taxes, LGBl. 1961 No. 7;

Law of 13 November 1974 on the acquisition of land, LGBl. 1975 No. 5. The legal

provisions of juvenile criminal proceedings:

in the Criminal Law on Crimes, Misdemeanors and Offenses of May 27, 1852, Official Compilation of Liechtenstein Legislation until 1863;

in the Court Organization Act of April 7, 1922, LGBl. 1922 No. 16; in the Act of June 1, 1922, concerning the amendment of the Criminal Code, the Code of Criminal Procedure and its supplementary and subsidiary laws, LGBl. 1922 No. 21;

in the Act of 23 December 1958 on the Protection and Welfare of Youth, LGBl. 1959 No. 8.

3. Retrieved

4. Retrieved

5. Pursuant to Art. 64 of the Convention, the Principality of Liechtenstein provides that the right to respect for family life guaranteed in Art. 8 of the Convention on Human Rights shall be regulated for foreigners in accordance with principles currently expressed in the Ordinance of 9 September 1980 (LGBl. 1980 No. 66).

Explanation to Art. 25:

The Principality of Liechtenstein recognizes, for a period of 3 years from the date of delivery of this Declaration, in accordance with Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the competence of the European Commission of Human Rights to deal with the following matters

of requests addressed to the Secretary General of the Council of Europe by any natural

person, non-governmental organization or association of persons claiming to be aggrieved by a violation of the rights recognized in the Convention for the Protection of Human Rights and Fundamental Freedoms occurring after the delivery of this Declaration.

Explanation to Art. 46:

The Principality of Liechtenstein recognizes, for a period of 3 years from the date of delivery of this Declaration, in accordance with Article 46 of the Convention, the jurisdiction of the European Court of Human Rights as compulsory, without further ado and without special agreement, in respect of any other State Party to the Convention which undertakes the same obligation, for all matters relating to the interpretation and application of the Convention.

Austria

... the President of the Swiss Confederation declares this Convention subject to the proviso that

1. the provisions of Article 5 of the Convention shall be applied with the proviso that the measures of deprivation of liberty provided for in the Administrative Procedure Acts, Federal Law Gazette No. 172/1950, shall remain unaffected by the review by the Administrative Court or the Constitutional Court provided for in the Austrian Federal Constitution;

2. the provisions of article 6 of the Convention shall be applied with the proviso that the principles laid down in article 90 of the Federal Constitution Act, as amended in 1929, concerning publicity in judicial proceedings shall not be impaired in any way ...,

for ratified.

III. Additional Protocol

to the Convention for the Protection of Human Rights and Fundamental Freedoms Concluded at Paris, March 20, 1952

Approval by Parliament: September 14, 1995 Entry into force for the Principality of Liechtenstein: November 14, 1995

Resolved to take measures for the collective safeguarding of certain rights and freedoms other than those already taken into account in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 (hereinafter referred to as "the Convention"),

the undersigned governments, members of the Council of Europe, agree as follows:

Art. 1

Protection of property1

1) Every natural or legal person shall have the right to respect for his property. No one may be deprived of his property unless the public interest so requires, and only under the conditions provided by law and by the general principles of international law.

2) The foregoing provisions shall not, however, in any way impair the right of the State to apply such laws as it may deem necessary for regulating the use of property in accordance with the general interest or for securing the payment of taxes, other duties or fines.

Art. 2 Right

to education

The right to education shall not be denied to any person. The State shall, in the performance of its duties in the field of education and instruction, respect the right of parents to provide education and instruction in accordance with their own religious and ideological convictions.

Art. 3

Right to free elections

The High Contracting Parties undertake to hold, at reasonable intervals, free and secret elections under conditions which shall ensure the free

The Constitution shall guarantee the expression of the opinion of the people in the election of legislative bodies.

Art. 4 Territorial scope

1) Any of the High Contracting Parties may, at the time of signature of the ratification or at any other time thereafter, address to the Secretary General of the Council of Europe a declaration indicating the extent to which it undertakes to apply the provisions of this Protocol to the territories for the international relations of which it is responsible as specified in such declaration.

2) Any of the High Contracting Parties which has made a declaration in accordance with the preceding paragraph may from time to time make a further declaration modifying the terms of any previous declaration or terminating the application of the provisions of this Protocol in any field.

3) A declaration made in accordance with this Article shall be deemed to be a declaration made in accordance with Article 56, paragraph 1, of the Convention.

Art. 5 Relationship to the Convention

The High Contracting Parties shall consider the provisions of Articles 1, 2, 3 and 4 of this Protocol as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Art. 6 Signature and ratification

1) This Protocol shall be open to signature by the members of the Council of Europe signatory to the Convention and shall be ratified simultaneously with the Convention or at a later date. It shall enter into force after the deposit of ten instruments of ratification. For any signatory State whose ratification occurs later, the Protocol shall enter into force on the date of the deposit of its instrument of ratification.

2) The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who shall notify all members of the names of the States which have ratified the Protocol.

Done at Paris, this 20th day of March 1952, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory States.

IV. Protocol No. 4

to the Convention for the Protection of Human Rights and Fundamental

Freedoms Concluded at Strasbourg, 16 September 1963

Approval by the Liechtenstein Parliament: December

16, 2004 Entry into force for the Principality of Liechtenstein:

February 8, 2005

The signatory governments, members of the Council of Europe -.

Resolved to take measures for the collective safeguarding of certain rights and freedoms not yet included in Section I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 (hereinafter referred to as "the Convention") and in Articles 1 to 3 of the First Additional Protocol to the Convention signed in Paris on March 20, 1952 -

have agreed upon the

following: Art. 1

Prohibition of deprivation of liberty due to debts

No one may be deprived of liberty solely because he is unable to fulfill a contractual obligation.

Art. 2

Freedom of

movement

1) Every person lawfully residing in the territory of a State shall have the right to move freely within it and to choose his place of residence.

2) Every person is free to leave any country, including his own.

3) The exercise of these rights may be subject only to restrictions provided by law and necessary in a democratic society for national security or public safety, for the maintenance of law and order, for the prevention of crime, for the protection of health or mo- ral, or for the protection of the rights and freedoms of others.

4) The rights recognized in subsection 1 may also be subject to limitations in certain areas provided by law and justified in a democratic society by the public interest.

Art. 3

Prohibition of expulsion of own nationals

1) No one may be expelled by an individual or collective measure from the territory of the State of which he is a national.

2) No one may be deprived of the right to enter the territory of the State of which he is a national.

Art. 4

Prohibition of collective expulsion of foreign persons

Collective expulsions of foreign persons are not permitted.

Art. 5 Territorial

scope

1) Any High Contracting Party may, at the time of signature or ratification of this Protocol or at any time thereafter, address to the Secretary General of the Council of Europe a declaration indicating the extent to which it undertakes to apply the provisions of this Protocol to the territories for whose international relations it is responsible as specified in the declaration.

2) Any High Contracting Party which has made a declaration under paragraph 1 may at any time make a further declaration modifying the contents of any previous declaration or terminating the application of the provisions of this Protocol in respect of any territory.

3) A declaration made in accordance with this Article shall be deemed to be a declaration within the meaning of Article 56, paragraph 1, of the Convention.

4) The territory of a State to which this Protocol applies by virtue of ratification or acceptance by that State and each territory to which this Protocol applies by virtue of a declaration made by that State in accordance with this Article shall be considered as separate territories insofar as Articles 2 and 3 refer to the territory of a State.

5) Any State which has made a declaration under paragraph 1 or 2 of this article may at any time thereafter declare in respect of one or more of the territories specified in the declaration that it accepts the competence of the Court to receive applications from individuals, non-governmental organizations or groups of individuals under article 34 of the Convention, in respect of articles 1 to 4 of this Protocol as a whole or in respect of any of those articles.

Art. 6 Relationship to the Convention

The High Contracting Parties shall consider Articles 1 to 5 of this Protocol as additional articles to the Convention and all the provisions of the Convention shall apply accordingly.

Art. 7 Signature and ratification

1) This Protocol shall be open for signature by the members of the Council of Europe which are signatories to the Convention and shall be ratified simultaneously with the Convention or at a later date. It shall enter into force after the deposit of five instruments of ratification. In respect of any signatory ratifying subsequently, the Protocol shall enter into force upon the deposit of its instrument of ratification.

2) The instruments of ratification shall be deposited with the Secretary General of the Council of Europe, who shall notify all members of the names of those States which have ratified the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg, this 16th day of September 1963, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory States.

V. Protocol No. 6

to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty

Concluded in Strasbourg on April 28, 1983

Approval by Parliament: September 12, 1990

Entry into force for the Principality of Liechtenstein: December 1, 1990

The member States of the Council of Europe signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),

Considering that the development which has taken place in various member States of the Council of Europe expresses a general tendency in favor of the abolition of the death penalty,

have agreed on the following:

Art. 1 Abolition of

the death penalty

The death penalty has been abolished. No one may be sentenced or executed to this penalty.

Art. 2 Death

penalty in wartime

A State may provide in its law for the death penalty for acts committed in time of war or imminent threat of war; such penalty shall be applied only in cases provided for in the law and in accordance with its provisions. The State shall communicate the relevant legislation to the Secretary General of the Council of Europe.

Art. 3

Prohibition of overriding

The provisions of this Protocol shall not be suspended under Article 15 of the Convention.

Art. 4

Prohibition of reservations

Reservations under Article 57 of the Convention to provisions of this Protocol shall not be permitted.

Art. 5 Territorial scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

2) Any State may at any later date, by a declaration addressed to the Secretary-General of the European Council, extend the application of this Protocol to any other territory specified in the declaration. The Protocol shall enter into force in respect of such territory on the first day of the month following the date of receipt of such notification by the Secretary General.

3) Any declaration made under paragraphs 1 and 2 of this article may, in respect of any territory specified therein, be withdrawn by notification addressed to the Secretary General. The withdrawal shall take effect on the first day of the month following the receipt of the notification by the Secretary General.

Art. 6 Relationship to the Convention

The Contracting States shall regard Articles 1 to 5 of the present Protocol as additional articles to the Convention and all the provisions of the Convention shall be applied accordingly.

Art. 7 Signature and ratification

This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention. It shall be subject to ratification, acceptance or approval. A member State of the Council of Europe may ratify, accept or approve this Protocol only if it has simultaneously or previously ratified the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 8 Entry into force

1) This Protocol shall enter into force on the first day of the month following the date on which five member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 7.

2) In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month

following the deposit of the instrument of ratification, acceptance or approval.

Art. 9 Duties of the Depositary

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe:

a) any signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) any date of entry into force of this Protocol in accordance with Articles 5 and 8;

d) any other act, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg, this 28th day of April 1983, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

VI. Protocol No. 7

to the Convention for the Protection of Human Rights and Fundamental

Freedoms Concluded at Strasbourg, 22 November 1984

Approval by Parliament: December 16, 2004 Entry into

force for the Principality of Liechtenstein: May 1, 2005

The member States of the Council of Europe signatory to this Protocol -.

Resolved to take further measures for the collective safeguarding of certain rights and freedoms by the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on November 4, 1950 (hereinafter referred to as "the Convention") -.

have agreed on the following:

Art. 1

Procedural Safeguards Relating to the Expulsion of Foreign Persons

1) A foreign person lawfully present in the territory of a State may be expelled therefrom only on the basis of a lawfully issued decision; he must be permitted to do so,

a) to present reasons that speak against their expulsion,

b) to have their case examined and

c) to be represented for this purpose before the competent authority or one or more persons designated by that authority.

2) A foreign person may be expelled before he or she has exercised his or her rights under subparagraphs (1)(a), (b) and (c) if such expulsion is necessary in the interest of public order or is for reasons of national security.

Art. 2 Appeals

in criminal cases

1) A person who has been convicted of a criminal offense by a court shall have the right to have the judgment reviewed by a superior court. The exercise of this right and the grounds on which it may be exercised shall be governed by law.

2) Exceptions to this right are possible for offenses of a minor nature, as further specified by law, or in cases where the proceedings against

a person has taken place in the first instance before the supreme court or in which a person has been sentenced following an appeal against his acquittal.

Art. 3

Right to compensation for wrongful conviction

If a person has been convicted of a crime by a final judgment and the judgment has subsequently been reversed or the person has been pardoned because a new fact or a fact that has become newly known conclusively proves that there was a miscarriage of justice, he or she shall, if he or she has served a sentence under such judgment, be compensated in accordance with the law or practice of the State concerned, unless it is shown that the failure to become aware of the fact in question in a timely manner is attributable in whole or in part to him or her.

Art. 4

Right not to be tried or punished twice for the same thing

1) No person shall be liable to be tried or punished again in criminal proceedings of the same State for an offense for which he has already been finally convicted or acquitted in accordance with the law and criminal procedure of one State.

2) Par. 1 does not preclude the reopening of the proceedings in accordance with the law and the criminal procedure law of the state concerned if there are new or newly discovered facts or if the previous proceedings contain serious defects affecting the outcome of the proceedings.

3) This article may not be derogated from under Art. 15 of the Convention. Art. 5

Equality of spouses

With regard to marriage, during marriage and in the event of dissolution of marriage, spouses shall have the same rights and obligations under private law with respect to each other and in their relations with their children. This article does not prevent States from taking the measures necessary in the interests of the children.

Art. 6 Territorial

scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply and declare the extent to which it undertakes to apply this Protocol to such territory or territories.

2) Any State may at any later date, by a declaration addressed to the Secretary-General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of receipt of such declaration by the Secretary General.

3) Any declaration made under paragraphs 1 and 2 of this article may, in respect of any territory specified therein, be withdrawn or modified by notification addressed to the Secretary General. The withdrawal or amendment shall become effective on the first day of the month following the expiration of a period of two months after the date of receipt of the notification by the Secretary General.

4) A declaration made in accordance with this Article shall be deemed to be a declaration within the meaning of Article 56, paragraph 1, of the Convention.

5) The territory of a State to which this Protocol applies by virtue of ratification, acceptance or approval by that State and any territory to which this Protocol applies by virtue of a declaration made by that State in accordance with this Article may be regarded as separate territories insofar as Article 1 refers to the territory of a State.

6) Any State which has made a declaration under paragraph 1 or 2 may at any time thereafter declare, in respect of one or more of the territories specified in the declaration, that it accepts the competence of the Court to receive applications from individuals, non-governmental organizations or groups of individuals under Article 34 of the Convention, in respect of Articles 1 to 5 of this Protocol.

Art. 7 Relationship to the Convention

The Contracting States shall regard Articles 1 to 6 of the present Protocol as additional articles to the Convention and all the provisions of the Convention shall be applied accordingly.

Art. 8 Signature and ratification

This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention. It shall be subject to ratification, acceptance or approval. A member State of the Council of Europe may ratify, accept or approve this Protocol only if it ratifies the Convention at the same time or has ratified it previously. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 9 Entry into force

1) This Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date on which seven member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 8.

2) In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of two months after the date of the deposit of the instrument of ratification, acceptance or approval.

Art. 10 Duties of the custodian

The Secretary General of the Council of Europe shall notify all member States of the Council of Europe of the following

a) any signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) any date of entry into force of this Protocol in accordance with Articles 6 and 9;

d) any other act, notification or declaration in connection with the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg, this 22nd day of November 1984, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

VII. Protocol No. 8

to the Convention for the Protection of Human Rights and Fundamental Freedoms Concluded at Vienna, March 19, 1985

Approval by the Diet: July 4, 1985 Entry into force for the Principality of Liechtenstein: January 1, 1990

The member States of the Council of Europe signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention"),

Considering that it is desirable to amend certain provisions of the Convention in order to improve and, above all, expedite the procedure of the European Commission on Human Rights,

Considering that it is also appropriate to amend certain provisions of the Convention relating to the procedure of the European Court of Human Rights,

have agreed on the following:

Art. 1

The existing text of Article 20 of the Convention shall become paragraph 1 of that Article and shall be supplemented by the following four paragraphs:

"2) The Commission shall meet in plenary session. It may, however, form Chambers, each consisting of at least seven members. The Chambers may consider applications submitted in accordance with Article 25 of this Convention which can be dealt with on the basis of established jurisprudence or which do not raise serious questions concerning the interpretation or application of the Convention. Subject to this limitation and to the provisions of paragraph 5 of the preceding article, the Chambers shall exercise all the powers conferred upon the Commission by the Convention.

The member of the Commission elected for a High Contracting Party against which the request is directed shall have the right to belong to the Chamber to which such request has been assigned.

3) The Commission may appoint committees, each consisting of at least three members, which shall have the power, to be exercised unanimously, to declare inadmissible or to strike from its register an application submitted under Article 25 if such a decision can be taken without further examination.

4) A chamber or committee may waive jurisdiction in favor of the full commission at any time; the full commission may also refer a petition assigned to a chamber or committee.

5) The following powers may be exercised only by the full Commission:

a) to examine complaints submitted in accordance with Art. 24;

b) proceedings before the Court of Justice pursuant to Art. 48a;

c) to establish the Rules of Procedure in accordance with Article 36."

Art. 2

Art. 21 of the Convention is supplemented by the following paragraph 3:

"3) Candidates must be of the highest moral standing and must either be qualified to hold high judicial office or be persons of recognized standing in the field of domestic or international law."

Art. 3

Art. 23 of the Convention is supplemented by the following sentence:

"During their term of office, they shall not hold any position incompatible with their independence and impartiality as members of the commission or with the availability required for that office."

Art. 4

The amended text of Article 28 of the Convention becomes paragraph 1 of that Article; the amended text of Article 30 becomes paragraph 2. The new Article 28 now reads as follows:

"Art. 28

1) If the Commission accepts the request,

a) it shall, for the purpose of ascertaining the facts, conduct an adversarial examination with the representatives of the parties and, if necessary, an investigation of the matter; the States concerned shall, after an exchange of views with the Commission, afford all facilities necessary for the effective conduct of the investigation;

b) it shall at the same time place itself at the disposal of the parties concerned in order that an amicable settlement of the matter may be reached on the basis of respect for human rights as set forth in this Convention.

2) If the Commission succeeds in reaching an amicable settlement, it shall draw up a report which shall be sent for publication to the States concerned, to the Committee of Ministers and to the Secretary General of the Council of Europe. The report shall be limited to a brief statement of the facts and the solution reached."

Art. 5

In Article 29, paragraph 1, of the Convention, the words "unanimous decision" shall be replaced by the words "decision taken by a two-thirds majority of its members".

Art. 6

The following provision is inserted in the Convention: "Art. 30

1) At any stage of the proceedings, the Commission may decide to remove an application from its register if circumstances give reason to believe that,

a) that the complainant does not intend to pursue his application;

b) that the matter has been brought to a resolution or

c) that for other reasons identified by the Commission it is no longer justified to continue the examination of the application.

However, the Commission shall continue its consideration of a petition when respect for human rights as set forth in this Commission so requires.

2) If the Commission decides to cancel a request after it has been accepted in its register, it shall prepare a report containing the facts and the reasoned decision to cancel the request. The report shall be communicated to both the parties and the Committee of Ministers for their information. The Commission may publish it.

3) The commission may order the reentry of an application in its register if it considers it justified by the circumstances."

Art. 7

In Art. 31 of the Convention, para. 1 reads as follows:

"1) If the examination of a petition is not completed in accordance with articles 28 (paragraph 2), 29 or 30, the Commission shall prepare a report on the facts of the case and shall express an opinion on the question whether it appears from the facts established that the State concerned has violated its obligations under the Convention. This report may include the views of individual members of the Commission on this point."

Art. 8

Article 34 of the Convention reads as follows:

"Subject to Articles 20 (para. 3) and 29, the Commission shall make its decisions by a majority vote of the members present and participating in the vote."

Art. 9

Art. 40 of the Convention is supplemented by the following paragraph 7:

"7. The members of the Court shall belong to the Court only as individuals. During their term of office, they shall not hold any position incompatible with their independence and impartiality as members of the Court or with the availability required for that office."

Art. 10

Article 41 of the Convention reads as follows:

"The Court shall elect its President and one or two Vice-Presidents for a term of three years. Re-election shall be permitted."

Art. 11

In the first sentence of Article 43 of the Convention, the word "seven" is replaced by the word "nine".

Art. 12

1) This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound,

a) by signing it without reservation as to ratification, acceptance or approval; or

b) by signing it subject to ratification, acceptance or approval and subsequently ratifying, accepting or approving it.

2) Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 13

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention

have expressed their consent to be bound by the Protocol in accordance with Art. 12.

Art. 14

The Secretary General of the Council of Europe shall notify the member States of the Council of

a) any signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) the date of entry into force of this Protocol in accordance with Art. 13;

d) any other act, notification or communication relating to the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Vienna, this 19th day of March 1985, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

VIII. Protocol no. 11

to the Convention for the Protection of Human Rights and Fundamental Freedoms on the transformation of the control mechanism established by the Convention

Concluded in Strasbourg on May 11, 1994

Approval of the Landtag: September 14, 1995

Entry into force for the Principality of Liechtenstein: November 1,

1998 Preamble

The member States of the Council of Europe signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention") -.

Considering that there is an urgent need to reorganize the control mechanism established by the Convention in order to maintain and improve the effectiveness of the Convention's protection of human rights and fundamental freedoms, particularly in view of the increase in complaints and the growing number of European Council members,

Considering that it is therefore desirable to amend certain provisions of the Convention, in particular to replace the existing European Commission on Human Rights and the existing European Court of Human Rights with a new permanent Court,

Having regard to Resolution No. 1 adopted at the European Ministerial Conference on Human Rights held in Vienna on 19 and 20 March 1985,

Having regard to Recommendation 1194 (1992) of the Parliamentary Assembly of the Council of Europe of 6 October 1992,

Having regard to the decision taken by the Heads of State or Government of the member States of the Council of Europe in the Vienna Declaration of 9 October 1993 on the reform of the control mechanism of the Convention -.

have agreed on the following:

Art. 1

The existing text of Sections II to IV of the Convention (Arts. 19 to 56) and Protocol No. 2 conferring jurisdiction on the European Court of Human Rights to give advisory opinions shall be replaced by the following Section II of the Convention (Arts. 19 to 51).

Section II

European Court of Human Rights Art. 19

Establishment of the Court

In order to ensure the observance of the obligations assumed by the High Contracting Parties in this Convention and the Protocols thereto, a European Court of Human Rights, hereinafter referred to as "the Court", is hereby established. It shall perform its functions as a permanent Court.

Art. 20

Number of judges

The number of judges of the Court shall be equal to that of the High Contracting Parties.

Art. 21

Requirements for the office

1) Judges must be of high moral standing and either meet the qualifications required to hold high judicial office or be legal scholars of recognized repute.

2) Judges shall sit on the Court in their personal capacity.

3) During their term of office, judges shall not engage in any activity incompatible with their independence, impartiality, or with the requirements of full-time employment in that office; all questions arising from the application of this paragraph shall be decided by the Court.

Art. 22

Election of judges

1) The judges shall be elected by the Parliamentary Assembly for each High Contracting Party by majority vote from a list of three candidates proposed by the High Contracting Party.

2) The same procedure shall be followed to supplement the Court in the event of the accession of new High Contracting Parties and to fill vacancies.

Art. 23 Term of office

1) The judges are elected for six years. They may be re-elected. However, the term of office of half of the judges elected at the first election shall expire after three years.

2) The judges whose term of office ends after three years shall be chosen by lot by the Secretary General of the Council of Europe immediately after their election.

3) In order to ensure, as far as possible, that half of the judges are elected every three years, the Parliamentary Assembly may decide, before any subsequent election, that the term of office of one or more of the judges to be elected shall not be six years, provided that such term of office shall not be longer than nine years or shorter than three years.

4) If several offices are to be filled and the Parliamentary Assembly applies para. 3, the allocation of the terms of office shall be determined by lot by the Secretary General of the European Council immediately after the election.

5) A judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.

6) The term of office of judges ends when they reach the age of 70.

7) The judges shall remain in office until their successors take office. They shall, however, remain active in the cases with which they are already dealing.

Art. 24 Dismissal

A judge may be dismissed only if the other judges decide by a two-thirds majority that he or she no longer meets the necessary requirements.

Art. 25 Office and scientific staff

The Court of Justice shall have a Registry, the duties and organization of which shall be laid down in the Rules of Procedure of the Court of Justice. The Court is assisted by scientific staff.

Art. 26

Plenum of the Court The

Plenum of the Court

a) elects its President and one or two Vice-Presidents for three years; their re-election is permitted,

b) forms chambers for a certain period of time,

c) elects the Presidents of the Chambers of the Court; they may be re-elected,

d) adopts the Rules of Procedure of the Court, and

e) Elects the chancellor and one or more deputy chancellors.

Art. 27

Committees, Chambers and Grand Chamber

1) For the purpose of examining cases brought before it, the Court shall sit in committees of three judges, in chambers of seven judges and in a Grand Chamber of seventeen judges. The Chambers of the Court shall constitute the Committees for a fixed period.

2) The Chamber and the Grand Chamber shall include ex officio the judge elected for the State participating as a party or, if there is no such judge or if he is unable to attend the sessions, a person designated by that State to attend the sessions in the capacity of a judge.

3) The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the Rules of the Court. When a case is referred to the Grand Chamber in accordance with Article 43, judges of the Chamber which delivered the judgment shall not be members of the Grand Chamber; this shall not apply to the President of the Chamber and to the judge who sat in the Chamber on behalf of the State party to the case.

Art. 28 Declarations of

inadmissibility by the committees

A committee may, by unanimous decision, declare inadmissible or strike off the register an in dividual complaint filed under Art. 34, if such a decision can be taken without further examination. The decision shall be final.

Art. 29

Decisions of the Boards on admissibility and merits

1) In the absence of a decision under Article 28, a Chamber shall decide on the admissibility and merits of individual appeals lodged under Article 34.

2) A Chamber shall decide on the admissibility and merits of State appeals brought under Article 33.

3) The decision on admissibility shall be made separately, unless the Court of Justice decides otherwise in exceptional cases.

Art. 30

Transfer of the case to the Grand Chamber

If a case pending before a Chamber raises a serious question of interpretation of this Convention or the Protocols thereto, or if the decision of a question before it may lead to a departure from a previous judgment of the Court, the Chamber may, at any time before it has rendered its judgment, remit the case to the Grand Chamber, unless a party objects.

Art. 31

Powers of the Grand Chamber

The Grand Chamber

a) decide on appeals brought under Art. 33 or Art. 34 if a Board has referred the case to it under Art. 30 or if the case has been referred to it under Art. 43; and

b) deals with requests for expert opinions according to Art. 47.

Art. 32 Jurisdiction

of the Court

1) The jurisdiction of the Court shall extend to all matters concerning the interpretation and application of this Convention and the protocols thereto, which are referred to it in accordance with Articles 33, 34 and 47.

2) If there is a dispute as to the jurisdiction of the Court, the Court shall decide.

Art. 33 State complaints

Any High Contracting Party may refer to the Court any alleged violation of this Convention and the Protocols thereto by another High Contracting Party.

Art. 34 Individual complaints

The Court may receive applications from any natural person, non-governmental organization or group of persons claiming to be the victim of a violation by one of the High Contracting Parties of any of the rights recognized in the present Convention or in the Protocols thereto. The High Contracting Parties undertake not to impede the effective exercise of this right.

Art. 35 Admissibility requirements

1) The Court may deal with a matter only after all domestic remedies have been exhausted in accordance with generally recognized principles of international law and only within a period of six months after the final domestic decision.

2) The Court of Justice shall not deal with an individual complaint lodged under Article 34 that

a) is anonymous, or

b) is substantially the same as a complaint previously examined by the Court or has already been submitted to another international investigative or comparative body and does not contain new facts.

3) The Court shall declare inadmissible an individual application submitted under Article 34 if it considers it to be incompatible with the present Convention or the protocols thereto, manifestly ill-founded or an abuse of the right of appeal.

4) The Court shall dismiss an appeal which it considers inadmissible under this Article. It may do so at any stage of the proceedings.

Art. 36

Participation of third parties

1) In all cases pending before a Chamber or the Grand Chamber, the High Contracting Party of which the appellant is a national shall be entitled to submit written observations and to participate in the oral proceedings.

2) In the interests of justice, the President of the Court may give any High Contracting Party which is not a party to the proceedings or any person concerned who is not an appellant the opportunity to submit written observations or to take part in the oral proceedings.

Art. 37

Cancellation of complaints

1) The Court may decide at any time during the proceedings to remove a complaint from its register if the circumstances give reason to believe that

a) the complainant does not intend to pursue his complaint further,

b) the dispute has been brought to a resolution, or

c) further consideration of the appeal is not warranted for other reasons identified by the Court.

However, the Court shall continue the examination of the application if respect for human rights as recognized in this Convention and the Protocols thereto so requires.

2) The Court may order the re-registration of an appeal in its register if it considers it justified by the circumstances.

Art. 38

Examination of the case and amicable settlement

1) If the Court of Justice declares the appeal admissible, it shall

a) shall continue the examination of the case with the representatives of the parties and, if necessary, conduct investigations; the States concerned shall grant all facilities necessary for the effective conduct of the investigations;

b) he shall place himself at the disposal of the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in the present Convention and the Protocols thereto.

2) The procedure under subsection 1(b) is confidential.

Art. 39

Amicable settlement

In the event of an amicable settlement, the Court shall, by a decision limited to a brief statement of the facts and the solution reached, strike the case from its register.

Art. 40

Public hearing and inspection of files

1) The hearing shall be public, unless the Court decides otherwise due to special circumstances.

2) Documents held by the Registrar shall be accessible to the public unless the President of the Court decides otherwise.

Art. 41 Fair compensation

If the Court finds that this Convention or the Protocols thereto have been violated and if the domestic law of the High Contracting Party concerned allows only imperfect reparation for the consequences of such violation, the Court shall, if necessary, award just satisfaction to the injured party.

Art. 42

Judgments of the Chambers

Judgments of the Chambers shall become final in accordance with Art. 44 par. 2.

Art. 43

Referral to the Grand Chamber

1) Within three months from the date of the Chamber's judgment, either party may, in exceptional cases, request that the case be referred to the Grand Chamber.

2) A panel of five judges of the Grand Chamber shall accept the application if the case raises a serious question of interpretation or application of this Convention or the Protocols thereto, or a serious question of general importance.

3) If the committee accepts the application, the Grand Chamber shall decide the case by judgment.

Art. 44 Final

judgments

1) The judgment of the Grand Chamber is final.

2) The judgment of a chamber becomes final,

a) if the parties declare that they will not request the case to be referred to the Grand Chamber,

b) three months after the date of the judgment, unless the case has been requested to be referred to the Grand Chamber, or

c) if the committee of the Grand Chamber has rejected the request for referral under Art. 43.

3) The final verdict will be published.

Art. 45

Reasons for the judgments and decisions

1) Reasons shall be given for judgments and decisions declaring appeals admissible or inadmissible.

2) If a judgment does not express, in whole or in part, the concurring opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

Art. 46

Binding force and execution of judgments

1) The High Contracting Parties undertake to comply with the final judgment of the Court in all cases to which they are parties.

2) The final judgment of the Court shall be forwarded to the Committee of Ministers, which shall supervise its execution.

Art. 47

Expert

opinion

1) The Court may, at the request of the Committee of Ministers, give advisory opinions on questions of law concerning the interpretation of this Convention and the Protocols thereto.

2) Such opinions shall not deal with any question relating to the content or scope of the rights and freedoms recognized in Section I of this Convention and in the Protocols thereto, or with any other question on which the Court or the Committee of Ministers may be called upon to give a decision pursuant to proceedings instituted under this Convention.

3) The decision of the Committee of Ministers to request an advisory opinion from the Court shall require a majority vote of the members entitled to participate in the meetings of the Committee.

Art. 48

Advisory jurisdiction of the Court of Justice

The Court shall decide whether a request for an advisory opinion made by the Committee of Ministers falls within its competence under Article 47.

Art. 49

Justification of the expert opinions

1) Reasons are given for the Court's opinions.

2) If the opinion does not express, in whole or in part, the concurring opinion of the judges, each judge shall be entitled to state his or her dissenting opinion.

3) The opinions of the Court shall be transmitted to the Committee of Ministers.

Art. 50

Costs of the Court

The costs of the Court shall be borne by the Council of Europe.

Art. 51

Privileges and immunities of judges

In the exercise of their functions, judges shall enjoy the privileges and immunities provided for in Article 40 of the Statute of the Council of Europe and in the agreements concluded on the basis of that article.

Art. 2

1) Section V of the Convention shall become Section III of the Convention; Art. 57 of the Convention shall become Art. 52 of the Convention; Arts. 58 and 59 of the Convention shall be deleted; and Arts. 60 to 66 of the Convention shall become Arts. 53 to 59 of the Convention.

2) Section I of the Convention shall be entitled "Rights and Freedoms" and the new Section III of the Convention shall be entitled "Miscellaneous Provisions". Articles 1 to 18 and the new Articles 52 to 59 of the Convention shall be given the headings set out in the Annex to this Protocol.

3) In new Art. 56, para. 1, the words "subject to para. 4" shall be inserted after the word "Convention"; in para. 4, the words "of the Commission for the Treatment of Applications" and "in accordance with Art. 25 of this Convention", shall be replaced respectively by the words "of the Court for the Receipt of Appeals" and "in accordance with Art. 34". In new Art. 58, para. 4, the words "in accordance with Art. 63" are replaced by the words "in accordance with Art. 56".

4) The Additional Protocol to the Convention is amended as follows:

a) the Articles shall be given the headings set out in the Annex to this Protocol; and

b) in Art. 4 Para. 3 the words "in accordance with Art. 63" are replaced by the words "in accordance with Art. 56".

5) Protocol No. 4 is amended as follows:

a) the Articles shall be given the headings set out in the Annex to this Protocol;

b) in Art. 5 par. 3, the words "of Art. 63" shall be replaced by the words "of Art. 56"; the following new par. 5 shall be added:

"Any State which has made a declaration under paragraph 1 or 2 may at any time thereafter declare, in respect of one or more of the territories specified in the declaration, that it accepts the competence of the Court to receive applications from individuals, non-governmental organizations or groups of individuals under article 34 of the Convention, in respect of articles 1 to 4 of this Protocol as a whole or in respect of any of those articles.";

c) Art. 6 para. 2 is deleted.

6) Protocol No. 6 is amended as follows:

a) the Articles shall be given the headings set out in the Annex to this Protocol; and

b) in Art. 4 the words "according to Art. 64" are replaced by the words "according to Art. 57".

7) Protocol No. 7 is amended as follows:

a) the Articles shall be given the headings set out in the Annex to this Protocol;

b) in Art. 6 par. 4, the words "of Art. 63" shall be replaced by the words "of Art. 56"; the following new par. 6 shall be added:

"Any State which has made a declaration under paragraph 1 or 2 may at any time thereafter declare, in respect of one or more of the territories specified in the declaration, that it accepts the jurisdiction of the Court to receive applications from individuals, non-governmental organizations or groups of individuals under Article 34 of the Convention, in respect of Articles 1 to 5 of this Protocol."

c) Art. 7 para. 2 is deleted.

8) Protocol No. 9 shall be repealed.

Art. 3

1) This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound,

a) by signing it without reservation as to ratification, acceptance or approval; or

b) by signing it subject to ratification, acceptance or approval and subsequently ratifying, accepting or approving it.

2) Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 4

This Protocol shall enter into force on the first day of the month following the expiration of a period of one year after the date on which all the Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 3. From the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol, the new judges may be elected and all other measures necessary for the establishment of the new Court may be taken in accordance with the Protocol.

Art. 5

1) Without prejudice to paragraphs 3 and 4, the term of office of the Judges, the members of the Commission, the Registrar and the Deputy Registrar shall expire on the date of entry into force of this Protocol.

2) Appeals pending before the Commission which have not been declared admissible by the date of entry into force of this Protocol shall be examined by the Court of Justice in accordance with the provisions of this Protocol.

3) Complaints declared admissible by the date of entry into force of this Protocol shall be further processed by the members of the Commission within one year. Complaints whose examination has not been completed by the Commission within the said period shall be referred to the Court of Justice, which shall consider them as admissible complaints in accordance with the provisions of this Protocol.

4) In the case of complaints in respect of which the Commission has adopted a report after the entry into force of this Protocol in accordance with the former Article 31 of the Convention, the report shall be communicated to the parties, who shall not have the right to publish it. The case may be submitted to the Court in accordance with the provisions in force before the entry into force of this Protocol. The Committee of the Grand Chamber shall determine whether one of the Chambers or the Grand Chamber shall decide the case. If the case is decided by a Chamber, its decision shall be final. Cases which are not submitted to the Court shall be dealt with by the Committee of Ministers in accordance with the former Article 32 of the Convention.

5) Cases pending before the Court which have not been decided by the date of entry into force of this Protocol shall be submitted to the Grand Chamber of the Court, which shall examine them in accordance with the provisions of this Protocol.

6) Cases pending before the Committee of Ministers which have not been decided in accordance with the former Article 32 of the Convention by the date of entry into force of this Protocol shall be concluded by the Committee of Ministers in accordance with that Article.

Art. 6

If a High Contracting Party has made a declaration accepting the jurisdiction of the Commission or the jurisdiction of the Court under former Articles 25 or 46 of the Convention only in respect of matters arising or based on facts occurring after that declaration, that limitation shall remain valid for the jurisdiction of the Court under this Protocol.

Art. 7

The Secretary General of the Council of Europe shall notify the member States of the

a) each signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) the date of entry into force of this Protocol or any of its provisions in accordance with Article 4;

d) any other act, notification or communication relating to the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg, this 11th day of May 1994, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

IX. Protocol no. 13

to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty in all circumstances

Completed in Vilnius on May 3, 2002

Approval by Parliament: October 24, 2002

Entry into force for the Principality of Liechtenstein: 1 July

2003 The member States of the Council of Europe signatory to this

Protocol,

Convinced that in a democratic society the right to life of every human being is a fundamental value and that the abolition of the death penalty is essential for the protection of this right and for the full recognition of the inherent dignity of all human beings;

Desiring to strengthen the protection of the right to life guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4, 1950 (hereinafter referred to as the Convention);

Considering that Protocol No. 6 to the Convention on the Abolition of the Death Penalty, signed in Strasbourg on 28 April 1983, does not exclude the death penalty for acts committed in time of war or imminent threat of war;

determined to take the final step to completely abolish the death penalty,

have agreed on the following:

Art. 1 Abolition of the death penalty

The death penalty has been abolished. No one may be sentenced or executed to this penalty.

Art. 2
Prohibition of deviation

There shall be no derogation from this Protocol under Article 15 of the Convention.

Art. 3
Prohibition of reservations

Reservations under Article 57 of the Convention to this Protocol shall not be permitted.

Art. 4 Territorial scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance or approval, specify the territory or territories to which this Protocol shall apply.

2) Any State may at any later date, by a declaration addressed to the Secretary-General of the Council of Europe, extend the application of this Protocol to any other territory specified in the declaration. In respect of such territory the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.

3) Any declaration made under paragraphs 1 and 2 of this article may, in respect of any territory specified therein, be withdrawn or modified by notification addressed to the Secretary General. The withdrawal or amendment shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

Art. 5 Relationship to the Convention

The Contracting States shall regard Articles 1 to 4 of the present Protocol as additional articles to the Convention and all the provisions of the Convention shall be applied accordingly.

Art. 6 Signature and ratification

This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention. It shall be subject to ratification, acceptance or approval. A member State of the Council of Europe may ratify, accept or approve this Protocol only if it ratifies the Convention at the same time or has ratified it at an earlier date. The ratification
, instruments of acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 7 Entry into force

1) This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of the European Union have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.

2) In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Art. 8 Duties of the Depositary

The Secretary General of the Council of Europe shall notify all member States of the Council of Europe of the following

a) any signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) any date of entry into force of this Protocol in accordance with Articles 4 and 7;

d) any other act, notification or communication relating to the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Vilnius, this 3rd day of May 2002, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

X. Protocol No. 14

to the Convention for the Protection of Human Rights and Fundamental Freedoms on the amendment of the control system of the Convention

Completed in Strasbourg on May 13, 2004

Approval of the Landtag: June 17, 20052

Partially provisionally applied since September 1, 2009

Entry into force for the Principality of Liechtenstein: June 1, 2010

Preamble

The member States of the Council of Europe signatories to this Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention") -.

In view of Resolution No. 1 and the Declaration adopted at the General Assembly held in Rome on The European Council of Ministers on Human Rights, held on November 3 and 4, 2000;

Having regard to the declarations adopted by the Committee of Ministers on November 8, 2001, November 7, 2002, and May 15, 2003, at its 109th, 111th, and 112th meetings, respectively;

Having regard to Opinion No. 251 (2004) of the Parliamentary Assembly of the Council of Europe of 28 April 2004;

Considering that there is an urgent need to supplement certain provisions of the Convention in order to preserve and improve the long-term effectiveness of the control system, particularly in view of the steady increase in the workload of the European Court of Human Rights and the Council of Europe's Co- mittee of Ministers;

Considering, in particular, the need to ensure that the Court can continue to play its prominent role in the protection of human rights in Europe -.

have agreed on the following:

Art. 1

Art. 22 para. 2 of the Convention is repealed.

Art. 2

Art. 23 of the Convention is replaced by the following:

"Art. 23

Term of office and dismissal

1) The judges are elected for nine years. Their re-election is not permitted.

2) The term of office of judges ends when they reach the age of 70.

3) The judges shall remain in office until their successors take office. They shall, however, remain active in the cases with which they are already dealing.

4) A judge may be dismissed only if the other judges decide by a two-thirds majority that he or she no longer meets the required qualifications."

Art. 3

Art. 24 of the Convention is repealed.

Art. 4

Art. 25 of the Convention becomes Art. 24 and is replaced by the

following: "Art. 24

Registry and rapporteur

1) The Court of Justice shall have a Registry, the duties and organization of which shall be laid down in the Rules of Procedure of the Court of Justice.

2) When the Court sits in single-judge session, it is assisted by rapporteurs who perform their duties under the supervision of the President of the Court. They shall be members of the Registry of the Court."

Art. 5

Art. 26 of the Convention becomes Art. 25 ("Plenary") and its wording is amended as follows:

1. At the end of subparagraph (d), the word "and" is replaced by a semicolon.

2. At the end of point (e), the period is replaced by a semicolon.

3. The following new subparagraph (f)

shall be added: "f) submits applications in

accordance with Article 26, paragraph 2."

Art. 6

Art. 27 of the Convention becomes Art. 26 and is replaced by the

following: "Art. 26

Appointment of single judges, committees, chambers and Grand Chamber

1) For the examination of cases brought before it, the Court shall sit with a single Judge, in Committees of three Judges, in Chambers of seven Judges and in a Grand Chamber of seventeen Judges. The Chambers of the Court shall constitute the Committees for a fixed period.

2) At the request of the full Court, the number of Judges per Chamber may be reduced to five for a specified period by unanimous decision of the Committee of Ministers.

3) A judge sitting as a single judge shall not consider a complaint against the High Contracting Party for which he has been elected.

4) The Chamber and the Grand Chamber shall be composed ex officio of the judge elected for a High Contracting Party participating as a party. In the absence of such a judge or if he is unable to attend the sessions, a person shall attend the sessions in the capacity of a judge whom the President of the Court shall select from a list submitted to him in advance by the Contracting Party concerned.

5) The Grand Chamber shall also include the President of the Court, the Vice-Presidents, the Presidents of the Chambers and other judges chosen in accordance with the Rules of the Court. When a case is referred to the Grand Chamber in accordance with Article 43, judges of the Chamber which delivered the judgment may not be members of the Grand Chamber; this shall not apply to the President of the Chamber and to the judge who sat in the Chamber on behalf of the High Contracting Party which was a party to the case."

Art. 7

After the new Art. 26, the following new Art. 27 is inserted into the Convention:

"Art. 27

Powers of the single judge

1) A single judge may declare an appeal filed under Art. 34 inadmissible or strike it from the register if such a decision can be taken without further examination.

2) The decision is final.

3) If the single judge does not declare an appeal inadmissible and does not strike it from the Court's record, he or she shall transmit it to a panel or board for further consideration."

Art. 8

Art. 28 of the Convention is replaced by the following:

"Art. 28

Powers of the committees

1) A committee to which a complaint filed under Article 34 is referred may do so by unanimous vote:

a) declare inadmissible or remove from the register if such a decision can be made without further examination; or

b) and, at the same time, give a judgment on the merits, provided that the question of interpretation or application of that Convention or the Protocols thereto on which the case is based is the subject of settled case-law of the Court.

2) The decisions and judgments under paragraph 1 are final.

3) If the judge elected for the High Contracting Party involved as a party is not a member of the committee, he may be invited by the latter at any time during the proceedings to take the seat of a member on the committee, and the committee shall take into account all relevant circumstances, including whether that Party has opposed the application of the procedure referred to in subparagraph (b) of paragraph 1 of this article."

Art. 9

Art. 29 of the Convention is amended as follows:

1. Paragraph 1 shall be replaced by the following: "If neither a decision under Article 27 or 28 nor a judgment under Article 28 is rendered, a Board shall decide on the admissibility and merits of appeals filed under Article 34. The decision on admissibility may be rendered separately."

2. The following new sentence shall be added at the end of paragraph 2: "The decision on admissibility shall be taken separately, unless the Court decides otherwise in exceptional cases."

3. Paragraph 3 is repealed.

Art. 10

Art. 31 of the Convention is amended as follows:

1. At the end of subparagraph (a), the word "and" is deleted.

2. Subparagraph (b) becomes subparagraph (c) and the following new subparagraph (b) is inserted:

"(b) shall decide on matters referred to the Court by the Committee of Ministers pursuant to paragraph 4 of Article 46; and".

Art. 11

Art. 32 of the Convention is amended as

follows:

At the end of paragraph 1, a comma and the number 46 shall be inserted after the

number 34.

Art. 12

Art. 35 para. 3 of the Convention shall be replaced by the following:

"3) The Court shall declare inadmissible an individual application filed under Article 34.

a) if it considers them to be incompatible with this Convention or the Protocols thereto, manifestly unfounded or abusive; or

b) if it considers that the complainant has not suffered any substantial prejudice, unless respect for human rights as recognized in this Convention and the Protocols thereto requires an examination of the merits of the complaint, and provided that a case is not dismissed for this reason which has not yet been duly considered by any national court."

Art. 13

The following new paragraph 3 is added at the end of Art. 36:

"3) In all cases pending before a Chamber or the Grand Chamber, the Commissioner for Human Rights of the Council of Europe may make written submissions and attend oral hearings."

Art. 14

Art. 38 of the Convention is replaced by the

following:

"Art. 38

Examination of the case

The Court shall examine the case with the representatives of the Parties and, if necessary, conduct investigations, and the High Contracting Parties concerned shall grant all facilities necessary for the effective conduct of the investigations."

Art. 15

Art. 39 of the Convention shall be replaced by

the following: "Art. 39

Amicable agreement

1) The Court may, at any time during the proceedings, place itself at the disposal of the parties with a view to reaching an amicable settlement based on respect for human rights as recognized in the present Convention and the Protocols thereto.

2) The procedure under paragraph 1 is confidential.

3) In the event of an amicable settlement, the Court shall, by means of a decision limited to a brief statement of the facts and the solution reached, strike the case from its register.

4) This decision shall be forwarded to the Committee of Ministers, which shall supervise the implementation of the amicable settlement as recorded in the decision."

Art. 16

Art. 46 of the Convention is replaced by the

following:

"Art. 46

Binding force and execution of judgments

1) The High Contracting Parties undertake to comply with the final judgment of the Court in all cases to which they are parties.

2) The final judgment of the Court shall be forwarded to the Committee of Ministers, which shall supervise its execution.

3) If, in the opinion of the Committee of Ministers, the supervision of the execution of a final judgment is hindered by a question concerning the interpretation of that judgment, the Committee of Ministers may refer the matter to the Court of Justice for a ruling on that question of interpretation. The decision of the Committee of Ministers to refer the matter to the Court shall require a two-thirds majority of the votes of the members entitled to participate in the meetings of the Committee.

4) If, in the opinion of the Committee of Ministers, a High Contracting Party refuses to comply with a final judgment of the Court in a case to which it is a party, the Committee of Ministers, after having admonished the party concerned, may, by a decision adopted by a two-thirds majority of the votes of the members entitled to attend meetings of the Committee, refer to the Court the question whether that party has complied with its obligation under paragraph 1.

5) If the Court finds that there has been a violation of paragraph 1, it shall refer the case back to the Committee of Ministers for consideration of the measures to be taken. If the Court finds that there has been no violation of para. 1, it shall remit the

case back to the Committee of Ministers, which decides to discontinue its consideration."

Art. 17

Art. 59 of the Convention is amended as

follows:

1. The following new paragraph 2 is inserted:

"(2) The European Union may accede to this Convention."

2. Paragraphs 2, 3 and 4 become paragraphs 3,

4 and 5. Final and transitional provisions

Art. 18

1) This Protocol shall be open for signature by member States of the Council of Europe signatories to the Convention, which may express their consent to be bound:

a) by signing it without reservation as to ratification, acceptance or approval; or

b) by signing it subject to ratification, acceptance or approval and subsequently ratifying, accepting or approving it.

2) Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Art. 19

This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which all Parties to the Convention have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 18.

Art. 20

1) Upon the entry into force of this Protocol, its provisions shall apply to all appeals pending before the Court and to all judgments whose execution is supervised by the Committee of Ministers.

2) In respect of appeals declared admissible before the entry into force of this Protocol, the new admissibility requirement introduced by Article 12 of this Protocol into Article 35, paragraph 3(b), of the Convention shall not apply. During the first two years after the entry into force of this Protocol, the new admissibility requirement may be applied only by Chambers and the Grand Chamber of the Court.

Art. 21

Upon the entry into force of this Protocol, the term of office of the judges whose first term of office has not expired at that time shall be extended automatically to a total of nine years. The remaining judges shall remain in office for the remainder of their term, which shall be extended automatically by two years.

Art. 22

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe:

a) any signature;

b) any deposit of an instrument of ratification, acceptance or approval;

c) the date of entry into force of this Protocol in accordance with Article 19; and

d) any other act, notification or communication relating to the Protocol.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Strasbourg, this 13th day of May 2004, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.

Law concerning the supervision of

XI. Persons according to Art. 180a of the Law on Persons and Companies

from 8 November 2013

I. General provisions Art. 1

Subject and purpose

1) This law regulates the licensing and supervision of persons who perform activities pursuant to Art. 180a of the Persons and Companies Act (PGR). This does not apply to persons with a license under the Fiduciary Act.

2) Its purpose is to protect clients and to ensure confidence in the Liechtenstein financial center.

Art. 2

Definitions and designations

1) For the terms used in connection with the recognition of professional qualifications, Art. 5 of the Act on the Recognition of Professional Qualifications applies.

2) The designations of persons, professions and functions used in this Act shall be understood to mean members of the female and male sexes.

II. Approval

A. Permit obligation and requirements

Art. 3

Authorization requirement

1) Persons who intend to perform activities pursuant to Art. 180a PGR within the scope of an employment relationship require a license from the Financial Market Authority (FMA).

2) The authorization is highly personal and not transferable to third parties.

Art. 4

Approval requirements

1) The permit is issued if the applicant:

a) is capable of acting;

b) is professionally qualified within the meaning of Art. 5;

c) is trustworthy in the sense of Art. 6;

d) is in full-time employment with a domestic employer authorized to act as a trustee;

e) has Liechtenstein citizenship or citizenship of a State party to the Agreement on the European Economic Area (EEAA Contracting State) or is treated as such on the basis of an international treaty; paragraph 2 remains reserved.

2) Persons who neither have Liechtenstein citizenship nor citizenship of a State party to the Agreement on the European Economic Area (EEAA State party) nor are treated as such on the basis of a treaty must have a permanent residence permit in Liechtenstein.

Art. 5

Professional qualification

The existence of the professional qualification according to Art. 4 Para. 1 letter b must be proven by:

a) A certificate of education under the Fiduciary Act; and

b) confirmation of a full-time employment relationship of at least one year with a scope of activity in accordance with Art. 180a Para. 1 PGR with an employer authorized to act as a trustee in accordance with the Trustee Act.

Art. 6

Trustworthiness

1) The requirement of trustworthiness under Art. 4(1)(c) is not met if the applicant has been convicted by a final court decision of a misdemeanor or felony in connection with his or her professional activities and sentenced to a term of imprisonment exceeding three months or to a fine of more than 180 daily penalty units.

2) After weighing all the circumstances, the FMA may judge that the requirement of trustworthiness is not met if:

a) there has been an unsuccessful garnishment of the applicant in the five years preceding the application;

b) within the last five years prior to the filing of the application, an application for the opening of insolvency proceedings against the applicant has been dismissed with final effect for lack of assets to cover the costs;

c) bankruptcy proceedings have been instituted against the applicant with final effect in the five years preceding the filing of the application;

d) a legally binding supervisory decision has been issued against the applicant due to a repeated or serious violation of financial market supervisory decrees;

e) a final disciplinary decision has been issued against the applicant;

f) criminal proceedings have been instituted against the applicant in connection with his/her professional activities and a final indictment has been issued;

g) the applicant has a final conviction for a misdemeanor or felony.

3) Paragraphs 1 and 2 also apply to foreign decisions and proceedings. Foreign criminal decisions and proceedings may only be taken into account if the underlying act is also punishable under Liechtenstein law at the time of commission.

B. Authorization procedure Art. 7

Grant application

1) The application for a license pursuant to Art. 3 shall be submitted to the FMA.

2) The application shall be accompanied by the documents required to prove the prerequisites pursuant to Art. 4, including an original curriculum vitae and the applicant's domicile and business address; the FMA may accept copies instead of original documents and, in the case of documents in foreign languages, may require a certified translation. The documents evidencing trustworthiness must not be older than three months at the time of their submission.

3) The FMA shall send the applicant an acknowledgement of receipt within three working days of receipt of the complete application.

4) A decision on the application for a license shall be taken within six weeks of receipt of the complete application. In extraordinary cases, the FMA may reasonably extend this period.

Art. 8

Issuance of the permit

1) The permit is issued if the legal requirements are met.

2) It may be granted subject to conditions or requirements.

Art. 9

Publicly accessible directory

1) The FMA shall include the holders of a license under this Act in a publicly accessible list, which may be viewed by means of a retrieval procedure on the FMA's home page.

2) The list shall contain the surname and first name, title and domestic business address of the permit holders.

3) The list is to be updated by the FMA on a regular basis.

Art. 10

Designation protection

Only persons authorized under this Act are entitled to use the designation "Persons pursuant to Art. 180a of the Persons and Companies Act" or an equivalent designation.

C. Reporting and information obligations Art. 11

Principle

1) The licensee shall notify the FMA in writing without delay of any changes in the conditions of the license, in particular changes that are required for the assessment of the trustworthiness pursuant to Art. 6.

2) The employer of the licensee shall notify the FMA:

a) the termination of an employment relationship and the commencement of a new employment relationship in accordance with Art. 4 Para. 1 letter d;

b) the change of residence or domestic business address.

3) Upon request, the FMA shall be provided with all information and documents as well as with all information it requires to fulfill its duties.

D. Termination of the authorization Art. 12

Revocation

1) The license shall be revoked by the FMA if:

a) the holder of the authorization has obtained it by false statements or in any other unlawful manner; or

b) material circumstances were not known when the permit was issued.

2) The revocation of a permit shall be made at the expense of the permit holder in the

Official Gazette published.

Art. 13

Expiration

1) The permit expires if:

a) the licensee dies or becomes incapable of acting;

b) the authorization is waived in writing;

c) the employment of the permit holder is terminated;

d) the employer's trustee authorization expires, is revoked or withdrawn;

e) a permit is granted under the Fiduciary Act.

2) In the cases of par. 1 fig. c and d, the license shall be suspended and shall expire after a period of six months if the licensee has not entered into a new employment relationship within this period. In justified cases, the FMA may extend this period.

3) The expiration or suspension of a permit shall be published in the Official Gazette at the expense of the permit holder.

Art. 14

Withdrawal

1) The license may be withdrawn by the FMA if:

a) the requirements for granting the permit are no longer met or the conditions or requirements associated with the permit are not complied with;

b) legal obligations or official orders are violated in a serious manner, in particular the request of the FMA to restore the lawful situation is not complied with.

2) The withdrawal of a permit shall be published in the Official Gazette at the expense of the permit holder.

III. Organization and implementation

A. General

Art. 15

FMA

The FMA shall be responsible for the enforcement of this Act. It is responsible in particular for:

a) the granting, revocation and withdrawal of permits;

b) verifying compliance with the licensing requirements and carrying out appropriate checks;

c) the maintenance of a publicly accessible register in accordance with Art. 9;

d) cooperation with domestic and foreign authorities in accordance with Articles 19 and 20;

e) the punishment of violations under Art. 23.

Art. 16

Powers

1) The FMA may take all measures necessary for the enforcement of this Act, in particular:

a) require from the authorized persons all information and documents necessary for the enforcement of this Act;

b) Conduct or cause to be conducted a fact-finding proceeding;

c) issue a written reprimand;

d) Order measures to restore the lawful condition;

e) temporarily prohibit the exercise of activities under Art. 180a PGR;

f) exercise direct administrative coercion pursuant to Art. 131 et seq. of the Act on the General Administration of the State;

g) Issue orders to act, cease and desist, and declaratory orders.

2) Para. 1 applies mutatis mutandis to persons who exercise an activity pursuant to Art. 180a PGR without a license pursuant to Art. 3.

3) In individual cases, the FMA may inform the public in an appropriate manner that a named person is not authorized to carry out activities pursuant to Art. 180a PGR.

Art. 17

Processing of personal data

1) The FMA and the other competent domestic authorities may process or have processed personal data, including personal data on criminal convictions and criminal offenses of the persons subject to this Act, to the extent necessary for the performance of their duties under this Act.

2) The FMA shall take all technical and organizational measures necessary to protect the collected data from misuse.

Art. 18

Supervisory duties and fees

The supervisory levies and fees are based on the financial market supervision legislation.

B. Cooperation Art. 19

Cooperation with domestic authorities

1) Within the scope of its supervision, the FMA cooperates with other domestic authorities to the extent necessary for the fulfillment of its duties.

1a) The competent domestic authorities shall transmit data to each other in accordance with Art. 17 to the extent necessary for the performance of their duties under this Act.

2) The courts shall forward to the FMA, without being requested to do so, all decisions of a disciplinary, insolvency or criminal nature that the FMA requires for the performance of its duties under this Act.

3) The Office of the Public Prosecutor shall inform the FMA of the initiation and commencement of criminal proceedings and provide information on these proceedings.

4) The FMA shall provide the public prosecutor's office and the court, ex officio or upon request, with information that the latter requires to fulfill its duties.

5) The FMA informs the Office of Justice of the granting, revocation, expiration, suspension, and withdrawal of the license, of the temporary prohibition of the exercise or prohibition of the activity, and of the temporary prohibition of the assumption of new management mandates pursuant to article 180a PGR. In addition, the FMA regularly transmits to the Office of Justice the updated data in electronic form that the Office requires to fulfill its duties.

Art. 20

Cooperation with foreign authorities

1) The FMA shall provide administrative assistance to a competent foreign authority or may in turn request administrative assistance from a competent foreign authority to the extent necessary to implement this Act.

2) The subject of administrative assistance is all information and documents necessary for the performance of supervisory activities over licensed persons and those persons who should have a corresponding license.

3) Within the scope of its supervision, the FMA may transmit information to the competent foreign authorities if:

a) the requested information is demonstrably necessary for the supervisory activities of the requesting foreign authority;

b) sovereignty, security, public order or other essential national interests are not violated;

c) the recipients or the persons employed and authorized by the competent foreign authority are subject to an equivalent duty of confidentiality;

d) it is ensured that the information disclosed is only used for financial market supervisory purposes;

e) the information is only forwarded for those purposes to which the FMA has given its prior written consent; and

f) in the case of information originating from abroad, express consent has been obtained from the authority that transmitted the information and it is guaranteed that this information will only be passed on for the purposes to which this authority has expressly consented.

4) Information within the meaning of Articles 4 to 6 and 12 to 14 may be transmitted without formal proceedings under the conditions set forth in paragraph 3, even if the corresponding proceedings have not yet been concluded with legal effect; the FMA shall expressly draw the requesting foreign authority's attention to this circumstance.

5) The FMA shall inform the data subject without delay of the transmission of information pursuant to par. 4.

6) In all other respects, cooperation with the competent foreign authorities shall be governed by Art. 26b FMAG.

IV. Legal remedies

Art. 21

Complaint

1) Appeals against decisions and orders of the FMA may be lodged with the FMA Complaints Commission within 14 days of notification.

2) Appeals against decisions and rulings of the FMA Complaints Commission may be lodged with the Administrative Court within 14 days of notification.

V. Penal provisions

Art. 22

Misdemeanors

1) A person who performs an activity under Art. 180a of the PGR without authorization shall be punished by the regional court for a misdemeanor with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily penalty units.

2) Whoever uses the designation "person under Art. 180a PGR" or an equivalent designation without authorization shall be punished by the district court for a misdemeanor with imprisonment of up to six months or a fine of up to 180 daily penalty units.

3) In the case of negligent commission, the upper penalty limits are reduced to half.

4) The penalty shall not relieve the person from the obligation to comply with the conditions and requirements imposed by this Act and the special orders.

Art. 23

Transgressions

1) The FMA will punish with a fine of up to 100,000 Swiss francs anyone who:

a) violates reporting or information obligations pursuant to Art. 11;

b) fails to comply with a request to restore the lawful state of affairs or with any other legally binding order, directive or measure issued by the FMA within the scope of the enforcement of this Act;

c) refuses to provide information to the FMA, an auditor appointed by the FMA or an auditing company appointed by the FMA, makes false statements, conceals material facts or fails to disclose information and documents; or

d) violates any requirements or conditions associated with the issuance of the permit.

2) The penalty shall not relieve the person from the obligation to comply with the conditions and requirements imposed by this Act and the special orders.

Art. 24

Limitation

The statute of limitations for prosecution is three years.

VI. Transitional and final provisions

Art. 25

Authorizations under previous law

1) Persons who were already entitled to exercise activities pursuant to Art. 180a PGR when this Act came into force must submit the following documents and information to the FMA within six months of this Act coming into force at the latest:

a) an excerpt from the criminal record, an excerpt from the garnishment register and a certificate of exemption from bankruptcy from the competent authorities of the country of residence. The documents must be submitted in the original and may not be older than three months at the time of their submission;

b) the domestic address at which the activity is carried out pursuant to Art. 180a PGR (business address); and

c) the address of residence.

2) In justified cases, the FMA may reasonably extend the time limit pursuant to par. 1.

3) The FMA shall issue to persons pursuant to par. 1 a confirmation of receipt of the documents and information submitted and shall verify within a period of six months from their complete receipt whether the requirements pursuant to Art. 4 par. 1 let. c have been met.

4) If the documents and information are not submitted or not submitted in due time, or if the FMA prohibits the continuation of activities due to non-fulfillment of the requirements pursuant to par. 3, the authorization to carry on activities pursuant to Art. 180a PGR shall expire.

5) Persons who, after conversion of their authorization into a license, are authorized to continue to carry out activities in accordance with Art. 180a PGR shall be entered in the register in accordance with Art. 9. They are obliged to fulfill the requirements of Art. 4 on a permanent basis, mutatis mutandis.

6) Self-employed persons who lose their license to engage in activities pursuant to Art. 180a PGR on the basis of Art. 12, 13 or 14 may be licensed by the FMA to engage in such activities again on a self-employed basis if they meet the requirements pursuant to Art. 4 mutatis mutandis; the FMA license entitles them to engage in activities pursuant to Art. 180a PGR on a self-employed basis.

7) In all other respects, Art. 3 Par. 2 and 7 to 24 shall apply mutatis mutandis.

Art. 26

Responsibilities and provisional list

1) Without undue delay after the entry into force of this Act, the Office of Justice shall send to the FMA a copy in electronic form of the list it maintains of authorized persons pursuant to Art. 180a PGR.

2) The FMA shall include persons pursuant to paragraph 1 in a provisional list for the purpose of transferring them to the list pursuant to Art. 9. The list contains information on surname, first name, title and domestic business address; the information is regularly updated by the FMA. It may be viewed on the FMA's website by means of a retrieval procedure.

3) The Office of Justice shall assist the FMA in matters relating to entitled persons pursuant to Art. 180a PGR and occurring prior to the entry into force of this Act.

Art. 27

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 January 2014, otherwise on the day following its promulgation.