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Constitutional Law II

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LR 701.0 Building Act (BauG)
LR 105.2Disability Equality Act (BGlG) LR151.0 Civil Rights Act (BüG)
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LR.631.112 Treatybetween Switzerland and Liechtenstein
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The Liechtenstein legal provisions can be accessed at the following link: https://www.gesetze.li/

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Whether a Union act is applicable in Liechtenstein depends on a decision of the EEA Joint Committee Decision (JCD). Whether or not such a decision exists can be found on the EFTA website: https://www.efta.int/eea-lex.

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I. Agreement on the European Economic Area

from 2 May 1992
on the European Economic Area Concluded
in Oporto, May 2, 1992 Approval by
Parliament: October 21, 1992
Approval by the people: December 13, 1992 / April 9, 1995 Entry
into force for the Principality of Liechtenstein: May 1, 1995

The European Community, the
Kingdom of Belgium,
the Republic of Bulgaria,
the Czech Republic, the
Kingdom of Denmark,
the Federal Republic of Germany,
the Republic of Estonia,
Ireland,
the Hellenic Republic, the
Kingdom of Spain, the
French Republic, the
Republic of Croatia,
the Italian Republic, the
Republic of Cyprus,
the Republic of Latvia,
the Republic of
Lithuania,
the Grand Duchy of Luxembourg,
Hungary,
Malta,
the Kingdom of the Netherlands,
the Republic of Austria,
the Republic of Poland,
the Portuguese Republic,
Romania,
the Republic of Slovenia,
the Slovak Republic, the
Republic of Finland,

the Kingdom of Sweden,

the United Kingdom of Great Britain and Northern Ireland,

and

Iceland,

the Principality of

Liechtenstein, the Kingdom of

Norway,

hereinafter referred to as the Contracting Parties,

Convinced that a European Economic Area will contribute to the building of a Europe based on peace, democracy and human rights,

Reaffirming the high priority they attach to the privileged relations between the European Community, its Member States and the EFTA States, based on neighborliness, traditional common values and European identity,

Firmly resolved to contribute, on the basis of a market economy, to the liberalization of world trade and to global trade cooperation, in particular in accordance with the General Agreement on Tariffs and Trade and the Agreement on the Organization for Economic Cooperation and Development,

Considering the objective of establishing a dynamic and homogeneous European Economic Area, based on common rules and a level playing field, with adequate means for their enforcement, including at the judicial level, and realized on the basis of equality and reciprocity and an overall balance of benefits, rights and obligations of the Contracting Parties,

Firmly resolved to ensure the widest possible realization of the free movement of persons, goods, services and capital throughout the European Economic Area, and to strengthen and expand cooperation on accompanying and horizontal policies,

Desiring to promote the harmonious development of the European Economic Area and convinced of the need to contribute to the reduction of regional economic and social disparities through the application of this Agreement,

Desiring to contribute to the strengthening of cooperation between the Members of the European Parliament and the Parliaments of the EFTA States and between the social partners in the European Community and the EFTA States,

Convinced of the important role that individuals will play in the European Economic Area through the exercise of the rights conferred upon them by this Agreement and through the judicial assertion of those rights,

Firmly resolved to preserve, protect and improve the quality of the environment and to ensure the prudent and rational use of natural resources on the basis, in particular, of the principle of environmentally sound development and the principle of precaution and prevention,

in the firm will to base the further development of regulations on a high level of protection for health, safety and the environment,

Aware of the importance of developing the social dimension, including equal treatment for men and women, within the European Economic Area and desirous of ensuring economic and social progress and promoting the conditions for full employment, a higher standard of living and improved working conditions within the European Economic Area,

firmly committed to promoting the interests of consumers and strengthening its market position in the pursuit of a high level of consumer protection,

with the intention of jointly strengthening the scientific and technological basis of European industry and promoting its competitiveness on an inter- national level,

Considering that the conclusion of this Agreement in no way affects the possibility of any EFTA State acceding to the European Communities,

Considering the objective of the Parties to achieve and maintain, while fully respecting the independence of the courts, a uniform interpretation and application of this Agreement and of the provisions of Community law, the substance of which is incorporated herein, and to achieve equal treatment of individuals and operators with respect to the four freedoms and conditions of competition,

Considering that, subject to the provisions of this Agreement and the limits imposed by international law, this Agreement does not limit the autonomy of decision-making or the authority to contract of the Parties,

have decided to conclude the following agreement:

Part I

Objectives and principles

Art. 1

1) The objective of this Association Agreement is to promote a consistent and balanced strengthening of trade and economic relations between the Parties under equal conditions of competition and compliance with equal rules in order to create a homogeneous European Economic Area, hereinafter referred to as the EEA.

2) In order to achieve the objectives set forth in Paragraph 1, the Association shall include, in accordance with the provisions of this Agreement:

a) the free movement of goods,

b) the freedom of movement,

c) the free movement of services,

d) the free movement of capital,

e) the establishment of a system that protects competition from distortions and ensures compliance with the rules in this regard in the same way for all, and

f) closer cooperation in other areas such as research and development, the environment, education and social policy.

Art. 2

For the purposes of this Agreement means:

a) "Agreement" means the main Agreement, the Protocols and Annexes thereto, and the acts referred to therein;

b) "EFTA States": Iceland, the Principality of Liechtenstein and the Kingdom of Nor- because,

c) "Contracting Parties" in the case of the Community and its Member States: the Community and the EC Member States or the Community or the EC Member States. The respective meaning of this term is to be derived on a case-by-case basis from the relevant provisions of this Agreement and from the competences of the Community or the Member States, respectively, as they result from the Treaty establishing the European Economic Community.

d) "Act of Accession of 16 April 2003" means the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, adopted in Athens on 16 April 2003.

e) "Act of Accession of 25 April 2005" means the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, adopted in Luxembourg on 25 April 2005.

f) the term "Act of Accession of 9 December 2011" means the "Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, signed in Brussels on 9 December 2011."

Art. 3

The Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement.

They shall refrain from any measures which could jeopardize the attainment of the objectives of this Agreement.

They shall also promote cooperation under this Agreement.

Art. 4

Without prejudice to any special provisions of this Agreement, any discrimination on grounds of nationality shall be prohibited within its scope of application.

Art. 5

The Contracting Parties may raise a matter of concern at any time in the EEA Joint Committee or in the EEA Council in accordance with the provisions of Art. 92 para. 2 or Art. 89 para. 2 respectively.

Art. 6

Without prejudice to future developments in case-law, the provisions of this Agreement, in so far as they are identical in substance to corresponding provisions of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted pursuant to those two Treaties, shall, in their implementation and application, be interpreted in conformity with the relevant decisions handed down by the Court of Justice of the European Communities prior to the date of signature of this Agreement.

Art. 7

Acts referred to or contained in the Annexes to this Agreement or in the Decisions of the EEA Joint Committee shall be binding on the Contracting Parties and shall form part of, or be implemented in, national law as follows:

a) A legal act corresponding to an EEC regulation is incorporated as such into the in- nerstate law of the contracting parties.

b) An act corresponding to an EEC Directive leaves to the authorities of the Contracting Parties the choice of form and means for its implementation.

Part II

Free movement of goods Chapter 1

Principles

Art. 8

1) The free movement of goods between the Contracting Parties shall be implemented in accordance with the provisions of this Agreement.

2) Unless otherwise specified, Articles 10 to 15, 19, 20, 25, 26 and 27 shall apply only to goods originating in the Parties.

3) Unless otherwise provided, the provisions of this Agreement shall apply only to

a) Goods falling under Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, except those listed in Protocol 2;

b) Goods listed in Protocol 3, subject to the special provisions made therein.

Art. 9

1) The rules of origin are set out in Protocol 4. They apply without prejudice to the international obligations which the Parties have entered into or will enter into under the General Agreement on Tariffs and Trade.

2) With a view to further developing the achievements in this Agreement, the Parties will continue their efforts to further improve and simplify all aspects of the rules of origin and to deepen cooperation in customs matters.

3) A review will be carried out for the first time before the end of 1993. Thereafter, further reviews will be carried out every two years. The Parties undertake to decide on the inclusion of appropriate measures in the Agreement on the basis of these reviews.

Art. 10

Customs duties on imports and exports and charges having equivalent effect between the Parties are prohibited. Without prejudice to the provisions of Protocol 5, this prohibition shall also apply to fiscal duties.

Art. 11

Quantitative restrictions on imports and all measures having equivalent effect between the Parties are prohibited.

Art. 12

Quantitative restrictions on exports and all measures having equivalent effect between the Contracting Parties are prohibited.

Art. 13

The provisions of Articles 11 and 12 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security, the protection of health and life of humans, animals or plants, the protection of national treasures possessing artistic, historic or archaeological value, or the protection of industrial and commercial property. However, such prohibitions or restrictions shall not constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Art. 14

The Contracting Parties shall not impose, directly or indirectly, on goods from other Contracting Parties any domestic charges of any kind in excess of those imposed directly or indirectly on like domestic goods.

The Contracting Parties shall not impose on the goods of the other Contracting Parties any domestic taxes which are capable of indirectly protecting other productions.

Art. 15

Where goods are exported to the territory of a Contracting Party, the drawback of domestic duties shall not exceed the amount of domestic duties levied directly or indirectly on the exported goods.

Art. 16

1) The Contracting Parties shall ensure that their State monopolies of a commercial character are modified in such a way as to exclude any discrimination in the conditions of supply and sale between nationals of EC Member States and EFTA States.

2) This Article shall apply to all entities through which the competent authorities of the Parties, directly or indirectly, legally or factually control, direct or

noticeably. It also applies to monopolies transferred by a state to other legal entities.

Chapter 2

Agricultural and fishery products

Art. 17

The specific provisions and special regulations for veterinary and phytosanitary matters are contained in Annex I.

Art. 18

Without prejudice to the special arrangements for trade in agricultural products, the Contracting Parties shall ensure that the arrangements referred to in Articles 17 and 23 (a) and (b), where they apply to products other than those referred to in Article 8 (3), are not affected by other technical barriers to trade. Art. 13 applies.

Art. 19

1) The Parties shall examine any difficulties that may arise in the trade of agricultural products and shall endeavor to find appropriate solutions.

2) The Parties undertake to continue their efforts to progressively liberalize agricultural trade.

3) To this end, the Parties shall undertake a review of conditions in trade in agricultural products before the end of 1993 and every two years thereafter.

4) In the light of the results of these reviews in the context of their respective agricultural policies and taking into account the results of the Uruguay Round, the Parties shall decide, within the framework of this Agreement, on a preferential, bilateral or multilateral basis and on the basis of reciprocity and mutual benefit, on a further reduction of barriers to trade of all kinds in the agricultural sector, including those resulting from State monopolies of a commercial character in the agricultural sector.

Art. 20

The rules and regulations on fish and other marine products are set out in Protocol 9.

Chapter 3

Customs cooperation and trade facilitation Art. 21

1) In order to facilitate trade between contracting parties, they simplify controls and formalities at the borders. The relevant regulations are laid down in Protocol 10.

2) The Contracting Parties shall assist each other in customs matters in order to ensure the correct application of customs legislation. The relevant rules are laid down in Protocol 11.

3) The Parties shall strengthen and expand cooperation to simplify procedures in trade in goods, in particular through joint trade facilitation programs, projects and actions in accordance with the rules set out in Part VI.

4) This Article shall apply to all goods without prejudice to Article 8, paragraph 3.

Art. 22

A Contracting Party which intends to reduce or suspend its applied duties or charges having equivalent effect vis-à-vis third countries benefiting from the most-favored-nation clause shall, where possible, notify the EEA Joint Committee of such reduction or suspension at least 30 days before it enters into force. It shall take note of any representations made by the other Contracting Parties concerning distortions which might result from such reduction or suspension.

Chapter 4

Other rules on the free movement of goods

Art. 23

Special provisions and special regulations are set forth in:

a) Protocol 12 and Annex II (Technical regulations, standards, testing and certification);

b) Protocol 47 (Elimination of Technical Barriers to Trade in Wine);

c) Annex III (Product Liability).

They apply to all goods, unless otherwise specified.

Art. 24

Specific provisions and special regulations for the energy sector are contained in Annex IV.

Art. 25

Does the compliance with Art. 10 and 12

a) re-export to a third country with respect to which the exporting Contracting Party maintains quantitative export restrictions, export duties or measures or charges having equivalent effect for the product concerned, or

b) serious shortage or threat of serious shortage of a product essential to the exporting Party, and where the situations referred to above give rise to actual or foreseeable difficulties of a serious nature for the exporting Party, that Party may take appropriate measures in accordance with the procedure laid down in Article 113.

Art. 26

Except as otherwise provided in this Agreement, anti-dumping measures, countervailing duties, and measures to protect against unfair trade practices by third countries shall not apply between the Parties.

Chapter 5

Coal and steel products Art.

27

The rules and regulations for coal and steel products are laid down in Protocols 14 and 25.

Part III

Free movement of persons, services and capital

Chapter 1

Employees and self-employed persons Art.

28

1) Free movement of workers is established between EC Member States and EFTA countries.

2) It includes the abolition of any difference in treatment based on nationality between workers of EC Member States and EFTA States as regards employment, remuneration and other working conditions.

3) It gives - subject to limitations justified by reasons of public order, safety and health - the right to employees,

a) to apply for jobs that are actually offered;

b) to move freely for this purpose within the territory of the EC Member States and the EFTA States;

c) to reside in the territory of an EC Member State or an EFTA State in order to pursue employment there in accordance with the laws, regulations and administrative provisions applicable to the employees of that State;

d) to remain in the territory of an EC Member State or an EFTA State after termination of employment.

4) This Article shall not apply to employment in the public service.

5) The specific provisions on the free movement of workers are contained in Annex V.

Art. 29

In order to establish freedom of movement for employees and self-employed persons, the Contracting Parties shall ensure, in particular, the following in the field of social security in accordance with Annex VI for employees and self-employed persons and the members of their families:

a) the aggregation of all periods taken into account under the various national legislations for the purpose of acquiring and retaining the right to benefits and of calculating benefits;

b) payment of benefits to persons residing in the territories of the contracting parties.

Art. 30

In order to facilitate the taking up and pursuit of gainful activities by employed and self-employed persons, the Parties shall take the necessary measures, in accordance with Annex VII, for the mutual recognition of diplomas, certificates and other evidence of formal qualifications and for the coordination of the laws and regulations of the Parties relating to the taking up and pursuit of gainful activities by employed and self-employed persons.

Chapter 2 Right of Establishment Art. 31

1) Within the framework of this Agreement, the free establishment of nationals of an EC Member State or an EFTA State in the territory of one of these States is not subject to any restrictions. This applies equally to the establishment of agencies, branches or subsidiaries by nationals of an EC Member State or an EFTA State who are established in the territory of one of these States.

Subject to Chapter 4, freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies within the meaning of Article 34, paragraph 2, in accordance with the provisions of the host State for its own nationals.

2) The special provisions on the right of establishment are contained in Annexes VIII to XI.

Art. 32

The provisions of this chapter shall not apply in the territory of a Contracting Party to activities which, in that territory, are connected, even occasionally, with the exercise of official authority.

Art. 33

This Chapter and the measures taken pursuant thereto shall not affect the applicability of laws, regulations and administrative provisions providing for special regulation of aliens and justified on grounds of public order, public safety or public health.

Art. 34

For the purposes of this Chapter, companies formed in accordance with the laws of an EC Member State or an EFTA State and having their registered office, central administration or principal place of business in the territories of the Contracting Parties shall be treated in the same way as natural persons who are nationals of EC Member States or EFTA States.

Companies are civil law and commercial law companies, including cooperatives, and other legal entities under public and private law, with the exception of those that are non-profit-making.

Art. 35

Article 30 shall apply to the subject matter governed by this Chapter.

Chapter 3 Services

Art. 36

1) Within the framework of this Agreement, the freedom to provide services within the territory of the Contracting Parties is not subject to any restrictions for nationals of EC Member States and EFTA States who are established in another EC Member State or EFTA State than that of the person for whom the services are intended.

2) The specific provisions on the freedom to provide services are contained in Annexes IX to XI.

Art. 37

Services within the meaning of this Agreement are services which are normally provided for remuneration, insofar as they are not subject to the provisions on the free movement of goods and capital and on the free movement of persons.

Services include in particular:

a) industrial activities,

b) commercial activities,

c) craft activities,

d) freelance activities.

Without prejudice to the provisions of Chapter 2, the service provider may, for the purpose of providing his services, temporarily carry on his business in the State in which the service is provided, subject to the conditions prescribed by that State for its own nationals.

Art. 38

The provisions of Chapter 6 shall apply to the freedom to provide transport services.

Art. 39

Articles 30, 32, 33 and 34 shall apply to the subject matter governed by this Chapter.

Chapter 4

Capital

Movements

Art. 40

Under this Agreement, the movement of capital shall not be restricted or discriminated against on the basis of the nationality or place of residence of the parties or the place of investment with respect to beneficiaries who are residents of EC Member States or EFTA States. The rules for the implementation of this Article are contained in Annex XII.

Art. 41

Current payments related to the movement of goods, persons, services and capital between the Parties under this Agreement shall not be subject to restrictions.

Art. 42

1) The Contracting Parties shall refrain from discrimination in the application of national capital market and credit regulations to capital movements liberalized under this Agreement.

2) Bonds for the direct or indirect financing of an EC Member State or an EFTA State or its local authorities may be issued or placed in another EC Member State or another EFTA State only if the States concerned have agreed to do so.

Art. 43

1) If, because of differences between the exchange regulations of the EC Member States and those of the EFTA States, persons resident in an EC Member State or an EFTA State use the transfer facilities provided for in Article 40 in the territory of the Contracting Parties to circumvent the regulations of an EC Member State or an EFTA State applicable to the movement of capital to or from third countries, the Contracting Party concerned may take appropriate measures to remedy these difficulties.

2) If capital movements cause disturbances in the functioning of the capital market of an EC Member State or an EFTA State, the Contracting Party concerned may take protective measures in the field of capital movements.

3) If the competent authorities of one Party make a change in the exchange rate that seriously distorts the conditions of competition, the other Parties may, for a precisely limited period of time, take the necessary measures to counter the consequences of this action.

4) If an EC Member State or an EFTA State is in difficulties or is seriously threatened with difficulties as regards its balance of payments either as a result of an imbalance in its overall balance of payments or as a result of the nature of the foreign exchange at its disposal, and if such difficulties are liable in particular to jeopardize the functioning of this Agreement, the Contracting Party concerned may take protective measures.

Art. 44

For the implementation of Art. 43, both the Community and the EFTA States shall apply their internal procedures in accordance with Protocol 18.

Art. 45

1) Decisions, opinions and recommendations relating to the measures listed in Art. 43 shall be communicated to the EEA Joint Committee.

2) All measures are subject to prior consultation and exchange of information in the EEA Joint Committee.

3) However, in cases referred to in Art. 43, para. 2, a Contracting Party may, for reasons of secrecy and urgency, take such measures as prove necessary without prior consultation and exchange of information.

4) If a balance of payments crisis within the meaning of Article 43, paragraph 4, occurs suddenly and the procedures referred to in paragraph 2 cannot be applied, the Party concerned may take the necessary protective measures as a precautionary measure. They shall cause only a minimum of disturbance in the functioning of this Agreement and shall not go beyond what is strictly necessary to remedy the sudden difficulties which have arisen.

5) If measures are taken in accordance with paras. 3 and 4, they shall be notified at the latest at the time they come into force; the exchange of information and consultations as well as the notifications in accordance with para. 1 shall be made as soon as possible thereafter.

Chapter 5

Economic and Monetary Cooperation Art. 46

The Parties shall exchange views and information on the implementation of this Agreement and the impact of integration on economic activities and economic and monetary policies. They may also discuss macroeconomic realities, policies and prospects. This exchange of views and information shall be non-binding.

Chapter 6

Transport Art. 47

1) Articles 48 to 52 apply to carriage by rail, road and inland waterway.

2) The specific provisions for all modes of transport are contained in Annex XIII.

Art. 48

1) The provisions of an EC Member State or an EFTA State concerning rail, road and inland waterway transport not covered by Annex XIII shall not be less favorable in their direct or indirect effect on carriers of other States than on national carriers.

2) A Contracting Party which deviates from the principle in paragraph 1 shall notify the EEA Joint Committee. The other Contracting Parties which do not accept this derogation may take appropriate countermeasures.

Art. 49

Compatible with this Agreement are aids that meet the needs of coor- dination of transport or compensation for certain services related to the concept of public service.

Art. 50

1) There shall be no discrimination in transport within the territory of the Contracting Parties in the form of the application by a transport undertaking of different rates and conditions of carriage on the same transport services for the same goods according to their country of origin or destination.

2) The competent body under Part VII shall, on its own initiative or at the request of an EC Member State or an EFTA State, examine cases of discrimination covered by this Article and adopt the necessary decisions within the framework of its rules of procedure.

Art. 51

1) In traffic within the territories of the Contracting Parties, cargoes and conditions of carriage imposed by a Contracting Party which in any way serve to support or protect one or more particular enterprises or industries shall be prohibited, unless authorized by the competent authority in accordance with Article 50, paragraph 2.

2) The competent body shall, on its own initiative or at the request of an EC Member State or an EFTA State, examine the rates and conditions of carriage referred to in paragraph 1, taking into account in particular the requirements of an appropriate location policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances, as well as the effects of such rates and conditions of carriage on competition between modes of transport.

The competent body shall adopt the necessary decisions within the framework of its rules of procedure.

3) The prohibition referred to in paragraph 1 shall not apply to competitive tariffs.

Art. 52

The charges or fees charged by a carrier in addition to the freight at the border crossing shall not exceed a reasonable amount, taking into account the costs actually caused thereby. The contracting parties shall endeavor to reduce these costs gradually.

Part IV

Competition and other common rules Chapter 1

Regulations for companies

Art. 53

1) The following shall be prohibited as incompatible with this Agreement: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between the Parties and which have as their object or effect the prevention, restriction or distortion of competition within the territory covered by this Agreement, in particular

a) the direct or indirect fixing of purchase or selling prices or other business conditions;

b) the restriction or control of production, sales, technical development or investment;

c) the division of markets or sources of supply;

d) the application of different terms and conditions for equivalent services vis-à-vis trading partners, thereby placing them at a competitive disadvantage;

e) the condition attached to the conclusion of contracts that the contracting parties accept additional services that are not related to the subject matter of the contract either factually or in terms of commercial usage.

2) The agreements or resolutions prohibited under this Article shall be null and void.

3) The provisions of paragraph 1 may be declared inapplicable to

- Agreements or groups of agreements between companies,
- Resolutions or groups of resolutions of associations of undertakings,
- Coordinated behaviors or groups of such,

which contribute to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which do not give the undertakings concerned

a) Impose restrictions that are not indispensable to the achievement of those objectives; or

b) The new rules open up the possibility of eliminating competition for a substantial part of the goods in question.

Art. 54

The abuse by one or more undertakings of a dominant position within the territorial scope of this Agreement or in a substantial part thereof shall be prohibited as incompatible with this Agreement insofar as it may affect trade between the Parties.

This abuse may consist in particular of the following:

a) the direct or indirect enforcement of unreasonable purchase or sales prices or other terms and conditions;

b) the restriction of production, sales or technical development to the detriment of consumers;

c) the application of different terms and conditions for equivalent services vis-à-vis trading partners, putting them at a competitive disadvantage;

d) the condition attached to the conclusion of contracts that the contracting parties accept additional services that are neither factually nor commercially related to the subject matter of the contract.

Art. 55

1) Without prejudice to the provisions of Protocol 21 and Annex XIV on the implementation of Articles 53 and 54, the EC Commission and the EFTA Surveillance Authority referred to in Article 108(1) shall ensure the implementation of the principles laid down in Articles 53 and 54.

The competent surveillance body referred to in Article 56 shall investigate ex officio, at the request of a State in the respective area of competence or at the request of the other surveillance body, cases in which violations of these Principles are suspected. The competent surveillance authority shall conduct these investigations in cooperation with the competent national authorities in the respective area of competence and the other surveillance authority, which shall provide it with assistance in accordance with its rules of procedure.

If it finds an infringement, it shall propose appropriate means to remedy it.

2) If the infringement is not terminated, the competent supervisory body shall issue a reasoned decision stating that such infringement has occurred.

The competent surveillance authority may publish the decision and authorize the States within its jurisdiction to take the necessary remedial measures, the conditions and details of which it shall determine. It may also request the other surveillance authority to authorize States within its jurisdiction to take such measures.

Art. 56

1) Individual cases falling within the scope of Art. 53 shall be decided by the supervisory bodies as follows:

a) Individual cases which only affect trade between EFTA States are decided by the EFTA Surveillance Authority.

b) Without prejudice to point (c), the EFTA Surveillance Authority shall decide, in accordance with the provisions of Article 58, Protocol 21 and its implementing provisions, Protocol 23 and Annex XIV, in cases where the turnover of the undertakings concerned in the territories of the EFTA States is 33
% or more of its sales within the territorial scope of this Agreement.

c) In all other cases as well as in cases according to letter b) which affect trade between EC Member States, the EC Commission shall decide taking into account the provisions of Art. 58, Protocol 21, Protocol 23 and Annex XIV.

2) Individual cases falling within the scope of Art. 54 shall be decided by the supervisory body in whose area of responsibility the dominant position is established. If the dominant position exists in the areas of responsibility of both supervisory bodies, paragraph 1 letters b and c shall apply.

3) Individual cases which fall within the scope of paragraph 1(c) and which have no appreciable effect on trade between EC Member States or on competition within the Community shall be decided by the EFTA Surveillance Authority.

4) The terms "enterprise" and "turnover" within the meaning of this Article are defined in Protocol 22.

Art. 57

1) Concentrations the control of which is provided for in paragraph 2 and which create or strengthen a dominant position as a result of which effective competition would be significantly impeded within the territorial scope of this Agreement or in a substantial part thereof shall be declared incompatible with this Agreement.

2) The control of mergers within the meaning of paragraph 1 shall be carried out by:

a) the EC Commission in cases covered by Regulation (EEC) No 4064/89 in accordance with that Regulation and Protocols 21 and 24 and Annex XIV to this Agreement. Subject to review by the Court of Justice of the European Communities, the EC Commission shall have the sole power of decision in such cases;

b) the EFTA Surveillance Authority in cases not referred to in point (a), provided that the relevant thresholds of Annex XIV are reached in the territory of the EFTA States, in accordance with Protocols 21 and 24 and Annex XIV and without prejudice to the competences of the EC Member States.

Art. 58

The competent bodies of the Parties shall cooperate, in accordance with the provisions of Protocols 23 and 24, to develop and maintain a uniform surveillance of the competition field throughout the European Economic Area and to promote a homogeneous implementation, application and interpretation of the relevant provisions of this Agreement.

Art. 59

1) The Contracting Parties shall ensure that, with respect to public undertakings and undertakings to which EC Member States or EFTA States grant special or exclusive rights, no measures contrary to this Agreement, in particular Articles 4 and 53 to 63, are taken or maintained.

2) Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Agreement, in particular to the rules on competition, insofar as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade shall not be affected to such an extent as would be contrary to the interests of the Parties.

3) The EC Commission and the EFTA Surveillance Authority shall, each within its competence, ensure the application of this Article and, if necessary, take appropriate measures vis-à-vis the States within their respective competence.

Art. 60

The specific provisions for the implementation of the principles of Articles 53, 54, 57 and 59 are contained in Annex XIV.

Chapter 2 State aid Art. 61

1) Save as otherwise provided in this Agreement, any aid granted by EC Member States or EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.

2) Are consistent with the operation of this Agreement:

a) Aid of a social nature to individual consumers, if granted without discrimination according to the origin of the goods;

b) Aid to make good damage caused by natural disasters or other exceptional occurrences;

c) Aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.

3) The following may be considered compatible with the operation of this Agreement:

a) Aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;

b) Aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of an EC Member State or an EFTA State;

c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;

d) other types of aid as determined by the EEA Joint Committee in accordance with Part VII.

Art. 62

1) All existing aid schemes in the territory of the Contracting Parties, as well as the planned granting or amendment of State aid, shall be continuously examined as to their compatibility with Art. 61. Responsibility for this examination lies with

a) in the case of the EC Member States, the EC Commission pursuant to Art. 93 of the Treaty establishing the European Economic Community,

b) in the case of the EFTA States, the EFTA Surveillance Authority in accordance with the provisions of an agreement between the EFTA States on the establishment of an EFTA Surveillance Authority entrusted with the functions and powers laid down in Protocol 26.

2) The EC Commission and the EFTA Surveillance Authority shall cooperate, in accordance with the provisions of Protocol 27, to ensure the uniform monitoring of State aid throughout the territory covered by this Agreement.

Art. 63

The specific provisions on state aid are contained in Annex XV.

Art. 64

1) If one of the surveillance authorities considers that the implementation by the other surveillance authority of Articles 61 and 62 of this Agreement and Article 5 of Protocol 14 is not consistent with the maintenance of a level playing field within the territorial scope of this Agreement, an exchange of views shall take place within two weeks in accordance with the procedure set out in Protocol 27(f).

If no mutually agreed solution is found by the end of this two-week period, the competent authority of the Party concerned may immediately take appropriate interim measures to counter the resulting distortion of competition.

Consultations will then take place in the EEA Joint Committee to find a mutually acceptable solution.

If the EEA Joint Committee is unable to find such a solution within three months and if the practice in question distorts or threatens to distort competition affecting trade between the Contracting Parties, the provisional measures may be replaced by such final measures as are strictly necessary to counteract the effects of the distortion. Priority must be given to measures which least disturb the functioning of the EEA.

2) This Article shall also apply to state monopolies established after the signing of the Agreement.

Chapter 3

Other common rules Art. 65

1) The specific provisions and special rules on public procurement are contained in Annex XVI and, unless otherwise specified, apply to all goods and the services listed.

2) The special provisions and specific arrangements concerning intellectual property and industrial property rights are contained in Protocol 28 and Annex XVII and apply to all goods and services unless otherwise specified.

Part V

Horizontal provisions related to the four freedoms

Chapter 1

Social

Policy Art.

66

The Parties agree on the need to work towards improving the living and working conditions of the workforce.

Art. 67

1) The Contracting Parties shall endeavor to promote the improvement, in particular, of the working environment in order to protect the safety and health of workers. In order to contribute to the realization of this objective, minimum requirements shall be applied, to be implemented progressively, taking into account the existing conditions and technical regulations of each Party. Such minimum requirements shall not prevent each Party from maintaining or adopting measures to strengthen the protection of working conditions which are compatible with this Agreement.

2) The provisions to be implemented as minimum requirements within the meaning of paragraph 1 are listed in Annex XVIII.

Art. 68

In the field of labor law, the Parties shall implement the measures necessary for the good functioning of this Agreement. These measures are listed in Annex XVIII.

Art. 69

1) Each Party will apply and maintain the principle of equal pay for men and women for equal work.

For the purposes of this Article, "remuneration" means the usual basic or minimum wages and salaries and any other remuneration paid by the employer to the employee directly or indirectly in cash or in kind on the basis of the employment relationship.

Equal pay means equal pay without discrimination on the basis of sex:

a) that the remuneration for the same work paid on a piecework basis is determined on the basis of the same unit of measurement;

b) That for work paid by time, the pay is the same for the same job.

2) The specific rules for the implementation of paragraph 1 are contained in Annex XVIII.

Art. 70

The Parties shall promote the principle of equal treatment between men and women by implementing the provisions contained in Annex XVIII.

Art. 71

The contracting parties shall endeavor to promote dialogue between the social partners at European level.

Chapter 2

Consumer

Protection Art. 72

The provisions on consumer protection are contained in Annex XIX.

Chapter

3

Environ

ment

Art. 73

1) The environmental policy of the Contracting Parties aims to,

a) preserve, protect and improve the quality of the environment;

b) contribute to the protection of human health;

c) to ensure the prudent and rational use of natural resources.

2) The Parties' activities in the field of the environment shall be governed by the principle of preventing environmental degradation and, where possible, combating it at source, and by the polluter-pays principle. The requirements of environmental protection are an integral part of the other policies of the Parties.

Art. 74

The special provisions on protective measures under Art. 73 are contained in Annex XX.

Art. 75

The safeguard measures referred to in Article 74 shall not prevent individual Parties from maintaining or adopting enhanced safeguard measures consistent with this Agreement.

Chapter 4

Statistics Art. 76

1) The Contracting Parties shall ensure the production and dissemination of coherent and comparable statistics for the description and monitoring of all relevant economic, social and environmental aspects of the EEA.

2) To this end, the Contracting Parties shall develop and use harmonized methods, definitions and classifications, as well as joint programs and procedures, in which the cooperation of the competent administrative levels in the field of statistics is organized and due regard is paid to data protection.

3) The specific provisions on statistics are contained in Annex XXI.

4) The special provisions on the organization of cooperation in the field of statistics are contained in Protocol 30.

Chapter 5

Company Law Art. 77

The special provisions on company law are contained in Annex XXII.

Part VI

Cooperation outside the four freedoms Art. 78

The Parties shall strengthen and broaden their cooperation within the framework of Community actions in the following areas

- Research and technological development,
- Information Services,
- Environment,
- education, training and youth,
- Social Policy,
- Consumer protection,

- small and medium-sized enterprises,
- Tourism,
- audiovisual sector and
- Disaster Management,

to the extent that such subject matter is not covered by other parts of this Agreement.

Art. 79

1) The Parties shall deepen the dialogue with each other in all appropriate ways, in particular in accordance with the procedures set out in Part VII, with a view to identifying the areas and fields of work in which closer cooperation could contribute to the achievement of their common objectives set out in Article 78.

2) In particular, they shall exchange information and, at the request of a Contracting Party, hold consultations in the EEA Joint Committee on plans or proposals for the establishment or modification of framework programs, special programs, actions and projects in the areas listed in Art. 78.

3) Part VII applies mutatis mutandis to this Part to the extent that this Part or Protocol 31 expressly so provides.

Art. 80

Cooperation under Art. 78 is usually as follows:

- Participation of the EFTA States in framework programs, special programs, projets or other Community actions;
- Establishment of joint activities in specific areas; this includes concertation or coordination of activities, merger of previous activities, and establishment of joint ad hoc activities;
- Exchange or provide information on a formal and informal basis;
- joint effort to promote certain activities throughout the territory of the Parties;
- where appropriate, parallel legislation with the same or similar content;
- Coordination of efforts and activities through or in the framework of international organizations and cooperation with third countries, where this is in the mutual interest.

Art. 81

Cooperation in the form of participation by the EFTA States in framework programs, special programs, projects or other Community actions shall be based on the following principles:

a) EFTA States have access to all parts of a program.

b) In determining the status of the EFTA States in the committees which assist the EC Commission in the implementation or development of Community activities to which the EFTA States contribute financially by virtue of their participation, full account shall be taken of these contributions.

c) Community decisions, other than those concerning the general budget of the Community, which have a direct or indirect impact on a framework program, a specific program, a project or any other action in which EFTA States participate pursuant to a decision under this Agreement, shall be taken in accordance with Art. 79(3). The conditions of further participation in the measures concerned may be reviewed by the EEA Joint Committee in accordance with Art. 86.

d) In the preparation of projects, the institutions, undertakings, organizations and nationals of the EFTA States have the same rights and obligations under the Community programs and other actions as the institutions, undertakings, organizations and nationals of the Member States of the Community. The same applies mutatis mutandis to participants in exchanges between EC Member States and EFTA States within the framework of the respective actions.

e) The EFTA States, their institutions, undertakings, organizations and nationals shall have the same rights and obligations with regard to dissemination, evaluation and exploitation of results as the Member States of the Community, their institutions, undertakings, organizations and nationals.

f) The Parties undertake to facilitate, in accordance with their respective rules and regulations, the mobility of participants in the programs and other actions to the extent necessary.

Art. 82

1) If the cooperation provided for in this Part involves a financial participation by the EFTA States, such participation shall take the following form, as the case may be:

a) The contribution of the EFTA States resulting from their participation in Community actions shall be calculated in proportion to

- to the commitment appropriations and

- on payment appropriations,

budgeted annually for the Community in the respective budget items for the measures concerned in the general budget of the Community.

The proportionality factor determining the level of participation of the EFTA States shall be the sum of the figures representing the respective ratios between the gross domestic product at market prices of each EFTA State, on the one hand, and the sum of the gross domestic products at market prices of the Member States of the Community and the EFTA State concerned, on the other. This factor is calculated for each financial year on the basis of the most recent statistics.

The contribution of the EFTA States shall be additional, both in commitment appropriations and in payment appropriations, to the amounts budgeted for the Community under the relevant item in the general budget for the measures concerned.

The annual contributions to be paid by the EFTA States shall be determined on the basis of the payment appropriations.

Neither commitments entered into by the Community before the entry into force of the participation of the EFTA States in the measures concerned by virtue of this Agreement, nor payments made thereon, shall give rise to any obligation on the part of the EFTA States to contribute.

b) The financial contribution of the EFTA States by virtue of their participation in certain projects or other measures is based on the principle that each Contracting Party bears its own costs and makes an appropriate contribution to the Community's overhead costs, as determined by the EEA Joint Committee.

c) The EEA Joint Committee shall take the necessary decisions on the contribution of the Contracting Parties to the costs of the measure concerned.

2) The detailed rules for the application of this Article are set out in Protocol 32.

Art. 83

Subject to the requirements of confidentiality established by the EEA Joint Committee, in the case of cooperation in the form of exchange of information between authorities, the EFTA States have the same right and obligation to provide information as the EC Member States.

Art. 84

The provisions on cooperation in certain areas are set forth in Pro- tocoll 31.

Art. 85

Unless otherwise provided in Protocol 31, cooperation already existing between the Community and individual EFTA States in the fields listed in Article 78 at the time of the entry into force of this Agreement shall, after that date, be subject to the relevant provisions of this Part and of Protocol 31.

Art. 86

The EEA Joint Committee shall, in accordance with Part VII, take all decisions necessary for the implementation of Articles 78 to 85 and the measures deriving therefrom, which may include, inter alia, supplementing or adapting Protocol 31 as well as adopting transitional arrangements necessary for the implementation of Article 85.

Art. 87

The Parties shall take the necessary steps to develop, strengthen or broaden cooperation in Community action in areas not covered by Article 78, where such cooperation appears likely to contribute to the achievement of the objectives of this Agreement or is otherwise considered by the Parties to be in their mutual interest. This may include that Art. 78 is supplemented by the inclusion of further areas.

Art. 88

Notwithstanding the provisions of any other part of this Agreement, the provisions of this part shall not prevent a Party from independently preparing, taking, and implementing measures.

Part VII

Institutional Provisions

Chapter 1

Association structure

Section 1

The EEA

Council Art.

89

1) An EEA Council is hereby established. It shall in particular have the task of providing the political impetus for the implementation of this Agreement and of laying down the general guidelines for the EEA Joint Committee.

To this end, the EEA Council evaluates the overall functioning and development of the Agreement. It takes the political decisions that lead to amendments of the Agreement.

2) The Contracting Parties may - with regard to the Community and the EC Member States within their respective spheres of competence - raise an issue which may give rise to a difficulty after it has been discussed in the EEA Joint Committee or, in cases of particular urgency, directly in the EEA Council.

3) The EEA Council shall adopt its rules of procedure by resolution.

Art. 90

1) The EEA Council consists of the members of the Council of the European Communities and members of the EC Commission as well as one member of the government of each EFTA State.

The members of the EEA Council may be represented in accordance with the provisions to be laid down in its Rules of Procedure.

2) The EEA Council takes its decisions by agreement between the Community on the one hand and the EFTA States on the other.

Art. 91

1) The EEA Council is chaired alternately for six-month periods by a member of the Council of the European Communities and by a member of the government of an EFTA State.

2) The EEA Council shall be convened twice a year by its President. The EEA Council shall also meet as often as circumstances require, in accordance with its Rules of Procedure.

Section 2

The EEA Joint Committee Art. 92

1) An EEA Joint Committee is hereby established. It shall ensure the effective implementation and application of this Agreement. To this end, it shall exchange views and information and take decisions in the cases provided for in this Agreement.

2) In the EEA Joint Committee, the Contracting Parties - with respect to the Community and the EC Member States within their respective spheres of competence - shall consult on a matter relating to the Agreement which may give rise to difficulties and which is raised by one of the Contracting Parties.

3) The EEA Joint Committee shall adopt its rules of procedure by decision.

Art. 93

1) The EEA Joint Committee shall consist of representatives of the Contracting Parties.

2) The EEA Joint Committee takes its decisions by agreement between the Community on the one hand and the EFTA States speaking with one voice on the other.

Art. 94

1) The EEA Joint Committee is chaired alternately for six-month periods by the representative of the Community, i.e. the EC Commission, and by a representative of one of the EFTA States.

2) In order to carry out its tasks, the EEA Joint Committee shall in principle meet at least once a month. It shall also be convened by its Chairman or at the request of a Contracting Party in accordance with its Rules of Procedure.

3) The EEA Joint Committee may decide to establish subcommittees or working groups to assist it in the performance of its tasks. The EEA Joint Committee shall determine in its rules of procedure the composition and working methods of these subcommittees and working groups. The tasks of these bodies shall be determined on a case-by-case basis by the EEA Joint Committee.

4) The EEA Joint Committee shall prepare an annual report on the functioning and development of this Agreement.

Section 3

Parliamentary cooperation Art. 95

1) An EEA Joint Parliamentary Committee shall be established. It shall consist of an equal number of Members of the European Parliament on the one hand and of Members of the Parliaments of the EFTA States on the other. The total number of members of the Committee is laid down in the Statute in Protocol 36.

2) The EEA Joint Parliamentary Committee shall hold its meetings alternately in the Community and in an EFTA State in accordance with the provisions laid down in Protocol 36.

3) The EEA Joint Parliamentary Committee shall contribute through dialogue and consultation to a better understanding between the Community and the EFTA States in the fields covered by this Agreement.

4) The EEA Joint Parliamentary Committee may issue opinions in the form of reports or resolutions as appropriate. In particular, it shall examine the annual report on the functioning and development of this Agreement drawn up by the EEA Joint Committee in accordance with Article 94(4).

5) The President of the EEA Council may appear before the EEA Joint Parliamentary Committee to be heard by it.

6) The EEA Joint Parliamentary Committee establishes its rules of procedure.

Section 4

Cooperation between the economic and social partners Art. 96

1) The members of the Economic and Social Committee and other bodies representing the social partners in the Community, as well as the members of the corresponding bodies in the EFTA States, will endeavor to strengthen their contacts and to cooperate in an organized and regular manner in order to promote awareness of the economic and social aspects of the increasing interdependence of the economies of the Contracting Parties and their interests within the framework of the EEA.

2) An EEA Consultative Committee is established for this purpose. It shall be composed of an equal number of members of the Economic and Social Committee of the Community and of the EFTA Consultative Committee. The EEA Consultative Committee may issue opinions in the form of reports or resolutions as appropriate.

3) The EEA Consultative Committee shall adopt its rules of procedure.

Chapter 2 Decision-making

Procedure Art. 97

This Agreement shall not affect the right of each Contracting Party to amend, with due regard for the principle of non-discrimination and after informing the other Contracting Parties, its internal legislation in the fields covered by this Agreement,

- provided that the EEA Joint Committee finds that the amended legislation does not adversely affect the good functioning of this Agreement; or

- provided that the procedure under Art. 98 has been completed.

Art. 98

The Annexes to this Agreement and Protocols 1 through 7, 9, 10, 11, 19 through 27, 30, 31, 32, 37, 39, 41, and 47 may be adopted, as appropriate, by resolution of the Joint EEA Committee pursuant to Art. 93(2) and Arts. 99, 100, 102 and 103 shall be amended.

Art. 99

1) Whenever the EC Commission prepares new legislation in an area covered by this Agreement, it informally seeks the advice of experts from the EFTA States, just as it seeks the advice of experts from the EC Member States when preparing its proposals.

2) When the EC Commission transmits its proposal to the Council of the European Communities, it shall send copies thereof to the EFTA States.

At the request of a Contracting Party, an initial exchange of views shall take place in the EEA Joint Committee.

3) At the important stages preceding the decision-making of the Council of the European Communities, the Contracting Parties shall consult each other again in the EEA Joint Committee at the request of any Contracting Party as part of a continuous process of information and consultation.

4) During the information and consultation phase, the Contracting Parties shall cooperate in good faith to facilitate decision-making in the EEA Joint Committee at the end of this process.

Art. 100

The EC Commission shall ensure that experts from the EFTA States are involved as widely as possible, depending on the area, in the preparation of those draft measures which are subsequently to be submitted to the committees assisting the EC Commission in the exercise of its implementing powers. In this context, the EC Commission will involve experts from the EFTA States in the preparation of draft measures on the same basis as experts from the EC Member States.

In cases where the draft is referred to the Council of the European Communities in accordance with the procedure applicable to the Committee concerned, the EC Commission shall transmit to the Council of the European Communities the opinions of the experts of the EFTA States.

Art. 101

1) Experts from EFTA States shall be associated with the work of committees not covered by Art. 81 or Art. 100 if this is necessary for the good functioning of this Agreement.

These committees are listed in Protocol 37. The modalities of such participation are defined in the protocols and annexes dealing with the respective subject area.

2) If the Contracting Parties consider that such participation should be extended to other Committees having similar characteristics, the EEA Joint Committee may amend Protocol 37.

Art. 102

1) In order to ensure legal certainty and homogeneity of the EEA, the EEA Joint Committee shall adopt decisions amending an Annex to this Agreement as soon as possible after the adoption by the Community of the corresponding new legislation, so that such Community legislation and the amendments to the Annexes to this Agreement can be applied simultaneously. To this end, when the Community adopts an act in a field covered by this Agreement, it will inform the other Contracting Parties in the EEA Joint Committee as soon as possible.

2) The EEA Joint Committee shall assess which part of an Annex to the Agreement is directly affected by the new legislation.

3) The Parties shall make every effort to reach agreement on matters affecting this Agreement.

In particular, the EEA Joint Committee does its utmost to find a mutually acceptable solution when a serious problem arises in an area which falls within the competence of the legislator in the EFTA States.

4) If, despite the application of paragraph 3, no agreement can be reached on an amendment to an Annex to this Agreement, the EEA Joint Committee shall examine all other possibilities for maintaining the good functioning of this Agreement and may take the necessary decisions to this end, including the possibility of recognizing equivalence of legislation. Such a decision shall be taken by the end of a period of six months from the date of referral to the EEA Joint Committee or until the entry into force of the relevant Community legislation, whichever is the later.

5) If the EEA Joint Committee has not taken a decision on an amendment to an Annex to this Agreement by the expiry of the period referred to in paragraph 4, the parts thereof affected by the new provisions shall be deemed to be provisionally repealed to the extent determined in accordance with paragraph 2, unless the EEA Joint Committee decides otherwise. Such a provisional suspension shall take effect six months after the expiry of the period referred to in paragraph 4, but in no case before the date on which the corresponding EC act is implemented in the Community. The EEA Joint Committee will continue its efforts to reach agreement on a mutually acceptable solution with a view to lifting the provisional suspension as soon as possible.

6) The practical consequences of the provisional suspension according to paragraph 5 will be discussed in the EEA Joint Committee. The rights and obligations of private individuals and market participants already established under this Agreement

remain unaffected. The Contracting Parties shall decide, if necessary, on any adjustments which may become necessary as a result of the provisional suspension.

Art. 103

1) If a decision of the EEA Joint Committee becomes binding on a Contracting Party only after constitutional requirements have been met, the decision, if it contains a date, shall enter into force on that date, provided that the Contracting Party concerned has notified the other Contracting Parties by that date that the constitutional requirements have been met.

In the absence of such notification by the relevant date, the resolution shall enter into force on the first day of the second month following the last notification.

2) In the absence of such notification at the end of a period of six months after the adoption of the decision of the EEA Joint Committee, the decision of the EEA Joint Committee shall be applied provisionally until the constitutional requirements are fulfilled, unless a Contracting Party notifies that such provisional application is not possible. In the latter case, or if a Contracting Party notifies the non-ratification of a decision of the EEA Joint Committee, the provisional suspension provided for in Article 102(5) shall take effect one month after the notification, but in no case before the date on which the corresponding EC act is put into effect in the Community.

Art. 104

Unless otherwise provided in this Agreement, the decisions taken by the EEA Joint Committee in the cases provided for in this Agreement shall be binding on the Contracting Parties from the date of their entry into force, and the Contracting Parties shall take the necessary measures to ensure the implementation and application of such decisions.

Chapter 3

Homogeneity, monitoring proceduresand dispute resolution

Section 1

Homogeneity

Art. 105

1) In pursuit of the objective of the Contracting Parties to achieve as uniform an interpretation as possible of the Agreement and of the provisions of Community law which are incorporated into the Agreement in their substance, the EEA Joint Committee shall act in accordance with the provisions of this Article.

2) The EEA Joint Committee shall keep under constant review the development of the case-law of the Court of Justice of the European Communities and of the procedure laid down in Article 108 of the Treaty establishing the European Community.

Paragraph 2 of the EFTA Court. For this purpose, the judgments of these courts shall be transmitted to the EEA Joint Committee, which shall endeavor to preserve the homogeneous interpretation of the Agreement.

3) If the EEA Joint Committee does not succeed in preserving the homogeneous interpretation of the Agreement within two months after a divergence in the case law of the two courts has been brought to its attention, the procedures of Art. 111 may be applied.

Art. 106

In order to ensure the most uniform possible interpretation of this Agreement while fully respecting the independence of the courts, the EEA Joint Committee shall establish a system for the exchange of information on judgments of the EFTA Court of Justice, the Court of Justice of the European Communities and the Court of First Instance of the European Communities and the courts of last instance of the EFTA States. This system includes:

a) the transmission to the Registrar of the Court of Justice of the European Communities of judgments of the said courts or tribunals concerning the interpretation and application of this Agreement or of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, as amended or supplemented, and of acts adopted pursuant to those Treaties, in so far as they concern provisions which are identical in substance to those of this Agreement;

b) the classification of these judgments by the Registrar of the Court of Justice of the European Communities, including, where necessary, the preparation and publication of translations and summaries;

c) the transmission by the Registrar of the Court of Justice of the European Communities of the documents concerned to the competent national authorities to be designated by each Contracting Party.

Art. 107

The EFTA States may allow a court or tribunal to request the Court of Justice of the European Communities to rule on the interpretation of an EEA provision; the provisions on this are laid down in Protocol 34.

Section 2 Monitoring procedures

Art. 108

1) The EFTA States shall establish an independent supervisory body (EFTA Surveillance Authority) and implement procedures similar to those existing in the Community, including procedures to ensure the fulfilment of the obligations under this Agreement and procedures to monitor the legality of the EFTA Surveillance Authority's acts in the field of competition.

2) The EFTA States shall establish a Court of Justice (EFTA Court).

The EFTA Court shall, by special agreement between the EFTA States concerning the application of this Agreement, be responsible in particular for:

a) Actions concerning the surveillance procedure relating to the EFTA States,

b) Appeals against decisions of the EFTA Surveillance Authority in competition matters,

c) the settlement of disputes between two or more EFTA States.

Art. 109

1) The fulfilment of the obligations under this Agreement shall be monitored on the one hand by the EFTA Surveillance Authority and on the other hand by the EC Commission in accordance with the Treaty establishing the European Economic Community and this Agreement.

2) In order to ensure uniform surveillance throughout the EEA, the EFTA Surveillance Authority and the EC Commission cooperate, exchange information and consult each other on surveillance policy issues and individual cases.

3) The EC Commission and the EFTA Surveillance Authority shall receive complaints concerning the application of this Agreement. They shall inform each other of the complaints received.

4) Each institution shall consider the complaints falling under its jurisdiction and shall transmit to the other institution the complaints falling under its jurisdiction.

5) If a difference of opinion arises between the two institutions as to the procedure to be followed in a case of complaint or as to the outcome of the examination, either institution may refer the matter to the EEA Joint Committee, which shall deal with it in accordance with the provisions of Article 111.

Art. 110

Decisions of the EFTA Surveillance Authority and the EC Commission pursuant to this Agreement which impose a payment shall be enforceable, except against States. The same shall apply to corresponding judgments of the Court of Justice of the European Communities, the Court of First Instance of the European Communities and the EFTA Court under this Agreement.

Enforcement will be carried out in accordance with the rules of civil procedure in force in the State in the territory of which it is carried out. The enforcement order shall be issued by the authority designated for that purpose by each Contracting Party after verification only of the authenticity of the instrument and shall be notified to the other Contracting Parties, the EFTA Surveillance Authority, the EC Commission, the Court of Justice of the European Communities and the EFTA Court.

If these formalities have been complied with at the request of the party seeking enforcement, that party may proceed to enforcement in accordance with the law of the State in whose territory enforcement is to take place by bringing the matter directly before the competent authority.

Enforcement of decisions of the EC Commission, the Court of First Instance of the European Communities or the Court of Justice of the European Communities may be suspended only by a decision of the Court of Justice of the European Communities; enforcement of decisions of the EFTA Surveillance Authority or the EFTA Court may be suspended only by a decision of the EFTA Court. However, the courts of the States concerned have jurisdiction to examine appeals concerning the regularity of enforcement measures.

Section 3

Dispute

Resolution Art.

111

1) In disputes concerning the interpretation or application of this Agreement, the Community or an EFTA State may refer the matter to the EEA Joint Committee in accordance with the following provisions.

2) The EEA Joint Committee may settle the dispute. It shall be provided with all infor- mation that may be useful for a thorough examination of the situation with a view to finding an acceptable solution. To this end, the EEA Joint Committee shall explore all possibilities to maintain the good functioning of the Agreement.

3) If the dispute concerns the interpretation of provisions of this Agreement which are identical in substance to corresponding provisions of the Treaty establishing the European Economic Community, the Treaty establishing the European Coal and Steel Community or acts adopted pursuant to those Treaties, and if the dispute is not settled within three months of the matter being referred to the EEA Joint Committee, the Contracting Parties to the dispute may agree to request the Court of Justice of the European Communities to give a ruling on the interpretation of the relevant provisions.

If the EEA Joint Committee has not reached agreement on a solution to such a dispute within six months of the initiation of this procedure, or if the parties to the dispute have not decided by that time to seek a ruling from the Court of Justice of the European Communities, a Contracting Party may, in order to compensate for any imbalance, seek a ruling from the Court of Justice of the European Communities.

- either take a protective measure pursuant to Art. 112 Par. 2 in accordance with the procedure under Art. 113,

- or apply Art. 102 mutatis mutandis.

4) If the dispute concerns the scope or duration of safeguard measures referred to in Article 111(3) or Article 112, or the adequacy of compensatory measures referred to in Article 114, and if the EEA Joint Committee is unable to settle the dispute within three months of its being referred to it, either Contracting Party may submit the dispute to arbitration in accordance with the procedures laid down in Protocol 33. Questions concerning the interpretation of the provisions of this Agreement referred to in paragraph 3 of this article shall not be dealt with in such proceedings. The award shall be binding on the parties to the dispute.

Chapter 4 Protective Measures Art. 112

1) If serious economic, social or environmental difficulties of a sectoral or regional nature arise and are likely to continue, a Party may unilaterally take appropriate measures in accordance with the conditions and procedures of Article 113.

2) Such protective measures shall be limited in scope and duration to what is strictly necessary to remedy the difficulties. Preference shall be given to measures which cause the least possible disturbance to the functioning of this Agreement.

3) The protective measures apply to all contracting parties.

Art. 113

1) A Contracting Party considering safeguard measures under Art. 112 shall immediately notify the other Contracting Parties through the EEA Joint Committee and provide all relevant information.

2) The Contracting Parties shall immediately enter into consultations in the EEA Joint Committee with a view to finding a mutually acceptable solution.

3) The Contracting Party concerned may take safeguard measures only after the expiry of one month from the date of the notification referred to in paragraph 1, unless the consultation procedure referred to in paragraph 2 has been completed before the expiry of the said period. If exceptional circumstances requiring immediate action preclude prior examination, the Contracting Party concerned may immediately take the protective measures strictly necessary to remedy the difficulties.

In the Community, protective measures are taken by the EC Commission.

4) The Contracting Party concerned shall notify these measures to the EEA Joint Committee without delay and shall provide all relevant information.

5) Consultations on the safeguard measures taken shall take place in the EEA Joint Committee every three months from the date of their introduction, with the aim of repealing them or limiting their scope before their scheduled expiry date.

Any Contracting Party may at any time request the EEA Joint Committee to review these measures.

Art. 114

1) If a protective measure taken by a Contracting Party creates an imbalance between the rights and obligations arising from this Agreement, any other Contracting Party may take the appropriate compensatory measures vis-à-vis that Contracting Party which are strictly necessary to remedy the imbalance. Preference shall be given to measures that cause the least possible disruption to the functioning of the EEA.

2) The procedure under Art. 113 shall apply.

Part VIII Financing

mechanism Art. 115

The Parties agree on the need to reduce economic and social disparities between their regions with a view to promoting a steady and balanced strengthening of trade and economic relations between the Parties in accordance with Article 1. In this regard, they take note of the relevant provisions of this Agreement and the Protocols thereto, including certain arrangements concerning agriculture and fisheries.

Art. 116

The EFTA States shall establish a financing mechanism in order to contribute, within the framework of the EEA and in addition to the Community efforts already undertaken in this respect, to the achievement of the objectives of Article 115.

Art. 117

The provisions on funding mechanisms are set forth in Protocol 38, Pro- tocoll 38a, the Addendum to Protocol 38a, Protocol 38b, the Addendum to Protocol 38b, and Protocol 38c.

Part IX

General and final provisions Art. 118

1) If a Contracting Party considers that it is in the interest of all Contracting Parties to further develop the relations established by this Agreement by extending it to matters not covered by it, it shall submit a reasoned request to the other Contracting Parties in the EEA Council. The EEA Council may instruct the EEA Joint Committee to examine the request from all points of view and to prepare a report.

The EEA Council may, as appropriate, take the political decisions to open negotiations between the Contracting Parties.

2) The agreements resulting from the negotiations referred to in paragraph 1 above shall be subject to ratification or approval by the Contracting Parties in accordance with their own procedures.

Art. 119

The Annexes and the acts adapted for the purposes of this Agreement and referred to therein, as well as the Protocols, shall form an integral part of this Agreement.

Art. 120

Unless otherwise provided in this Agreement, in particular in Protocols 41 and 43, the application of the provisions of this Agreement shall take precedence over the provisions of existing bilateral or multilateral agreements between the European Economic Community and one or more EFTA States in so far as the same subject matter is covered by this Agreement.

Art. 121

This agreement does not affect cooperation:

a) within the framework of Nordic cooperation, insofar as this does not interfere with the good functioning of this Agreement;

b) within the framework of the regional union between Switzerland and Liechtenstein, insofar as the objectives of this union are not achieved through the application of this Agreement and the good functioning of this Agreement is not impaired.

c) Retrieved

Art. 122

Representatives, delegates and experts of the Parties, as well as officials and other servants acting under this Agreement, shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

Art. 123

Nothing in this Agreement shall prevent a Party from taking action,

a) that they believe are necessary to prevent the disclosure of information contrary to their essential security interests;

b) relating to the production of, or trade in, arms, munitions and war material or other goods indispensable for defense purposes or for research, development or production for defense purposes, provided that such measures do not adversely affect the conditions of competition in respect of goods not intended for specifically military purposes;

c) which it considers essential to its own security in the event of a serious domestic disturbance of the public order, in the event of war, in the event of serious international tension constituting a threat of war, or in fulfillment of obligations it has assumed with a view to maintaining peace and international security.

Art. 124

Without prejudice to the other provisions of this Agreement, the Contracting Parties shall treat nationals of the EC Member States and the EFTA States in the same way as their own nationals with regard to their participation in the capital of companies within the meaning of Article 34.

Art. 125

This Agreement shall not affect the rules of ownership of the individual Contracting Parties.

Art. 126

1) The Agreement shall apply to the territories in which the Treaty establishing the European Economic Community is applied and under the conditions laid down in that Treaty and to the territories of Iceland, the Principality of Liechtenstein and the Kingdom of Norway.

2) Notwithstanding the provisions of paragraph 1, this Agreement shall not apply to the Åland Islands. The Government of Finland may, however, by a declaration to be deposited with the Depositary at the time of ratification of this Agreement, notify that the Agreement shall apply to the said islands under the conditions applicable to the other parts of Finland and subject to the following provisions; the Depositary shall transmit a certified copy to the Contracting Parties.

a) This Agreement shall not affect the application of the provisions in force in the Åland Islands at any time concerning:

i) the restrictions on the right of natural persons who are not regional residents of the Åland Islands and legal persons to acquire and hold real property in the Åland Islands without the permission of the competent authorities of the Åland Islands;

ii) the restrictions on the right for natural persons who do not have the regional right of residence in the Åland Islands or for legal persons to establish themselves without authorization from the competent authorities of the Åland Islands and the right to provide services without such authorization.

b) The rights of the Ålanders in Finland are not affected by this agreement.

c) The authorities of the Åland Islands shall treat all natural and legal persons of the Contracting Parties equally.

Art. 127

Any Contracting Party may withdraw from this Agreement, provided that it notifies the other Contracting Parties in writing at least twelve months in advance.

Upon notification of the intended withdrawal, the other contracting parties shall immediately convene a diplomatic conference to consider the points on which the agreement must be amended.

Art. 128

1) Any European State which becomes a member of the Community may apply, and the Swiss Confederation and any European State which becomes a member of EFTA may apply, to become a Contracting Party to this Agreement. The State concerned shall address its application to the EEA Council.

2) The conditions for such participation shall be governed by an agreement between the Contracting Parties and the requesting State. The agreement shall be subject to ratification or approval by all Contracting Parties in accordance with their own procedures.

Art. 129

1) This Agreement is drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Italian, Norwegian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

As a result of the enlargements of the European Economic Area, the Bulgarian, Czech, Estonian, Croatian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian language versions of this Agreement shall be equally authentic.

The texts of the acts referred to in the Annexes, as published in the Official Journal of the European Union, are equally authentic in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese and Polish languages, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Hungarian languages shall be equally authentic and shall, for the authentication, be drawn up in the Icelandic and Norwegian languages and published in the EEA Supplement to the Official Journal of the European Union.

2) This Agreement shall be subject to ratification or approval by the Contracting Parties in accordance with their respective constitutional requirements.

It shall be deposited with the General Secretariat of the Council of the European Communities, which shall transmit a certified copy to the other Contracting Parties. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Communities, which shall notify the other Contracting Parties thereof.

3) This Agreement shall enter into force on the date and under the conditions provided for in the Protocol adjusting the Agreement on the European Economic Area.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their signatures.

Done at Porto, May 2, 1992

II. Agreement establishing the World Trade Organization

Completed in Marrakech on April 15, 1994

Approval of the Landtag: June 22, 1995.

Entry into force for the Principality of Liechtenstein: 1 September

1995 The Contracting Parties to this Agreement -.

Recognizing that their trade and economic relations shall be directed to the raising of the standard of living, to the achievement of full employment, to a steady increase in real income and effective demand at a high level, and to the increase of production and trade in goods and services, while permitting the optimum utilization of the world's resources consistent with the objective of sustainable development, with a view to the protection and preservation of the environment and to the increased use of means consistent with the needs and aspirations appropriate to their respective levels of economic development;

Recognizing that positive efforts are needed to ensure that developing countries, particularly the least developed among them, achieve a share in the growth of international trade commensurate with the needs of their economic development;

Desiring to contribute to the attainment of these objectives through the conclusion of agreements aimed, on the basis of reciprocity and for their mutual benefit, at the substantial reduction of tariffs and other barriers to trade and the elimination of discrimination in international trade relations;

Determined to create an integrated, more functional and durable multilateral trading system that incorporates the General Agreement on Tariffs and Trade, the results of previous liberalization efforts and all the results of the Uru- guay Round;

Determined to uphold the fundamental principles of this multilateral trading system and to promote the achievement of its objectives -.

agree as follows:

Art. I

Establishment of the organization

The World Trade Organization (hereinafter referred to as "WTO") is hereby established.

Art. II Scope of the WTO

1) The WTO provides the common institutional framework for the regulation of trade relations among its Members in matters relating to the agreements and related instruments annexed to this Agreement.

2) The agreements and related instruments attached hereto as Annexes 1, 2 and 3 (hereinafter referred to as "Multilateral Trade Agreements") shall form an integral part of this Agreement and shall be binding on all Members.

3) The agreements and related legal instruments attached hereto as Annex 4 (hereinafter referred to as "Plurilateral Trade Agreements") shall also form part of this Agreement for those Members which have accepted them and shall be binding on such Members. The Plurilateral Trade Agreements shall not create any obligations or rights for Members that have not accepted them.

4) The General Agreement on Tariffs and Trade 1994 (hereinafter referred to as "GATT 1994"), attached as Annex 1A, is legally distinct from the General Agreement on Tariffs and Trade of October 30, 1947, annexed to the Final Act adopted at the conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment, as subsequently corrected, amended or modified (hereinafter referred to as "GATT 1947").

Art. III

Tasks of the WTO

1) The WTO shall promote the implementation, administration and operation of this Agreement and the Multilateral Trade Agreements and the achievement of their objectives, and shall also serve as a framework for the implementation, administration and operation of the Plurilateral Trade Agreements.

2) The WTO is the forum for negotiations among its Members concerning their multilateral trade relations in the areas covered by the agreements annexed to the Agreement. The WTO may also serve as a forum for other negotiations among Members concerning their multilateral trade relations and, as decided by the Ministerial Conference, as a framework for the implementation of the results of such negotiations.

3) The WTO administers the Understanding on Rules and Procedures Governing the Settlement of Disputes (hereinafter referred to as the "Dispute Settlement Understanding" or "DSU"), which is attached to this Agreement as Annex 2.

4) The WTO administers the Trade Policy Review Mechanism (hereinafter referred to as "TPRM"), which is set forth in Annex 3 to this Agreement.

5) In the interest of more coherent global economic governance, the WTO cooperates, as appropriate, with the International Monetary Fund and the International Bank for Reconstruction and Development and their branches.

Art. IV

Structure of the

WTO

1) A Ministerial Conference composed of representatives of all Members meets at least once every two years. The Ministerial Conference shall perform the functions of the WTO and take such measures as may be necessary for that purpose. The Ministerial Conference shall have the power, at the request of any Member and in accordance with the decision-making provisions of this Agreement and the relevant Multilateral Trade Agreements, to take decisions on all matters covered by any of these Agreements.

2) A General Council consisting of representatives of all members shall meet as needed. During the period between sessions of the Ministerial Conference, its functions shall be assumed by the General Council. The General Council shall also perform such duties as are assigned to it under this Agreement. It shall adopt its own rules of procedure and approve the rules of procedure of the committees referred to in paragraph 7 above.

3) The General Council shall meet as necessary to perform the functions of the Dispute Settlement Body provided for in the Dispute Settlement Agreement. The dispute settlement body may have its own chairperson and shall adopt such rules of procedure as it deems necessary to perform its duties.

4) The General Council shall meet as necessary to perform the functions of the trade policy review body provided for in the TPRM. The trade policy review body may have its own chairperson and shall adopt such rules of procedure as it deems necessary to carry out its functions.

5) There shall be established a Council for Trade in Goods, a Council for Trade in Services, and a Council for Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the Council for TRIPS), which shall operate under the general direction of the Gene- ral Council. The Council for Trade in Goods oversees the operation of the Mul- tilateral Trade Agreements in Annex 1A. The Council for Trade in Services oversees the operation of the General Agreement on Trade in Services (hereinafter referred to as "GATS"). The Council for TRIPS oversees the operation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "TRIPS Agreement"). These Councils shall perform the functions assigned to them by the respective Agreements and by the General Council. They adopt rules of procedure, which are subject to the approval of the

by the General Council. Representatives of all members may participate in these councils. These councils shall meet as often as necessary for the performance of their duties.

6) The Council for Trade in Goods, the Council for Trade in Services and the Council for TRIPS shall establish subsidiary bodies as required. The subsidiary bodies shall adopt rules of procedure, which shall require the approval of the respective Council.

7) The Ministerial Conference shall establish a Committee on Trade and Development, a Committee on Balance of Payments Restrictions, and a Committee on Budget, Finance and Administration. The Committees shall perform the functions assigned to them under this Agreement and the Multilateral Trade Agreements and any additional functions assigned to them by the General Council. The Committee on Trade and Development shall periodically examine the special provisions of the Multilateral Trade Agreements for the benefit of Members belonging to the group of least developed countries and report to the General Council for appropriate action. The committees are open to the participation of representatives of all members.

8) The bodies provided for in the Plurilateral Trade Agreements perform the functions assigned to them under these agreements and operate within the institutional framework of the WTO. They regularly inform the General Council of their work.

Art. V

Relations with other organizations

1) The General Council shall make appropriate arrangements for effective cooperation with other intergovernmental organizations whose functions are related to those of the WTO.

2) The General Council may make appropriate arrangements with a view to consultation and cooperation with non-governmental organizations dealing with matters related to those of the WTO.

Art. VI

Secretariat

1) A Secretariat of the WTO is established (hereinafter referred to as the "Secretariat") under the authority of a Director-General.

2) The Conference of Ministers appoints the Director General and establishes provisions on the powers, duties, employment and term of office of the Director General.

3) The Director General shall appoint the members of the Secretariat staff and determine their duties and employment in accordance with the provisions adopted by the Conference of Ministers.

4) The duties of the Director-General and the Secretariat staff shall be exclusively international in character. In the performance of their duties, the Director General and Secretariat staff shall neither seek nor take instructions from any government or other non-WTO entity. They shall refrain from any action incompatible with their position as international officials. WTO Members shall respect the international character of the duties of the Director-General and the staff of the Secretariat and shall not seek to influence them in the discharge of their duties.

Art. VII

Budget and contributions

1) The Director General shall submit annually to the Committee on Budget, Finance and Administration the budget estimates and the financial report of the WTO. The Committee on Budget, Finance and Administration shall review the annual budget estimate and the annual financial report and make recommendations to the General Council. The annual budget estimate is subject to approval by the General Council.

2) The Committee on Budget, Finance and Administration shall propose to the General Council a financial regulation containing provisions on:

a) the distribution key for the contributions of the members to cover the expenses of the WTO;

b) the measures to be taken with regard to members who are in arrears with their contributions.

The financial regulation is based as far as possible on the rules and procedures of the GATT 1947.

3) The General Council adopts the financial regulation and the annual budget estimate by a majority of three quarters, including more than half of the WTO members.

4) Each WTO Member shall promptly pay the contribution corresponding to its share of WTO expenditures under the financial rules adopted by the General Council.

Art. VIII

Legal status of the WTO

1) The WTO shall have legal personality and shall be accorded by each of its Members such legal capacity as may be necessary for the performance of its functions.

2) The WTO shall be accorded by each of its Members such privileges and immunities as may be necessary for the performance of its functions.

3) The officials of the WTO and the representatives of the Members shall be accorded by each of the Members such privileges and immunities as are necessary for the independent exercise of their functions in connection with the WTO.

4) The privileges and immunities accorded by a Member of the WTO to its officials and to representatives of its Members shall be the same as those set forth in the Agreement on Privileges and Immunities of Specialized Agencies approved by the General Assembly of the United Nations on November 21, 1947.

5) The WTO may conclude a headquarters agreement.

Art. IX

Resolution

1) The WTO maintains the GATT 1947 practice of decision-making by consensus1. If a decision is not reached by consensus, the matter is put to a vote, unless otherwise provided. At the meetings of the Ministerial Conference and the General Council, each WTO Member has one vote. In cases where the European Communities exercise their right to vote, they have a number of votes equal to the number of their Member States which are members of the WTO. Decisions of the Ministerial Conference and the General Council are taken by a majority of the votes cast, unless otherwise provided for in this Agreement or the relevant Multilateral Trade Agreement.

2) The Ministerial Conference and the General Council shall have exclusive authority to interpret this Agreement and the Multilateral Trade Agreements. In interpreting a Multilateral Trade Agreement in Annex 1, they shall exercise their authority on the basis of a recommendation from the Council, which shall monitor the functioning of the Agreement concerned. An interpretative decision shall be taken by a majority of three-quarters of the members. This paragraph shall not be applied in such a way as to contravene the provisions of Art. X on amendments would be undermined.

3) In exceptional circumstances, the Ministerial Conference may decide to release a Member from any of its obligations under this Agreement or under a Multilateral Trade Agreement, provided that such decision is approved by three-fourths of the Members.

a) A request for relief from obligations under this Agreement shall be submitted to the Ministerial Conference for consideration in accordance with the practice of decision-making by con- sens. The Ministerial Conference shall set a time limit of not more than 90 days for consideration of the request. If no consensus is reached within this period, a decision to grant a waiver shall require a majority of three-quarters of the members4.

b) A request for exemption from obligations under Multilateral Trade Agreements in Annexes 1A, 1B or 1C and their appendices shall first be submitted to the Council for Trade in Goods, the Council for Trade in Services or the Council for TRIPS for consideration within a period not exceeding 90 days. At the end of this period, the relevant Council shall submit a report to the Ministerial Conference.

4) A decision of the Ministerial Conference granting an exemption shall specify the exceptional circumstances justifying the decision, the mo- dalities and conditions for the application of the exemption, and the date on which it shall expire. Any exemption granted for more than one year shall be reviewed by the Ministerial Conference no later than one year after it is granted and each year thereafter until it expires. At each review, the Ministerial Conference shall determine whether the exceptional circumstances which justified the exemption still exist and whether the terms and conditions attached to the exemption have been complied with. Based on the annual review, the Ministerial Conference may extend, modify, or revoke the exemption.

5) Decisions under a Plurilateral Trade Agreement, including all decisions on interpretations and exemptions, shall be governed by the provisions of the agreement concerned.

Art. X
Modifications

1) Any WTO Member may submit proposals to the Ministerial Conference to amend this Agreement or the Multilateral Trade Agreements in Annex 1. In addition, the Councils referred to in Art. IV may submit proposals to the Ministerial Conference to amend the relevant Multilateral Trade Agreement in Annex 1, the operation of which they shall monitor. Unless the Ministerial Conference decides on a longer period, a decision of the Ministerial Conference to submit the proposed amendment to the Members for approval shall be taken by consensus within 90 days of the formal submission of the proposal to the Ministerial Conference. Unless paragraphs 2, 5 or 6 apply, this decision shall determine whether paragraphs 3 or 4 apply. If consensus is reached, the Ministerial Conference shall without delay submit the proposed amendment to the members for approval. If a consensus is not reached at a session of the Ministerial Conference during the specified period, the Ministerial Conference shall

the Ministerial Conference shall decide by a majority of two-thirds of the members whether the proposed amendment shall be submitted to the members for adoption. Subject to paragraphs 2, 5 and 6, paragraph 3 shall apply to the proposed amendment unless the Ministerial Conference decides by a majority of three-quarters of the members that paragraph 4 shall apply.

2) Amendments to this Article and the Articles listed below shall become effective only with the consent of all Members:

Art. IX of this Agreement; Art.

I and II of GATT 1994; Art. II

para. 1 of the GATS;

Article 4 of the TRIPS Agreement.

3) Amendments to this Agreement or to the Multilateral Trade Agreements in Annexes 1A and 1C other than those referred to in paragraphs 2 and 6 above which result in a change in the rights and obligations of Members shall enter into force for the Members which have accepted them as soon as they have been accepted by two-thirds of the Members and thereafter for any other Member upon acceptance by it. By a majority of three-fourths of the Members, the Ministerial Conference may decide that an amendment which has entered into force by virtue of this paragraph shall be such that any Member which has not accepted it within such period as the Ministerial Conference may from time to time determine shall be free to withdraw from the WTO or to remain a Member with the consent of the Ministerial Conference.

4) Amendments to this Agreement or to the Multilateral Trade Agreements in Annexes 1A and 1C, other than those referred to in paragraphs 2 and 6 above, which do not result in any change in the rights and obligations of Members, shall enter into force for all Members upon acceptance by two-thirds of the Members.

5) Subject to paragraph 2 above, amendments to Parts I, II and III of the GATS and to the respective Annexes shall enter into force for Members which have accepted such amendments as soon as they have been accepted by two-thirds of the Members, and thereafter for any additional Member upon acceptance by it. By a majority of three-fourths of the Members, the Ministerial Conference may decide that an amendment which has entered into force by virtue of the foregoing provision shall be such that any Member which has not accepted such amendment within such period as the Ministerial Conference may from time to time determine shall be free to withdraw from the WTO or to remain a Member with the consent of the Ministerial Conference. Amendments to Parts IV, V and VI of the GATS and their respective Annexes will enter into force for all Members once they have been accepted by two-thirds of the Members.

6) Without prejudice to the other provisions of this Article, amendments to the TRIPS Agreement which meet the conditions set out in Article 71.2 of the TRIPS Agreement may be adopted by the Ministerial Conference without further formal adoption procedure.

7) Any Member accepting an amendment to this Agreement or to a Multilateral Trade Agreement in Annex 1 shall deposit an instrument of acceptance with the Director-General of the WTO within the time limit fixed by the Ministerial Conference for such acceptance.

8) Any Member of the WTO may submit to the Ministerial Conference a proposal to amend the Multilateral Trade Agreements in Annexes 2 and 3. The decision to adopt amendments to the Multilateral Trade Agreement in Annex 2 shall be taken by consensus and the amendments shall enter into force for all Members once they have been approved by the Ministerial Conference. Decisions to adopt amendments to the Multilateral Trade Agreement in Annex 3 shall enter into force for all Members as soon as they are approved by the Ministerial Conference.

9) At the request of Members which are parties to a trade agreement, the Ministerial Conference may decide to include this agreement in Annex 4 by consensus only. At the request of Members that are parties to any of the Plurilateral Trade Agreements, the Ministerial Conference may decide to remove this Agreement from Annex 4.

10) The amendment of a plurilateral trade agreement shall be governed by the provisions of the agreement concerned.

Art. XI

Founding members

1) The Parties which, at the time of entry into force of this Agreement, are contracting parties to the GATT 1947 and the European Communities which accept this Agreement and the Multilateral Trade Agreements and whose schedules of concessions and obligations are annexed respectively to the GATT 1994 and whose schedules of specific obligations are annexed respectively to the GATS shall become founding Members of the WTO.

2) The least developed countries, recognized as such by the United Nations, need make commitments and grant concessions only to the extent that they are consistent with their respective development, financial and trade needs or administrative and institutional capabilities.

Art. XII

Accession

1) Any State or separate customs territory enjoying complete freedom of action in the conduct of its external trade relations and in respect of other matters covered by this Agreement and the Multilateral Trade Agreements may accede to this Agreement on terms to be agreed between it and the WTO. The accession shall apply to this Agreement and to the Multilateral Trade Agreements contained in the Annex thereto.

2) Decisions on accession are taken by the Ministerial Conference. The Ministerial Conference approves the agreement on the terms of accession by a two-thirds majority of WTO members.

3) Accession to a plurilateral trade agreement is subject to the provisions of the agreement concerned.

Art. XIII

Non-application of Multilateral Trade Agreements between individual members.

1) This Agreement and the Multilateral Trade Agreements attached hereto as Annexes 1 and 2 shall not apply between two Members if, at the time either of them becomes a Member, either Member withholds its consent to their application.

2) Founding Members of the WTO which were contracting parties to the GATT 1947 may invoke paragraph 1 between themselves only if they previously invoked Art. XXXV of the GATT 1947 and that Article applied between those Parties at the time this Agreement enters into force for them.

3) Para. 1 shall apply between a Member and another Member acceding in accordance with Art. XII shall apply only if the Member withholding its consent to the application of the Agreement notifies the Ministerial Conference before the latter approves the Agreement on the conditions of accession.

4) In special cases, the Ministerial Conference may, at the request of any Member, review the effect of this Article and make appropriate recommendations.

5) The non-application of a plurilateral trade agreement between contracting parties to the agreement in question is governed by the provisions of the agreement in question.

Art. XIV

Adoption, entry into force and deposit

1) This Agreement shall be open for acceptance, by signature or otherwise, by the Contracting Parties to the GATT 1947 and by the European Communities which may become founding Members of the WTO pursuant to Article XI of this Agreement. XI of this Agreement, for acceptance by signature or otherwise. Acceptance shall apply to this Agreement and to the Multilateral Trade Agreements contained in the Annex thereto. This Agreement and the Multilateral Trade Agreements annexed thereto shall enter into force on the date set by Ministers in accordance with paragraph 3 of the Final Act containing the results of the Uruguay Round of multilateral trade negotiations and shall remain open for acceptance for a period of two years from that date, unless Ministers decide otherwise. Adoption after the entry into force of the Agreement shall enter into force on the thirtieth day following such adoption.

2) A Member that accepts the Agreement after its entry into force shall implement the concessions and obligations provided for in the Multilateral Trade Agreements that are required to be implemented during a period beginning on the date of entry into force of this Agreement as if it had accepted this Agreement at the time of its entry into force.

3) Pending the entry into force of this Agreement, the text of this Agreement and of the Multilateral Trade Agreements shall be deposited with the Director General of the Parties to the GATT 1947. The Director-General shall promptly transmit a certified copy of this Agreement and of the Multilateral Trade Agreements to each Government and to the European Communities which have accepted this Agreement and shall notify them of any acceptance. This Agreement and the Multilateral Trade Agreements, as well as any amendments made thereto, shall be deposited with the Director-General of the WTO on the date of entry into force of this Agreement.

4) The adoption and entry into force of a plurilateral trade agreement shall be governed by the provisions of the agreement concerned. At the time of entry into force of this Agreement, such agreements shall be deposited with the Director-General of the WTO.

Art. XV
Resigna tion

1) Any Member may withdraw from this Agreement. Withdrawal shall apply to both this Agreement and the Multilateral Trade Agreements and shall take effect six months after the date of receipt by the Director-General of the WTO of the letter of withdrawal.

2) Withdrawal from a plurilateral trade agreement is subject to the provisions of the agreement concerned.

Art. XVI

Other provisions

1) Except as otherwise provided in this Agreement or in the Multilateral Trade Agreements, the decisions, procedures and practices of the Parties to the GATT 1947 and the bodies established under the GATT 1947 shall apply to the WTO.

2) To the extent possible, the GATT 1947 Secretariat shall become the Secretariat of the WTO and the Director-General of the Parties to the GATT 1947 shall assume the functions of the Director-General of the WTO until the Ministerial Conference appoints a Director-General in accordance with Art. VI, paragraph 2, of this Agreement appoints a Director-General.

3) In the event of a conflict between provisions of this Agreement and provisions of any of the Multilateral Trade Agreements, the provisions of this Agreement shall prevail.

4) Each member shall ensure the conformity of its laws, regulations and administrative provisions with its obligations under the conventions annexed hereto.

5) No reservations may be made to this Agreement. Reservations to the Multilateral Trade Agreements shall be permitted only to the extent provided for in the provisions of such agreements. Reservations to a plurilateral trade agreement shall be governed by the provisions of the agreement concerned.

6) This Agreement is re- gistered pursuant to Article 102 of the Charter of the United Nations.

Done at Marrakech, this 15th day of April 1994, in a single original in the English, French and Spanish languages, all texts being equally authentic.

Explanations

For the purposes of this Agreement and the Multilateral Trade Agreements, "State" or "States" shall also mean any separate customs territory that is a member of the WTO.

Whenever in this Agreement and in the Multilateral Trade Agreements a term is used in conjunction with the word "national" or "domestic", such term shall, in the case of a separate customs territory that is a Member of the WTO, be understood to refer to the customs territory, except as otherwise provided.

III. Agreement between the EFTA States

on the establishment of a Surveillance Authority and a Court of Justice

Agreement

between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice

Completed in Porto on May 2, 1992

Approval of the Diet: March 8, 1995.

Entry into force for the Principality of Liechtenstein: May 1, 1995 The Republic of Austria,

The Republic of Finland,

The Republic of Iceland,

The Principality of Liechtenstein, The Kingdom of Norway,

The Kingdom of Sweden and in view of the EEA Agreement;

Considering that under Article 108(1) of the EEA Agreement it is incumbent upon the EFTA States to establish an independent surveillance authority (EFTA Surveillance Authority) and to introduce procedures similar to those existing in the Community, including procedures to ensure the fulfilment of the obligations under the EEA Agreement, to monitor the legality of the EFTA Surveillance Authority's actions in the field of competition;

Considering further that under Article 108(2) of the EEA Agreement it is incumbent upon the EFTA States to establish a Court of Justice of the EFTA States; Bearing in mind the objective of the Contracting Parties to the EEA Agreement to achieve a uniform interpretation and application of the EEA Agreement and of the provisions of Community law while fully preserving the independence of the courts to achieve and maintain, in their essential content, the same as those incorporated in that Agreement, and to achieve equal treatment of individuals and market participants with respect to the four freedoms and the conditions of competition;

Re-emphasizing that it is incumbent upon the EFTA Surveillance Authority and the Commission of the European Communities to cooperate, exchange information and consult each other on matters of surveillance policy and in individual cases;

Considering that the preambles to the acts adopted pursuant to the Treaties establishing the European Economic Community and the European Coal and Steel Community, in so far as they correspond to the provisions of Protocols 1-4 and to the provisions of those acts which themselves correspond to the acts listed in Annexes I and II to this Agreement, are relevant, to the extent necessary, to the correct interpretation and application of the provisions of those Protocols and Annexes;

Bearing in mind that, in the application of Protocols 1-4 to this Agreement, due account shall be taken of the legal and administrative practice of the Commission of the European Communities during the period preceding the entry into force of this Agreement;

have decided to conclude the following agreement:

Part I Art. 1

For purposes of this Agreement means:

a) "EEA Agreement" means the main EEA Agreement, its Protocols and Annexes and the acts referred to therein;

b) "EFTA State" means the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, under the conditions laid down in Article 1(2) of the Protocol adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, the Principality of Liechtenstein.

Art. 2

The EFTA States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement. They shall refrain from any measure which could jeopardize the attainment of the objectives of this Agreement.

Art. 3

1) Without prejudice to future developments in case-law, the provisions of Protocols 1 to 4 and the provisions of the acts corresponding to those listed in Annexes I and II to this Agreement, in so far as they are identical in substance to corresponding provisions of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted on the basis of those two Treaties, shall, in their implementation and application, be applied in conformity with the relevant provisions of the Treaties.

The EEA Agreement shall be interpreted in accordance with the decisions of the Court of Justice of the European Communities given prior to the date of signature of the EEA Agreement.

2) In the interpretation and application of the EEA Agreement and this Agreement, the EFTA Surveillance Authority and the EFTA Court shall have due regard to the principles set out in the relevant decisions of the Court of Justice of the European Communities, subsequent to the date of signature of the EEA Agreement, concerning the interpretation of that Agreement or of those provisions of the Treaty establishing the European Economic Community and of the Treaty establishing the European Coal and Steel Community which are identical in substance to the provisions of the EEA Agreement or Protocols 1 to 4 thereto or to the provisions of those acts corresponding to the acts listed in Annexes I and II.

Part II

The EFTA Surveillance Authority

Art. 4

An independent supervisory authority for the EFTA States, the EFTA Surveillance Authority, is hereby established.

Art. 5

1) In accordance with the provisions of this Agreement and the provisions of the EEA Agreement, and in order to ensure the proper functioning of the EEA Agreement, the EFTA Surveillance Authority shall perform the following tasks:

a) it shall ensure that the EFTA States fulfil their obligations under the EEA Agreement and this Agreement;

b) it ensures the application of the competition rules of the EEA Agreement;

c) it monitors the application of the EEA Agreement by the other Contracting Parties to that Agreement.

2) To this end, the EFTA Surveillance Authority:

a) take decisions and other measures in the cases provided for in this Agreement and the EEA Agreement;

b) make recommendations or opinions, issue notices or provide guidance on matters dealt with in the EEA Agreement, to the extent that that Agreement or this Agreement expressly so provides or the EFTA Surveillance Authority deems necessary;

c) cooperate, exchange information and consult with the Commission of the European Community as provided in this Agreement and the EEA Agreement;

d) perform tasks deriving from the acts referred to in the Annexes to the EEA Agreement in application of Protocol 1 to that Agreement, as provided for in Protocol 1 to this Agreement.

Art. 6

In accordance with the provisions of this Agreement and the EEA Agreement, the EFTA Surveillance Authority may, in the performance of the tasks entrusted to it, obtain all necessary information from the governments and competent authorities of the EFTA States, as well as from undertakings and associations of undertakings.

Art. 7

The EFTA Surveillance Authority consists of five members, who are selected on the basis of their general competence and must offer full guarantees of their independence.

Only nationals of the EFTA States may be members of the EFTA Surveillance Authority.

Art. 8

The members of the EFTA Surveillance Authority shall perform their duties in complete independence. They shall neither seek nor take instructions from any government or from any other body. They shall refrain from any action incompatible with their duties. Each EFTA State undertakes to respect this principle and not to seek to influence the members of the EFTA Surveillance Authority in the performance of their duties.

Members of the EFTA Surveillance Authority shall not engage in any other occupation, whether gainful or not, during their term of office.

On taking up their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments and benefits. If these obligations are infringed, the EFTA Court may, at the request of the EFTA Surveillance Authority, remove the member from office or deprive him of his pension rights or other benefits in their stead, depending on the circumstances of the case.

Art. 9

The members of the EFTA Surveillance Authority shall be appointed by common accord of the governments of the EFTA States.

Their term of office is four years. Reappointment is permitted.

Art. 10

Apart from regular replacements and deaths, the office of a member of the EFTA Surveillance Authority shall end by resignation or removal from office. A successor shall be appointed to replace the departing member for the remainder of the term of office.

Art. 11

Any member of the EFTA Surveillance Authority who no longer fulfils the conditions required for the performance of his duties or who has been guilty of serious misconduct may, at the request of the EFTA Surveillance Authority, be removed from office by the EFTA Court.

Art. 12

The President of the EFTA Surveillance Authority shall be appointed from among its members for a term of two years by common accord of the Governments of the EFTA States.

Art. 13

The EFTA Surveillance Authority shall adopt its rules of procedure.

Art. 14

The EFTA Surveillance Authority shall appoint officials and other servants to enable it to carry out its tasks.

The EFTA Surveillance Authority may seek the opinion of experts or decide to set up committees or other bodies if it considers this necessary to support its activities.

In the performance of their duties, officials and other servants of the EFTA Surveillance Authority shall neither seek nor take instructions from any government or from any other body outside the EFTA Surveillance Authority.

The members, officials and other employees of the EFTA Surveillance Authority as well as the members of its committees are obliged not to disclose information which, by its nature, is covered by professional secrecy, even after their term of office has ended; this applies in particular to information about companies and their business relations or cost elements.

Art. 15

Decisions of the EFTA Surveillance Authority shall be taken by a majority of its members. In the event of a tie, the President shall have the casting vote.

The Rules of Procedure shall determine the attendance requirement for a quorum.

Art. 16

The EFTA Surveillance Authority's decisions shall state the reasons on which they are based.

Art. 17

Unless otherwise provided in this Agreement or in the EEA Agreement, decisions of the EFTA Surveillance Authority shall be notified to those to whom they are addressed and shall take effect upon such notification.

Art. 18

Decisions of the EFTA Surveillance Authority shall be published in accordance with the provisions of the EEA Agreement and this Agreement.

Art. 19

Decisions of the EFTA Surveillance Authority imposing a payment shall be enforceable in accordance with Article 110 of the EEA Agreement, except against States.

Art. 20

Individuals and operators are entitled to address the EFTA Surveillance Authority in all official languages of the EFTA States and the European Communities with regard to notifications, applications and complaints and to be addressed or written to by the EFTA Surveillance Authority in these languages. This concerns the entire course of proceedings, whether initiated by a notification, application or complaint or ex officio by the EFTA Surveillance Authority.

Art. 21

The EFTA Surveillance Authority publishes an annual general report on its activities.

Part III

The fulfilment, by the EFTA States, of their obligations under the EEA Agreement and from this agreement

Art. 22

In order to ensure the proper application of the EEA Agreement, the EFTA Surveillance Authority will monitor the application by the EFTA States of the EEA Agreement and this Agreement.

Art. 23

In accordance with Articles 22 and 37 of this Agreement and Articles 65(1) and 109 of and Annex XVI to the EEA Agreement, and subject to the provisions contained in Protocol 2 to this Agreement, the EFTA Surveillance Authority shall ensure that the provisions of the EEA Agreement concerning public procurement are applied by the EFTA States.

Art. 24

In accordance with Articles 49, 61-64 and 109, Protocols 14, 26 and 27, as well as Annexes XIII, Section I (IV) and XV to the EEA Agreement, and subject to the provisions contained in Protocol 3 to the present Agreement, the EFTA Surveillance Authority will enforce the State aid provisions of the EEA Agreement and ensure that they are applied by the EFTA States.

Pursuant to Article 5(2)(b), the EFTA Surveillance Authority shall, after the entry into force of this Agreement, adopt Acts corresponding to those set out in Annex I.

Art. 25

In accordance with Articles 53-60 and 109 and Protocols 21-25 as well as Annex XIV to the EEA Agreement and subject to the provisions contained in Protocol 4 to the present Agreement, the EFTA Surveillance Authority will enforce the provisions of the EEA Agreement concerning the implementation of the competition rules applicable to undertakings and will ensure that these provisions are applied.

Pursuant to Article 5(2)(b), the EFTA Surveillance Authority shall, after the entry into force of this Agreement, adopt Acts corresponding to those set out in Annex I.

Art. 25a

In accordance with the acts contained in Annex IX to the EEA Agreement conferring powers within the EU on a European Surveillance Authority to be exercised by the EFTA Surveillance Authority as regards the EFTA States and in conformity with the adaptations contained in that Annex, and with the provisions contained in Protocol 8 to the present Agreement, the EFTA Surveillance Authority shall enforce the relevant provisions of the EEA Agreement and ensure that those provisions are applied.

Art. 26

Provisions governing cooperation, exchange of information and consultations between the EFTA Surveillance Authority and the Commission of the European Communities with regard to the application of the EEA Agreement can be found in Article 109 and Articles 58 and 62(2) and Protocols 1, 23, 24 and 27 of the EEA Agreement.

Part IV

The EFTA Court Art.

27

A Court of Justice of the EFTA States, hereinafter referred to as the EFTA Court, is hereby established. Its activities shall be governed by this Agreement and by the EEA Agreement.

Art. 28

The EFTA Court shall consist of five judges.

Art. 29

The EFTA Court shall sit in plenary sessions. Decisions of the Court are valid only if an uneven number of its members have participated in the deliberations. Decisions of the Court shall be valid if at least three judges have participated in them. At the request of the Court, the Governments of the EFTA States may, by common accord, allow it to establish Chambers.

Art. 30

Judges shall be chosen from among persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurists of recognized competence. They shall be appointed by common accord of the governments of the EFTA States for a term of six years.

Every three years, a partial replacement of the judges takes place. They shall alternate between two and three judges. The two judges to be replaced after the first three years shall be chosen by lot.

Retiring judges may be reappointed.

The judges shall elect the President of the EFTA Court from among their number for a term of three years. Re-election is permitted.

Art. 31

If the EFTA Surveillance Authority considers that an EFTA State has failed to fulfil an obligation under the EEA Agreement or this Agreement, it shall, unless otherwise provided in this Agreement, issue a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State does not comply with this opinion within the time limit set by the EFTA Surveillance Authority, the EFTA Surveillance Authority may refer the matter to the EFTA Court.

Art. 32

The EFTA Court shall hear and determine actions concerning the settlement of disputes between two or more EFTA States relating to the interpretation or application of the EEA Agreement, the Agreement on a Standing Committee of the EFTA States and this Agreement.

Art. 33

The EFTA States concerned shall take the necessary measures to comply with the judgment of the EFTA Court.

Art. 34

The EFTA Court renders advisory opinions on the interpretation of the EEA Agreement.

If such a question is raised before a court of an EFTA State and that court considers a decision thereon necessary for the purpose of giving its judgment, it may refer the question to the EFTA Court for a decision.

An EFTA State may, by its internal legislation, limit the right to obtain such an opinion to courts whose decisions may no longer themselves be challenged by means of legal remedies under national law.

Art. 35

The EFTA Court has unlimited jurisdiction over fines imposed by the EFTA Surveillance Authority.

Art. 36

The EFTA Court shall have jurisdiction in actions brought by an EFTA State against a decision of the EFTA Surveillance Authority on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Agreement, the EEA Agreement or any other rule of law relating to their application, or misuse of powers.

Any natural or legal person may, under the same conditions, bring an action against a decision addressed to him or her and against a decision which, although addressed to another person, is of direct and individual concern to him or her.

The actions provided for in this Article shall be brought within two months; this period shall run, as the case may be, from the announcement of the act in question, its communication to the plaintiff or, in the absence thereof, from the time when the plaintiff became aware of this act.

If the action is well founded, the contested decision of the EFTA Surveillance Authority shall be annulled.

Art. 37

Should the EFTA Surveillance Authority fail to take a decision in breach of this Agreement or the EEA Agreement, the EFTA States may bring an action before the EFTA Court to have the breach established.

Such action shall be admissible only if the EFTA Surveillance Authority has first been called upon to act. If the EFTA Surveillance Authority has not taken a position within two months of this request, the action may be brought within a further period of two months.

Any natural or legal person may, subject to the conditions laid down in the preceding paragraphs, complain to the EFTA Court that the EFTA Surveillance Authority has failed to address a decision to that person.

Art. 38

Where a decision of the EFTA Surveillance Authority has been annulled or where it has been established that the EFTA Surveillance Authority has failed to act in violation of this Agreement or the EEA Agreement, the EFTA Surveillance Authority shall take the measures resulting from the judgment.

This obligation shall be without prejudice to the obligations arising from the application of Art. 46 par. 2.

Art. 39

Unless Protocol 7 to this Agreement provides otherwise, the EFTA Court shall have jurisdiction to hear actions brought against the EFTA Surveillance Authority concerning the damages provided for in Article 46(2).

Art. 40

Actions brought before the EFTA Court shall not have suspensive effect. However, the EFTA Court may, if it considers it necessary in the circumstances, suspend the execution of the contested act.

Art. 41

The EFTA Court may make such interim orders as may be necessary in cases pending before it.

Part V

General and final provisions Art. 42

The Protocols and Annexes attached to this Agreement shall form an integral part thereof.

Art. 43

1) The Statute of the EFTA Court is contained in Protocol 5 to this Agreement.

2) The EFTA Court shall adopt its Rules of Procedure, which shall be approved by agreement of the Governments of the EFTA States.

Art. 44

1) The legal personality and the privileges and immunities recognized and granted by the EFTA States in relation to the EFTA Surveillance Authority and to the EFTA Court of Justice are laid down in Protocols 6 and 7 to this Agreement.

2) The EFTA Surveillance Authority and the EFTA Court may each conclude an agreement with the government of the State on whose territory their seats are situated concerning the privileges and immunities to be recognized and accorded in this respect.

Art. 44a

Special provisions relating to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the EEA Agreement are set out in Protocol 9 to this Agreement.

Art. 45

The seat of the EFTA Surveillance Authority and the seat of the EFTA Court shall be determined by common accord of the Governments of the EFTA States.

Art. 46

The contractual liability of the EFTA Surveillance Authority shall be governed by the law applicable to the contract in question.

In the case of non-contractual liability, the EFTA Surveillance Authority shall, in accordance with the general principles of law, make good any damage caused by it or by its servants in the performance of their duties.

Art. 47

The governments of the EFTA States shall, at the request of the

EFTA Surveillance Authority and, after referral to a committee of the Members of Parliament of the EFTA States who are members of the EEA Joint Parliamentary Committee, shall each year before 1 January, by mutual agreement, adopt a budget for the following year and decide the key for the distribution of such expenditure among the EFTA States.

The EFTA Surveillance Authority must be consulted before a decision is taken to amend its proposal.

Art. 48

The Governments of the EFTA States shall, at the request of the EFTA Court, draw up by common accord before 1 January each year a budget for the following year and shall decide the scale for the distribution of such expenditure among the EFTA States.

Art. 49

The Governments of the EFTA States may, except as otherwise provided in this Agreement, upon request or after consultation with the EFTA Surveillance Authority, amend by mutual consent the Main Agreement and Protocols 1 to 4 and 6 to 9. Such an amendment shall be submitted to the EFTA States for acceptance and shall enter into force after approval by all EFTA States. The instruments of approval shall be deposited with the Government of Sweden, which shall inform the other EFTA States thereof.

Art. 50

1) Any EFTA State which withdraws from the EEA Agreement shall cease to be a Contracting Party to this Agreement as a result of that circumstance as from the date on which the withdrawal takes effect.

2) Any EFTA State acceding to the European Communities shall, by reason of the said circumstance, cease to be a Contracting Party to this Agreement as from the date on which such accession takes effect.

3) The Governments of the remaining EFTA States shall decide by mutual agreement on the necessary amendments to be made to this Agreement.

Art. 51

An EFTA State acceding to the EEA Agreement shall accede to the present Agreement in accordance with such terms and conditions as may be mutually agreed by the EFTA States. The instrument of accession shall be deposited with the Government of Sweden, which shall inform the other EFTA States thereof.

Art. 52

The EFTA States shall notify the EFTA Surveillance Authority of the measures taken to implement this Agreement.

Art. 53

1) This Agreement, drawn up in a single original and authentic in the English language, shall be subject to ratification by the Contracting Parties in accordance with their respective constitutional requirements.

Before its entry into force, this Agreement shall also be drawn up and made binding in the Finnish, French, German, Icelandic, Italian, Norwegian and Swedish languages.

2) This Agreement shall be deposited with the Government of Sweden, which shall transmit a certified copy to each EFTA State.

The instruments of ratification shall be deposited with the Government of Sweden, which shall inform the other EFTA States thereof.

3) This Agreement shall enter into force on the date and under the conditions provided for in the Protocol adjusting the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice.

In witness whereof, the undersigned Plenipotentiaries have hereunto set their signatures.

Done at Oporto, this 2nd day of May 1992, in a single original in the English language, which shall be deposited with the Government of Sweden. The latter shall transmit a certified copy to each signatory State and to any State acceding to the Agreement.

(Signatures follow)

IV. Building Law (BauG)

from December 11, 2008

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Subject and purpose

This law regulates:

a) the construction, alteration, demolition, maintenance and use of buildings and facilities with the aim of promoting the quality of design and settlement in the municipalities;

b) the orderly and land-saving development of the country.

Art. 2 Definitions; Designations

1) For the purposes of this Act mean:

a) "outermost wall line" means a perpendicular plane in the outermost boundary line of the building, not including projections up to a maximum of 1.30m;

b) "Construction freeze" means the temporary restriction or removal of the ability to use one or more parcels of land or a specific area for the purpose of preventing the implementation and enact-

The use of a planning instrument or building land reallocation must be ensured;

c) "Structures": all man-made objects that are firmly connected to the ground, as well as any installation embedded in or standing on the ground that more or less completely encloses a space for the protection of people and property against external, in particular atmospheric, influences;

d) "Enclosure" means a boundary of a parcel of land or portion thereof which serves, in particular, to secure against trespass in order to ensure undisturbed use of the land. Enclosures are hedges and walls of all kinds as well as other artificially erected boundaries and screens. Retaining walls are not considered to be enclosures;

e) "Building distance": the shortest horizontal distance between two buildings;

f) "Building length" means the largest side length of the smallest rectangle that completely encloses the building footprint. Excluded from this are buildings with a maximum building height of 3.00 m from the natural terrain with flat roof construction as well as underground buildings and components;

g) "structures and installations at risk": Structures and installations of building classes II and III, which are listed in the relevant SIA standard for supporting structures valid at the time;

h) "Design plan" means a plan that is binding on the landowner and determines the development of one or more parcels of land. The design plan, together with special building regulations, supplements the building regulations with zoning plan;

i) "Grown terrain course": as a rule, the original course of a plot of land. If this can no longer be determined as a result of earlier excavations and fillings, the existing terrain of the surroundings is to be used as a basis;

k) "Green space ratio" means the ratio between the chargeable green space and the chargeable lot area;

l) "Slope" means an inclination of the natural terrain of more than.

10 % (5.7° angle of inclination). The slope angle is determined from the highest to the lowest point of the superstructure area;

m) "Neighbor" means the owner or person in rem of a parcel of land adjoining a parcel of land to be developed in such a spatial

The project must be carried out in close proximity to the planned building or facility or its intended use, and interests worthy of protection under building law must be affected;

n) "Accessory and small structure" means a structure which, by reason of its nature and size and its intended use on the lot, is subordinate to the main structure and is not intended for living or working purposes, such as single garages, tool sheds, garden sheds and the like;

o) "Structure plan" means a plan, binding on the authorities, which defines, either as a whole or sectorally, the desired development of a national or municipal territory or parts thereof, and which may be supplemented by a text linked to the plan by reciprocal references;

p) "Retaining wall" means a structure used to secure cut and embankment embankments. The retaining wall may be located on the uphill or downhill side;

q) "Overlay plan" means a landowner-binding plan that establishes the permitted construction methods for a specific municipality area. The development plan

together with special building regulations, supplements the building regulations with zoning plan;

r) "below-grade building component" means a building component that exceeds the natural terrain by a maximum of 1.25 m on the level or 3.00 m on the downhill side of the slope. The slope of the terrain shall be demonstrated in accordance with subparagraph (l) of this Article, whereby a medium slope shall be assumed;

s) "responsible project engineer":

1. a person authorized to perform activities as an architect under the Act on Architects and Other Qualified Professions in the Field of Construction (Construction Professions Act);

2. in the case of minor construction projects or construction measures of personal use, a person other than the person named in item 1, provided that he/she is approved by the building authority as the project engineer after weighing public and private interests and after hearing the Chairman of the Commission for Engineers and Architects;

t) "Zoning Plan" means a landowner-binding plan that divides the municipality's territory into different use zones and thus determines the type and intensity of use of land;

u) "Transportation-intensive buildings and facilities": Buildings and structures that generate 1,000 or more trips per operating day on an annual average. A trip is considered to be every entry and every exit by motor vehicles;

v) "Special building regulations" means building regulations that are binding on the landowner and are related to special use planning (overlay and design planning);

w) "Special building regulations": building regulations that are binding on the property owner and that may be issued by the municipalities in addition to their building regulations for a sub-area or a subject area;

x) "Special design" means a design that permits development in certain zones that is not subject to re- gel construction;

y) "Planning report": the planning report is an integral part of a superstructure and/or design plan, which sufficiently and comprehensibly sets out the local planning and architectural justification for the planning instrument, the public interest in it and the safeguarding of neighboring interests.

2) The personal and professional terms used in this Act shall mean members of the male and female genders.

Art. 3

Exceptions

1) Exceptions to the building and use regulations of this law may be granted by the building authority upon justified written application, taking into account public and private interests.

2) Exceptions to the provisions of the respective building code may be granted by the municipal council after weighing the public and private interests.

3) Exceptions may be granted in particular:

a) with a view to closing gaps between buildings in village centers as desired from the point of view of local planning, insofar as this is not possible by enacting, supplementing or further developing the planning instruments;

b) if the application of the building regulations or the use regulations would cause undue hardship;

c) for modifications to existing structures;

d) for buildings and facilities whose purpose cannot be fulfilled without an exceptional permit.

Art. 4 Art

on the building

In the case of new buildings and conversions of public buildings and facilities, appropriate funds shall be made available for artistic design, provided that this is justified by the intended purpose. The expenses for artistic design are based on the significance of the building and the amount of the respective construction costs, whereby a guideline value of 1% of the construction costs applies to buildings.

II. Planning law

A. Principles

Art. 5 Planning

instruments

Planning instruments under this Act are:

a) the guideline plan;

b) the building regulations with zoning plan;

c) the superstructure plan;

d) the design plan.

Art. 6

Information

1) The competent authorities shall inform the public of the objectives and course of planning under this Act.

2) The planning instruments under this Act shall be public.

Art. 7

Value added tax

1) The municipal council may enact provisions in the building regulations on the compensation of planning-related added values. In such regulations, it shall determine the group of persons liable to pay the levy, the assessment criteria, the timing of the levy and the use to which it is to be put.

2) The value-added levy is to be paid as compensation for advantages created as a result of planning. The compensation can be defined in particular as compensation for value, land exchange or right of use. It must be proportionate and justified in the public interest.

Art. 8

Constructi

on block

1) The municipal council shall issue a building ban for a certain area if it has decided to establish or amend the building regulations, the zoning plan, an overbuilding or design plan or to carry out a building land reallocation and the issuance of a building ban is necessary for this purpose.

2) The building ban has the effect that building permits can only be issued if the building project does not impede or make impossible the establishment, amendment or modification of the building regulations, the zoning plan, the development or design plan or the implementation of a building land reallocation.

3) A construction ban shall be lifted as soon as the reason for its issuance has ceased to exist. If it is not lifted earlier, it shall cease to have effect five years after it was issued. It may be extended before the expiry of this period for a maximum of another three years with the consent of the government if the reason for its enactment still exists.

4) The imposition of a building ban shall be publicly announced and the affected property owners shall be notified in writing. The construction ban comes into force with the announcement.

B. Local planning

1. Principle

Art. 9

Duty of local planning

The municipalities are obliged to carry out local planning in accordance with Articles 10 to 19.

2. Building regulations and zoning plan

Art. 10 Principle

1) The municipalities shall adopt building regulations and a zoning plan.

2) The building regulations and the zoning plan regulate the building and design regulations for a municipality as well as the permissible use of land.

Art. 11 Building regulations

1) The building code contains the general building and design regulations of the municipality as well as the regulations concerning the zoning plan.

2) It regulates in particular:

a) the development of the construction areas;

b) the type and extent of use;

c) the construction method;

d) the protection of the local and landscape image;

e) the environmental design as well as the planting;

f) the immissions.

Art. 12 Zone plan

1) The zoning plan divides the territory of the municipality into various building zones and zones of other uses. It is an integral part of the building regulations.

2) The municipality may designate in the zoning plan those areas for which it issues guideline, development and design plans or special building, use and protection regulations prior to development. Furthermore, the municipality may designate areas in which dense or closed construction methods, minimum utilization or minimum number of stories are prescribed. Insofar as the dense or closed construction method is prescribed in certain zones, the boundary or proximity construction right shall be deemed to be a property restriction under public law. This restriction on ownership is not entered in the land register.

3) In addition to construction, agricultural or protection zones, the municipality may provide for other types of protection and use zones.

Art. 13

Procedure

1) The municipality shall make the zone plan available to the public for 30 days and notify the affected landowners in writing. During the period of publication, affected property owners may lodge an objection with the municipality in writing, stating their reasons.

2) Building regulations and zoning plan as well as special building, use and protection regulations are subject to the approval of the government, which may demand additions and amendments. They shall be promulgated by the municipality after approval and shall enter into force on the day after promulgation.

3) If the public interest so requires, in particular for the protection of the townscape and landscape and of historically or culturally valuable settlements or buildings, or in the case of intended construction of major public buildings and installations, the government may require the municipalities to supplement and amend the building regulations and zoning plan as well as special building, use and protection regulations, setting a reasonable deadline.

Types of zones

Art. 14

a) Building zone

The municipality shall take into account the needs of the population and the economy when determining the size of the construction zone.

Art. 15

b) Zone for public buildings and facilities

Public buildings and facilities shall be erected in the zone for public buildings and facilities. Exceptions are permitted for special site-specific public buildings and facilities serving the public good.

Art. 16

c) Agricultural zone

1) The agricultural zone includes areas suitable for permanent agricultural and soil-dependent use, in particular arable farming and livestock breeding.

2) Zone-appropriate conversions and extensions as well as new buildings are permitted if they are necessary for agricultural use.

3) In addition, in the agricultural zone, uses of an agricultural business that comply with the provisions of agricultural-related activities under the Agriculture Act are permitted.

Art. 17

d) Protection zone, danger zone

1) Municipalities shall establish protection zones and adopt regulations for:

a) Land worthy of preservation as well as land valuable in terms of natural history or cultural history, taking into account the interests of landscape conservation and the cultural landscape;

b) the sites, historical sites, natural monuments and cultural assets that are important for the municipality;

c) existing and required habitats for animals and plants.

2) The hazard zone designates the areas threatened by natural hazards such as landslides, geological hazards, floods and avalanches.

3) Municipalities shall incorporate into their zoning code:

a) the water protection areas, protection areas, protection zones and water

spaces defined by the government;

b) protected immovable cultural property within the meaning of the Cultural Property Act located on its territory.

4) The municipalities determine the restrictions on construction and use that serve the purpose of protection.

Art. 18

e) Reserve zone

The reserve zone serves future settlement development. If there is an objectively justified and proven need, it shall be allocated to the corresponding construction zone. The procedure is governed by Art. 13.

Art. 19

f) Other municipal area

The remaining municipal area comprises those areas for which no use has yet been defined. Revitalization measures and near-natural designs in the sense of nature and water protection are permitted. The construction of buildings and facilities requiring a permit is prohibited. Existing buildings and facilities may be used without a permit.

The building can be expanded and converted up to one third of the existing building volume to accommodate a change of use.

3. Structure plan, development plan and design plan

a) Guideline plan

Art. 20

Municipal structure plan

1) The municipality may issue structure plans for the entire municipality or for parts of it. It must coordinate its structure plans with the structure plans of neighboring municipalities and with the plans of the country.

2) The municipality shall make the structure plan available to the public for 14 days. Objections are not permitted. The structure plan is subject to approval by the government.

b) Superstructure plan Art. 21

Purpose and form

1) The municipality may enact a development plan for a defined, narrower area, such as a neighborhood or part of the construction zone.

2) The purpose of the development plan is to ensure the orderly and domestic development and buildability in addition to the building regulations as well as the preservation of traffic and open space within the village.

3) The development plan consists of a plan, any supplementary plans, special building regulations and a planning report.

Art. 22

Content

1) The development plan regulates in particular the special construction method, the access and parking as well as the open space design.

2) The development plan can be used to define building lines for the following cases in particular:

a) for securing roads, paths, squares and pipelines;

b) for the design of sites, neighborhoods and outdoor spaces;

c) to keep areas free for public buildings and facilities;

d) for underground structures or individual floors;

e) to secure the space in arcades, passages, underpasses or overpasses;

f) along water bodies, forest or riparian woods;

g) for the protection of persons and property against harmful or annoying effects.

3) The development plan can regulate, by means of special building regulations, the construction method suitable for the planning area, above all with regard to the building mass, utilization and insertion. These determine as far as necessary:

a) the construction method (open, closed);

b) Location, size and design of buildings and facilities;

c) Equipment with community facilities, playgrounds and rest areas;

d) Location, extent and design of green and open spaces;

e) Staging;

f) Type and number of parking facilities.

4) The development plan may be used to deviate from the standard construction method, provided that the type of use in accordance with the zone is observed, if this results in a better overall result in terms of local planning and architecture and if this is in the public interest.

5) Development plans may be combined with design plans in accordance with Art. 24.

Art. 23

Building lines

1) Building lines define the boundaries up to which buildings or facilities may be erected.

2) Building lines take precedence over all other spacing requirements.

3) The municipality may establish building lines requiring construction, against which construction must take place.

4) For individual floors and basements as well as arcades, different building lines including the relevant height (level line) can be defined.

5) Exceeding building lines with porches is permitted as an exception, provided that the purpose of the building line is not frustrated or other public interests are not affected.

c) Design plan Art. 24

Purpose and form

1) The municipality may issue design plans in the public interest or at the justified request of landowners who demonstrate a current and concrete need.

2) The aim and purpose of the design plan is to secure the concept of an overall development with a better urban and architectural design.

3) The design plan consists of a plan, any supplementary plans, special building regulations and a planning report.

Art. 25

Conte

nt

1) The design plan shall regulate the development of one or more plots of land in detail. The design plan may be used to define building lines in accordance with Art. 23.

2) With the design plan, the municipality may deviate from the zoning and development plan in compliance with zoning law, if this is justified in terms of local development and in the public interest, and if neighboring interests are not unduly impaired.

d) Procedure Art. 26

Circulation

1) The municipality shall publish development and design plans, as well as their amendment and cancellation, subject to a 14-day objection period.

2) In the case of development and design plans, the affected property owners are notified in writing.

3) Affected landowners include property owners and neighbors.

Art. 27

Objection

1) During the objection period, anyone who can prove that they have an interest worthy of protection may lodge an objection with the municipality in writing, stating their reasons.

2) Neighbors who raise an objection to the development and design plan may no longer assert objection grounds with the same content in the context of the building permit procedure.

Art. 28

Approval

1) Development and design plans, as well as their amendment and cancellation, require the approval of the government.

2) The approval decision is announced by the municipality and comes into force.

3) The Government may delegate the approval authority assigned to it under subsection 1 to an official agency by ordinance.

Art. 29 Review

and amendment

1) Development and design plans may be amended or cancelled if this is necessary for important public interests, in particular if the basis for their enactment has changed significantly or if significant new requirements have been demonstrated.

2) The same procedure shall be followed for the amendment and repeal as for their enactment.

3) In the case of minor changes, the circulation procedure can be waived if only individual property owners are affected, if they agree and if no public interests are affected.

Art. 30

Effect

Development and design plans are planning instruments under public law and are binding on the property owner.

Art. 31

Easements

1) In development and design plans, easements such as boundary and proximity building rights, rights of way and rights of passage may be established as public-law restrictions on ownership.

2) Existing easements may be revoked in development and design plans to the extent that they conflict with such plans.

3) Restrictions on ownership may be recorded in the land register or deleted upon application by the competent authority.

C. Planning of the country Art. 32

Tasks

1) The government is obligated to carry out supra-local and cross-border planning.

2) The Government may delegate the tasks assigned to it to an official body by ordinance.

Art. 33

Principle

1) The state's plans show the long-term desired spatial development of the state. In particular, coordinating statements are made on spatial development, the preservation and enhancement of the landscape, supply and disposal, and public and private transport. The elaboration is carried out in cooperation with the municipalities.

2) These plans are approved by the government and are binding on the authorities.

III. Building law

A. Building regulations

1. In general

Art. 34

Temporary use of land belonging to others

1) The owner and the person authorized to dispose of the property shall tolerate the entering and temporary use of the property and works of others if it is necessary for the preparation of the plans required by this Act and for the execution of construction projects, including the transport of construction materials, and if this work cannot be carried out in any other way or can only be carried out at disproportionately high additional cost. The use shall be made in the most careful way possible.

2) The owner shall be notified in writing at least two weeks in advance of the intended performance of work under subsection 1. If the owner refuses to use the land or building, the building authority shall decide on the necessity and scope of such work.

3) After completion of the work, the previous condition must be restored. The district court shall decide on compensation for any damage.

Art. 35

Use of public land, safety measures

1) The use of public land for scaffolding, deposits and excavation work is subject to approval.

2) Applications must be submitted to the municipality in the case of municipal roads and to the Office for Civil Engineering and Geoinformation in the case of rural roads. The authorities determine the duration and extent of the permissible use.

3) The municipalities and provincial authorities may issue more detailed regulations on the use of public land, in particular with regard to barriers, signalization and lighting of the construction site.

Art. 36 Street naming

The naming of streets and squares is the responsibility of the municipality.

2. Building maturity and development

Art. 37

Readiness for constructi on

1) Buildings and facilities may only be erected on land that is ready for construction.

2) A property is ready for building when:

a) it complies with the local planning regulations;

b) it is suitable for a superstructure in terms of location, shape, size and nature;

c) it is not located in any hazard zone or is located in a permissible hazard zone with regard to rockfall, landslides, landslides, floods, avalanches or other hazards identified in the natural hazards map. In the red hazard zone, a general ban on building applies; and

d) a sufficient and legally secured connection with a public road and the development according to Art. 38 are available.

3) If the shape of individual developed plots of land is unsuitable or poorly suited for appropriate and zoned development, the municipality may initiate the building land reallocation procedure.

4) The criteria for readiness for building must always be demonstrated for the area in question in which the property to be developed is located. Proof of readiness for construction must also be provided for changes in use or

conversions if the previous use is significantly intensified.

5) In the case of buildings with a high volume of traffic, the readiness for construction can be made dependent on sufficient accessibility by public transport.

6) Exceptions to para. 1 are only permissible if buildings and facilities cannot meet the criteria for building readiness due to their special site-specific nature.

Art. 38

Development

1) A property or area is considered developed when the facilities required for the corresponding use, such as roads, squares, bicycle and pedestrian areas, as well as the infrastructure for public supply and disposal, including electronic communication, are available.

2) Development is generally carried out by the municipality on the basis of guideline, development and infrastructure plans. The municipality ensures the appropriate development and building of certain areas.

3) In the case of private land divisions, the development of the new plots of land is carried out by the respective land owners.

4) The municipality may charge the property owners with the development costs. These become due at the time of the development of a property. The development costs can be calculated on the basis of the cost estimate or partial and final accounts. The municipality regulates the group of parties liable to pay and the assessment criteria in regulations.

5) The municipalities are entitled to charge connection and usage fees for the connection of properties to the public utilities and to set tariffs for this in regulations.

6) If the access is from a country road, the approval of the Office of Civil Engineering and Geoinformation must be obtained before the building application is submitted.

Art. 38a

Transport-intensive buildings and facilities

1) Anyone wishing to erect, substantially alter or extend a traffic-intensive building or facility must submit a traffic report to the building authority.

2) The traffic report shall contain in particular:

a) Information on the impact on the public road network;

b) Information on whether and, if necessary, which infrastructure structures or other measures are required for orderly traffic flow.

3) If necessary, the competent authorities shall determine in the development or design plan or in the building permit, on the basis of the traffic report, which infrastructure structures or other measures are to be erected or implemented at the expense of the applicant in order to meet the requirements for orderly traffic flow.

4) The government shall regulate the details of traffic-intensive buildings and facilities, in particular the requirements for the traffic expertise, by ordinance.

Art. 39

Private roads

1) Private roads must have a minimum clear width of 3.50 m. The relevant standards of the Swiss Association of Road and Traffic Experts must be complied with.

2) If private roads serve as public traffic areas, they are to be maintained and cleaned by the landowners according to the specifications of the municipality.

3. Construction

Art. 40

Standard

construction

1) Unless the building regulations and the zoning plan prescribe the closed construction method or special regulations are laid down by the special construction method or by superstructure and design plans, the provisions on the standard construction method shall apply.

2) For standard construction, the following maximum dimensions apply:

a) Building height: 12.00 m;

b) in the case of terraced construction on a slope: building height in relation to the total plant: 15.00 m;

c) Building length: 30.00 m; in the case of conversion or extension of existing buildings and installations, the building authority may approve additional lengths in cases worthy of special consideration.

Art. 41

Special

construction

1) Subject to the requirements regarding the quality of settlement and architecture as well as the protection of the site, the height of buildings in agricultural zones and zones for industry, commerce and services may not exceed

22.00 m is permitted and the building length is not limited.

2) In the zone for public buildings and facilities, there is neither a building height nor a building length limit.

3) The municipalities may specify a building height of up to 22.00 m in development and design plans. This is subject to regulations regarding the quality of the settlement and the protection of the local image as well as the principles of local planning.

4. Utilization and green area figures

Art. 42

Utilization factor

1) The utilization factor indicates the ratio between the chargeable gross floor area and the chargeable plot area and is specified in the building regulations.

2) The specification of a utilization factor can be waived in zones with special construction methods. The orderly development of the building and its use must be ensured.

3) In the zone for public buildings and facilities, in the zone for industry, commerce and services, and in the agricultural zone, no utilization factor is specified.

4) The chargeable gross floor area (GFA) is the sum of all floor areas above and below ground that are used for living, working and commercial purposes. The exterior wall cross-sections are not included in the calculation. Furthermore, the following are not counted:

a) Basement rooms, provided they do not meet the requirements of residential and occupational hygiene, as well as underground commercial storage and archive rooms without visitor traffic that are not occupied by workplaces;

b) Attic areas with less than 1.80 m clear room height between the upper edge of the unfinished floor and the lower edge of the rafters, unless they have a clear height of 2.30 m on at least half of this usable area;

c) Building services rooms as well as laundry rooms and drying rooms, unless they can be put to another use or used for this purpose;

d) Parking spaces for motor vehicles, bicycles, baby carriages and the like;

e) open building elements, such as roof terraces, garden seating areas, balconies and arcades, insofar as these are not used for access;

f) internal access areas and elevators that provide access to non-chargeable rooms in attics and basements; these areas are included on a pro rata basis;

g) Rooms against the outside air (balconies, terraces and the like) with single glazing, unless they are actively heated.

5) The chargeable area of the property is that part of the property which is not yet used for building purposes and is located within a building zone. Public roads and areas do not count towards the chargeable land area. Areas that are ceded for public traffic routes and watercourse revitalization are counted towards the chargeable land area.

Art. 43

Shifting the utilization

1) The use of directly adjoining neighboring properties for the calculation of the utilization factor is permissible, provided that these properties are located in the construction zone and the affected property owner agrees to the corresponding reduction or the waiver of a later possibility of building over. This obligation must be recorded in the land register as a restriction on ownership under public law before the building permit is granted.

2) The municipality checks whether a relocation of utilization complies with the local planning or building regulations. If this is not the case, it refuses a relocation.

3) The relocation of use shares is not permitted in standard construction.

Art. 44

Division of land plots in the construction zone

If a partial plot is separated from an already built-up plot within the building zone, proof of compliance with the utilization factor must be provided for the built-up plot. Within the framework of the approval procedure in accordance with Art. 39 Para. 2 of the Land Surveying Act, the municipalities check whether the partition complies with the local planning and building regulations.

Art. 45

Green area figure

1) The municipality shall specify in the building code minimum proportions of the green area ratio for residential zones.

2) All planted and unsealed areas as well as ecologically valuable open spaces are considered as chargeable green areas. Parking spaces for motor vehicles are not eligible. Green areas on underground buildings and components are counted.

5. Distances Art. 46

Purpose and method of measuring the distances

1) The primary purpose of the distance regulations is to protect against the effects of the use and development of adjacent properties. The building and boundary distance regulations are intended to promote the quality of living and settlement and to mitigate adverse effects in terms of shading and immissions in the surrounding area. The distance regulations also serve design and landscape ecology purposes.

2) For the measurement of the boundary and building distances, the outermost wall line of the building applies.

Art. 47

Boundary

distances

1) The boundary distance is the shortest horizontal distance between the boundary of the building plot and the relevant facade.

2) Unless otherwise stipulated in use, development or design plans, the boundary distances are determined for the respective individual building. The statutory boundary distances are minimum distances.

3) Building parts projecting beyond the façade, in particular roof projections, permanently installed weather protection devices, porches, open balconies, oriels, chimneys and outside staircases, may project up to 1.30 m into the boundary distance, provided their area does not exceed one fifth of the associated façade area. This provision does not apply to underground buildings and components.

4) The following minimum boundary distances must be observed for buildings:

a) up to a building height of 7.00 m: at least 3.50 m;

b) up to a building height of 9.00 m: at least 4.00 m;

c) up to a building height of 12.00 m: at least 5.00 m.

5) In the case of buildings that are allowed to have a greater building height than 12.00 m according to Art. 40, the respective boundary distance is determined in such a way that the boundary distance is extended by 0.50 m for each additional meter or part thereof.

6) Subject to existing or planned public utility lines and road extensions, underground buildings and components may be placed up to 1.50 m from the boundary without neighboring consent. This provision does not apply to publicly owned land.

7) The building authority may permit or, as the case may be, prescribe regulations deviating from the provisions of subsections (4) and (5) if:

a) the interests of safety, health and the protection of the landscape and local image and fire protection are not impaired and the affected neighbors agree;

b) this is required due to the special location or shape of the building plot and without a right to build closer to the building plot a purposeful development would be difficult or impossible; or

c) this is necessary for subsequent renovation by installing external thermal insulation (including roof structure) up to 0.25 m.

8) If the subsequent exterior insulation requires an overbuilding right due to the location of the building, the easement holder does not have to take this into account when calculating the building distance in the event of an overbuilding of his property.

Art. 48

Boundary distances of small and ancillary buildings, enclosures and retaining walls

1) Small and ancillary buildings not subject to notification may be built up to 2.00 m on the property line.

2) With the written consent of the neighbor, small and ancillary buildings within the meaning of paragraph 1 may be built on the property line.

3) Enclosures may be built up to a height of 1.25 m at the property line. This height may be exceeded with the written consent of the neighbor. If there is no written consent

of the neighbor, enclosures with a height of more than 1.25 m must have a minimum distance from the boundary that corresponds to the additional height. The municipalities may define deviations within the framework of their building regulations.

4) Retaining walls up to a height of 1.25 m may be erected at the property line. Retaining walls of more than 1.25 m in height, which secure artificially raised terrain, must have a minimum boundary distance corresponding to the additional height. Deviations are only permitted if topographical conditions make this necessary. Retaining walls on the uphill side may be built on the boundary regardless of their height.

5) The building authority may allow deviations from the boundary distances for small buildings with public use, such as shelters, bus stops, waste containers and electrical distribution boxes, without the consent of the neighbor.

6) Violations of compliance with the minimum boundary distances and maximum heights

of enclosures and plantings are to be dealt with by the municipality by way of mediation. The right to take civil action before the district court is reserved.

Art. 49

Distance between buildings

1) Unless otherwise stipulated in the building regulations, special zoning regulations, development plans or design plans, the distance between buildings shall be that resulting from the sum of the statutory border distances.

2) The building authority may reduce or cancel the building distances in consideration of public and private interests, if this is indicated for reasons of a purposeful development or an energetic redevelopment (Art. 47 Para. 7 Letter c), in the interest of the local and landscape image, the road space or a building line as well as in the case of topographically difficult building terrain and the architectural, residential hygiene, health and fire protection requirements are maintained. The written consent of the neighbor is not necessary if the legal border distance is observed.

3) Single-storey buildings of no more than 3.00 m in height, free-standing small and ancillary buildings that are subject to the obligation to notify, as well as underground components do not have to comply with the building distance. Compliance with the minimum boundary distance remains reserved.

Art. 50

Distance between water bodies

1) The minimum distance of buildings and facilities from public waters is 10.00 m.

2) The municipality shows the public water bodies in the structure plan and designates those areas in which the distance to the water body can be reduced to 5.00 m. The municipality shall ensure that the distance to the water body is not exceeded.

3) Outside the building zone, a reduction of the distance to the watercourse is not permitted.

4) The distances are measured from the upper edge of the slope. If the edge of the slope or its course cannot be adequately determined, it shall be defined by the building authority and the competent official body.

5) If the watercourse maps indicate culverted watercourses, a minimum distance of 5.00 m, measured from the axis of the pipeline, must be maintained from these.

6) The terrain and landscaping between the structure and the watercourse must be

designed in such a way that watercourse maintenance is not impeded.

7) The building authority may allow exceptions for public buildings and facilities as well as for revitalization measures and near-natural designs, taking into account the requirements of Paragraph 6, if the location of the building requiring a permit is proven.

Art. 51

Forest distance

1) The minimum distance of buildings and facilities from the forest is 12.00 m from the tree line. The distance from the forest is determined on the basis of the actual situation both horizontally and vertically.

2) Provided that safety and lighting are guaranteed and the adjacent vegetation is not impaired by the construction measures, the building authority may approve a reduced forest clearance of up to 7.00 m:

a) if compliance with the minimum distance under paragraph 1 would exclude the possibility of building over a plot of land;

b) to close gaps between buildings in the vicinity of existing high-rise buildings that are less than the minimum distance specified in para. 1;

c) for the following buildings and installations:

1. buildings and facilities located below ground level;

2. Small structures such as pergolas, bike shelters, tool sheds and small animal pens;

3. Small facilities such as parking lots, playgrounds, underground utilities and fencing;

d) for minor terrain changes.

3) The building authority may approve a reduced forest distance up to the stock boundary:

a) for smaller recreational and sports fields as well as other structures and facilities in the public interest, such as buried and above-ground pipelines, pylons, reservoirs and bee houses;

b) for the renovation or partial modification of existing buildings, provided that their floor area remains unchanged by the structural measures.

4) In the building zone, the following buildings and facilities may be erected up to the floor limit:

a) small buildings according to para. 2 c) 2 with a floor area of up to 6 m²; the building authority may order the temporary removal of such small buildings, if this is necessary for

is necessary for the preservation, maintenance and use of the forest;

b) Enclosures up to a maximum height of 2.00 m, provided that they can be partially and temporarily removed for the preservation, maintenance and use of the forest.

5) The preservation, maintenance and use of the forest must be possible at all times in the event of reductions in the forest distance in accordance with paragraphs 2 to 4.

Art. 52

Road distance, exits

1) If no building lines or projected road layouts are defined, the minimum distance of buildings and facilities, measured from the property boundary, is opposite:

a) Country roads: 4.50 m;

b) Municipal roads: 4.00 m;

c) Sidewalks and bike paths: 3.00 m.

2) Deviations from the street distances may be stipulated in development and design plans as well as in special building regulations. In the public interest, in particular for the design of the street space or to maintain the alignment of buildings, a certain distance from the street may be prescribed in individual cases. Projecting building elements up to one fifth of the facade area may project up to 1.30 m into the street and path distances according to paragraph 1. When defining building lines, the municipality may determine whether projections beyond the building line are permissible. However, under no circumstances may they project into the clearance gauge and exceed the property line.

3) Enclosures on public roads with sidewalks may be built up to a height of 1.25 m from the property boundary. Enclosures of more than 1.25 m in height must have a minimum boundary distance corresponding to the additional height. For streets without a sidewalk, a minimum distance of 0.25 m must be maintained.

4) Retaining walls on public roads may be built up to a height of

1.25 m from the property line. Retaining walls higher than 1.25 m must have a minimum distance from the boundary that corresponds to the additional height. The municipalities may define deviations within the framework of their building regulations.

5) The building authority may, in consideration of private and public interests, allow deviations from the minimum distances according to paras. 1, 3 and 4, in particular if this is indicated for topographical or local planning reasons or is in the interest of the public.

The reason for this is in the interest of traffic safety, noise protection or the protection of the landscape and townscape.

6) Small buildings and swimming pools that do not require a permit or notification must be at least 2.00 m apart.

Art. 53

Distances from the state border and railroad lines The minimum

distance of buildings and facilities is from:

a) the state border: 10.00 m;

b) of the railroad track: 12.00 m, measured from the center of the track.

6. Building height

Art. 54

Building height measurement

1) The basis for determining the height of a building is the ground level of the terrain. The building height is determined from the lowest point of the grown or excavated terrain to the highest point of intersection of the facade with the upper edge of the roof covering. In the case of flat roofs, the height is measured up to the upper edge of the parapet or railing.

2) For monopitch roofs with an angle of inclination of at least 10% (5.7° angle of inclination), the ridge height is measured as the building height. On slopes, a maximum height addition of 1.50 m on the ridge side to the permissible building height is permitted on the valley side.

3) The measured building height must not exceed the permissible dimension for any part of the building. The increase of the roof construction in the case of an energetic renovation (Art. 47 Para. 7 Letter c) is not taken into account when determining the building height. The outer dimension applies to the intersection of the facade and the roof surface. All height dimensions are measured perpendicularly.

4) Technically necessary superstructures, such as elevators, stairwells, chimneys and technical installation rooms, are not taken into account when determining the building height, provided they do not exceed a height of

do not exceed 3.50 m and are arranged flush with the facade.

5) Roof and attic floors that do not exceed a height of 3.50 m are to be set back at the respective facade corners in an angle profile of 45° inclination. They may be set back by up to a maximum of two-thirds depending on the position of the main orientation, taking into account Para. 4, and on the opposite

The facade may be arranged on the opposite side of the building up to a maximum of one third of the length of the facade.

Art. 55

Measurement of building height in case of terrain changes

If the natural course of the terrain has been altered by filling or excavation, the building authorities will have this determined by experts to the best of their ability.

Art. 56

Ridge

height

1) The ridge height may exceed the building height by a maximum of 5.00 m, unless special building and zoning regulations or development and design plans stipulate otherwise. The reference point for the ridge height is the actual building height in the respective section.

2) For pitched roofs with a roof pitch of more than 45°, the ridge height is considered the building height.

3) For monopitch roofs, a canopy limitation on the ridge side of no more than

1.30 m.

4) In the case of buildings and structures that deviate from the standard construction method, the building height is deemed to be the ridge height, subject to the permissible roof structures. This does not apply to technical structures as defined in Art. 54 Para. 4.

7. Design Art. 57

Design

1) The municipality shall determine the basic features of the townscape, settlement and architectural design within the framework of its local planning.

2) Buildings and facilities must be well designed architecturally and must blend in with the local landscape.

3) Construction projects requiring a permit or notification within the archaeological perimeter and within the sphere of influence of registered immovable cultural assets within the meaning of the Cultural Assets Act or within the sphere of influence of other inventories and registers must be coordinated with the competent authority as early as possible. The building authority shall obtain the opinion of the competent authority. If the planned building, plant or measure is likely to have an adverse effect on the natural monument or a registered cultural property within the meaning of the Cultural Property Act, the building authority must reject the building project or approve it subject to conditions.

4) The color, size and location of outdoor antennas, including parabolic antennas, regardless of their size, must be chosen in such a way that they do not detract from the local appearance. The building authority may, in the case of new

The municipality may determine areas subject to mandatory connection to communal antennas within the framework of local planning. The municipality may determine areas requiring connection as part of the local planning. In the case of protected cultural assets within the meaning of the Cultural Assets Act, the installation of such systems shall require the approval of the Office of Culture; Art. 42 of the Cultural Assets Act shall apply.

5) In the case of residential buildings, suitable areas and equipment for the users to play and stay are generally to be provided and demonstrated in the surrounding design.

6) Before issuing a permit for advertising installations in accordance with the road signage legislation, the competent licensing authority must consult the municipality concerned on compatibility with the local and landscape character.

Art. 58

Bicycle parking

In the case of new buildings, with the exception of single-family houses and apartment buildings with up to five apartments, suitable and covered parking spaces for bicycles must be provided at ground level, if possible, taking into account the future planned use of the building and the average number of bicycle parking spaces required. In mountainous areas, the building authority may grant exceptions to these regulations.

Art. 59

Inventories and registers

The building authority takes into account the relevant inventories and registers when assessing buildings and installations requiring notification and approval, in particular with regard to nature and landscape protection, the protection of the townscape and the registered cultural assets within the meaning of the Cultural Assets Act. Furthermore, the building authority coordinates the building applications with regard to the archaeological perimeter and the protected cultural assets and issues the necessary conditions.

Art. 60

Planting

1) In the interest of the local and landscape appearance as well as the design of street spaces and neighborhoods, the building authority may require appropriate planting of the

of the plot of land. It may also require detailed plans of the surroundings and prescribe the type of planting in the public interest.

2) Hedges must have a planting distance of at least 0.50 m from private properties and public land. The distance is measured from the border of the planting.

3) High-stemmed plantings along roads may exceed the minimum distance required by property law with the consent of the road owner concerned, provided that traffic safety is guaranteed.

8. Parking spaces and parking space management Art. 61

Parking spaces for motor vehicles

1) In the case of new buildings, structural alterations or changes of purpose, the building owner must, subject to para. 4, provide the parking spaces for motor vehicles required for use and operation on the property. If the required parking spaces cannot be provided or can only be provided in part on the owner's own property, the owner may provide evidence of this instead:

a) a possibility of use of such parking areas on a neighboring property secured in the land register;

b) participation in public parking facilities.

2) The parking spaces are to be arranged in a ground-saving, traffic-safe and functional manner. The building authority may prescribe common access roads and parking facilities across properties.

3) The government shall determine the number and minimum size of the parking spaces to be provided by ordinance. In cases justified by local planning, the municipalities may include deviating provisions in the building regulations or in special building regulations.

4) The building authority may, after consultation with the municipalities, decide on the construction of larger service, industrial and commercial buildings as well as private buildings.

The building authorities may prescribe a reduced number of parking spaces for motor vehicles in public buildings and public buildings with a high level of public traffic if the developer can generally demonstrate an integrated mobility system with the aim of reducing motorized private transport. If, within the framework of an overall assessment by the building authority, it is determined that there is a good connection to public transport, the building authority may stipulate a reduction in the number of parking spaces and require a mobility concept.

Art. 62

Compensation for parking spaces for motor vehicles

The municipality may charge an appropriate contribution to owners of land that receives added value from public parking facilities.

Art. 63 Parking space management

1) The building authority may prescribe parking space management on the basis of local planning and traffic, energy and environmental policy concepts in agreement with the respective municipality.

2) The building authority may, in agreement with the municipality, order the management of parking space for existing parking facilities with more than 100 parking spaces for motor vehicles, setting a reasonable deadline, if this is required for reasons of local planning or for reasons of environmental and traffic policy.

9. Safety, health and environmental protection Art. 64

Construction requirements

1) Buildings and facilities must be designed and operated in accordance with their use and the rules of technical science and architecture in such a way that they meet, in particular, the requirements of mechanical strength and stability, earthquake safety, fire protection, hygiene, health, environmental protection, safety of use, sound insulation, building ecology, energy saving and thermal protection. They shall be designed and

The building must be maintained in such a way that its users and those of neighboring properties, as well as roads, are not endangered.

2) Building materials and construction methods must not pose a risk to human and animal health. Construction methods, maintenance of buildings and facilities, and disposal of building materials must not endanger the environment.

3) In the course of the building permit procedure, the responsible authorities determine the necessary structural protection measures for construction projects planned in natural hazard zones. If existing buildings and installations are endangered by natural hazards, the building authority may, after consultation with the competent authorities, order the measures necessary for the safety of the structure and the protection of persons.

4) Buildings and facilities must ensure the economical and environmentally friendly use of energy.

5) The government regulates the details of the construction requirements and the associated exceptions by ordinance.

Art. 65

Construction products

Only construction products, components and construction methods that meet the requirements of this law and international obligations may be used.

Art. 66

Snowmaking systems

1) Snowmaking systems are only permitted for parts of the Malbun and Steg ski areas. Electricity and water lines are to be laid underground.

2) Retrieved

3) The basis for granting a building permit for the use of snowmaking equipment is, if possible, a joint application from all ski lift or cross-country ski trail operators in the ski area. In the case of an application from only one ski lift or cross-country ski trail operator, this operator must provide proof that the use of snow-making equipment has been coordinated with the other ski lift and cross-country ski trail operators. In the case of staged implementation, an overall concept must be submitted. Roughing and zoning compatibility must be guaranteed.

4) The use of snowmaking equipment is limited to the snow and cold period between November 1 and March 1. Snowmaking may only be carried out on frozen ground. The operation of the system must not result in excessive or, according to local custom, unreasonable noise impact on neighbors. Chemical and biological additives are prohibited. The operation of the snowmaking system must not adversely affect the ecology and the water balance, especially with regard to the water supply. The individual operators of the snowmaking facilities must draw up an annual energy and water balance and submit it to the government for publication.

Art. 67

Immissions

1) The type and permissibility of establishments shall be determined by the building regulations. Subject to further provisions of the Environmental Protection Act, in the case of applications for the erection and alteration of buildings that are expected to have an impact on the neighborhood, information on the type and scope of the operation, the handling of goods and the storage of goods of all kinds must be submitted to the building authority with the building application.

2) If the purpose and exact type of use are not yet known in their entirety at the time the building application is submitted, the building authority may permit such evidence to be provided at a later date, subject to zoning regulations.

3) Buildings and installations, stationary machines or other stationary technical equipment may not be used for any purpose that is likely to cause a nuisance exceeding the customary level or to endanger neighbors. Whether a nuisance exceeds the customary level is to be assessed in consideration of the zoning and land use planning at the location of the construction project.

4) Excessive impact within the meaning of this article includes, in particular, smoke, soot, steam, odors, gas, noise, vibrations, radiation and disturbing light effects that exceed the customary local level and contradict the relevant regulations.

Art. 68 Buildings and facilities suitable for the disabled

Buildings and facilities that fall within the scope of the Disability Equality Act must comply with its requirements.

Art. 69

Earthquake safety

1) Buildings and facilities must meet the requirements of earthquake safety in accordance with the relevant legal standards. In the case of endangered buildings and facilities, proof of calculation is required.

2) The inspection report of the endangered buildings and installations shall be submitted to the building authority for inspection. If the owner fails to comply with the inspection obligation, the building authority may arrange for an inspection by a specialist engineer appointed by the government (inspection engineer) at the owner's expense.

3) If a structure at risk does not meet the requirements of earthquake safety, the building authority shall order the necessary measures, taking into account the principle of proportionality. If the building owner does not comply with this order, the building authority may order the necessary measures at the owner's expense.

Art. 70

Fuse for height differences

1) In the case of naturally or artificially created differences in elevation, the owner shall

of the higher-lying property to secure the ground on his property by a wall or embankment in such a way that the lower-lying property is not endangered and the safe use of the property is ensured.

2) If excavations are made at the boundary on a lower-lying property, its owner shall protect the soil of the higher-lying property in the same manner and arrange for the appropriate fall protection.

3) In the case of embankments and excavations, a distance from the neighboring boundary of 0.50 m from the edge of the slope.

10. Reconstruction

Art. 71

Reconstructio

n

1) Buildings and structures destroyed by fire or other natural disasters or demolished of their own accord may be rebuilt to their former extent without regard to the prescribed boundary and building distances, provided that the minimum road clearances are observed. The replacement building must correspond to the destroyed building in terms of type, extent, location and cubature above ground, unless a deviation leads to a structural improvement of the previous condition.

2) On the basis of local planning development concepts, land use planning or special building regulations, the building authority may permit or prescribe deviating building volumes in cases meriting special consideration.

3) The right of reconstruction also includes zone-appropriate conversions and changes of purpose.

4) If reconstruction is refused, the owner shall be adequately compensated subject to para. 6. In assessing the compensation, due account shall be taken of other reconstruction options and their advantages in comparison with the previous state of affairs. In the case of country roads, the country shall be liable for compensation, and in the case of municipal roads, the municipality shall be liable.

5) The right to reconstruction expires if no building application for reconstruction is submitted within five years after the occurrence of the natural hazard or after the start of demolition work.

6) Reconstruction is not permitted in zones where building is prohibited, in particular in red hazard zones or in free zones. Only renovation work and the reconstruction of public site-specific buildings and facilities are permitted.

B. Building permit and notification procedures

1. Authorization and notification requirements

Art. 72

Authorization

requirement

A building permit is required:

a) the construction, modification and demolition of buildings and structures;

b) the change of the type of use or purpose;

c) the construction of private parking spaces for motor vehicles as well as multi-purpose spaces of any kind;

d) the construction and modification of storage sites and landfills of all kinds, their operation, management and processing of the stored material, insofar as these are not only temporarily erected in the course of the realization of new buildings and conversions, as well as the surface and underground mining of material;

e) Terrain changes within building zones that are higher or lower than

0.40 m and affect an area of more than 100 m²;

f) the erection of transmitting and receiving installations of any kind, including satellite receiving installations, with a diameter or diagonal of more than

0.80 m;

g) the construction and modification of private roads and other private civil engineering works;

h) the creation of camping sites and the installation of caravans and mobile homes outside the sites authorized for this purpose;

i) the construction and modification of building services equipment, such as ventilation, air-conditioning, refrigeration and power generation systems with a thermal output exceeding 3 kW and ventilation systems with a volumetric flow rate exceeding 2 000 m³/h.

k) the construction of snow-making facilities, including the related technical, structural and terrain-related measures.

Art. 73

Duty to notify

Subject to the duty to notify:

a) the construction, alteration and demolition of small buildings, ancillary buildings and annexes, provided they are larger than 6 m² and do not exceed a floor area of 25 m². New buildings may not exceed 3.00 m in height;

b) The erection or alteration of enclosures and retaining walls that:

1. stand along traffic areas; or

2. are adjacent to a private property and have a height of more than 1.25 m;

c) the erection of tents for private use with a floor area of more than 50 m² or for a period of more than six months;

d) the erection of transmitting and receiving installations of any kind, including satellite receiving installations, with a diameter or diagonal not exceeding 0.80 m;

e) renovation and alteration of the outer shell of buildings and structures, including color and materials, structural alterations and additions that are not significant, as well as skylights;

f) the construction of shelters and waiting cabins for public passenger transport;

g) Measures of renaturation, flood protection and biological enhancement;

h) the installation of solar and photovoltaic systems;

i) the construction of swimming pools with a water surface area not exceeding 35 m²;

k) the construction of parking lots with an area not exceeding 50 m², including the access road;

2. Building permit procedure

Art. 74

Preliminary examination

1) Larger or more complex building projects as well as buildings and facilities that are subject to special building regulations can be submitted to the building authority for clarification of important building and usage regulations.

2) The building authority shall coordinate the construction project with the competent authority with regard to questions concerning the protection, preservation and care of cultural assets within the meaning of the Cultural Assets Act.

3) The written application for a preliminary assessment must be accompanied by the documents necessary for the assessment. In this procedure, the building authority shall make a legally binding statement on the aspects listed in paras. 1 and 2 and shall issue a preliminary decision. In doing so, it shall hear the relevant specialist departments of the

and the municipalities. The preliminary examination only takes a position on those issues that are evident from the documents submitted and are essentially decisive for this stage of the procedure.

4) The application for a preliminary examination shall be rejected within 14 days at the latest if the documents required under para. 3 are not sufficient for an assessment of the building project.

5) If the building project complies with the legal provisions, the building authority usually issues a written preliminary decision within six weeks. The preliminary decision is valid for a maximum of two years after it has been issued. The building permit procedure remains reserved.

6) If the building project does not comply with the legal provisions, the building authority shall inform the applicant accordingly. The preliminary assessment decision is not subject to appeal.

Art. 75

Building application

1) For construction projects requiring a permit, a building application signed by the building owner and the responsible project engineer must be submitted to the building authority on an official form before construction begins.

2) The building application must contain all essential information on the type, location, extent, use and construction method of the planned building or plant.

hold. The content, scale and form of the documents required by this Act, in particular the plans, calculations and descriptions, shall be determined by ordinance.

3) If the building application for a building or installation requiring a permit also relates to a building or installation requiring notification, the latter shall be dealt with as part of the building permit procedure.

4) If it is necessary for the assessment of the building project, the building authority may require the submission of additional documents.

Art. 76

Profiling

1) At the same time as the building application is submitted, a pro- file must be drawn up for the building project showing the future space requirements of the building or system. In addition, the height of the first floor must be marked. The building authority may arrange for subsequent inspections at the owner's expense.

2) In exceptional cases, the building authority may prescribe deviating regulations for the profiling or allow relief.

3) The profiles may be removed prior to the legally binding completion of the building application only with the consent of the authority with which the procedure is pending. After completion of the building permit procedure, the profiles must be removed.

Art. 77

Notification and objection procedure

1) The building authority shall notify the neighbors in writing and draw their attention to their right of objection.

2) The neighbors may raise their objections in writing and with reasons to the building authority within 14 days, as far as:

a) unlawful impacts on their property in terms of development or natural hazards are to be expected;

b) the minimum distances required by law are not observed;

c) excessive immissions exceeding the usual local level are to be expected.

3) The objections are handled by the building authority by way of mediation. Depending on the grounds for the objection, the building authority obtains an opinion.

The construction authority shall immediately schedule a conciliation hearing after receipt of the comments. Once the comments have been received, the building authority shall immediately schedule the mediation hearing.

4) If no amicable agreement can be reached through mediation, the building authority shall decide within 14 days of the failure of the mediation at the latest. In the case of grounds for objection under private law, the objector must file an action directly with the district court within 14 days of unsuccessful mediation for an injunction to refrain from the construction of the building or from a specific management, failing which the objection shall be deemed to have been withdrawn.

5) The building authority will not deal with objections that are in violation of the law.

Art. 78

Coordination procedure

1) The building authority shall ensure sufficient coordination of the procedures and assessments and an overall decision free of contradictions in the case of building projects requiring a permit which are to be examined by several authorities.

2) A coordination procedure shall not be carried out if it is obvious that the building project is to be refused by the building authority from the outset for reasons of planning and building law.

3) The building authority shall forward the building application, together with the required documents, to the competent authorities pursuant to para. 1 for decision without delay after its submission.

4) The competent bodies shall submit their decisions to the building authority within a period of one month after the complete submission of the required documents. The deadline shall be reasonably extended by the building authority in justified cases, especially in the case of more complex construction projects.

5) If a competent authority rejects the building project or approves it only subject to conditions and requirements, it must give detailed reasons for this in its decision.

6) The building authority shall combine the decisions of all competent authorities subject to the coordination procedure in the decision on the building permit.

7) The building authority may invite other bodies to submit an opinion as part of the coordination procedure.

8) The Government shall regulate the details of the coordination procedure by ordinance.

Art. 79

Building permit

1) As a rule, the building authority decides on the building application within two months of the complete submission of the required application documents.

2) The building permit shall be granted if the building project complies with the building and planning regulations and other laws applicable in the individual case.

3) The building permit may be issued for a limited period of time or subject to conditions and requirements.

4) The building permit shall be refused if the legal requirements are not met and cannot be fulfilled even by imposing conditions or requirements.

Art. 80

Start of construction

The execution of the building project may only be started after a legally binding building permit has been issued. This is subject to the settlement of objections under private law.

Art. 81

Period of validity of the building permit

1) The building permit expires if:

a) the construction of the building project is not started within two years after the building permit has become legally effective; or

b) the already started execution is interrupted for two years and the building permit is not extended.

2) The period of validity of the building permit may be extended by one year upon written application, provided that the legal requirements continue to be met.

Art. 82 Construction

and change of plan

1) The approved plans and the conditions and requirements imposed are binding for the execution of construction projects.

2) The building permit procedure must be repeated for each significant change to the approved plans, provided that the change as such is subject to the permit requirement.

3) The building authority may permit minor changes without conducting a new building permit procedure if there is no question of impairment of public or private interests. The building authority may demand execution plans and further information as a basis for assessment. It shall ensure sufficient coordination within the meaning of Art. 78 Para. 1.

Art. 83

Appointment of a construction manager

1) Insofar as it is necessary due to the nature of the construction project, in particular with regard to its size, complexity or special construction method, or due to deficiencies in the construction work, the building authority may require the client to appoint a construction supervisor in order to ensure that the construction work is carried out in accordance with the regulations and in a coordinated manner.

2) Such an order may be included in the building permit or, if the need for such an order arises at a later date, it may be issued in a separate written order.

3) The building authority must be notified in writing of the appointment of the person responsible for the construction. The execution of the construction project may only be started after the appointment of the person responsible for the construction.

4) Only those who are licensed to perform activities in accordance with the Construction Professions Act may be appointed as a construction supervisor.

5) The person responsible for the construction shall supervise the execution of the construction work and immediately notify the building authority of any deviations from the building permit or other defects in the execution of the construction work. Furthermore, he shall provide the building authority with all necessary information upon request.

6) If the person responsible for the construction terminates his activity prematurely, he shall notify the construction authority thereof without delay. In this case, the building

The execution of the work can only be continued after a new construction manager has been appointed.

Art. 84

Responsibility

1) Within the scope of their responsibilities, the owner, designer, construction manager, engineer, contractor and person responsible for construction are responsible for compliance with the building regulations and the conformity of the approved buildings and installations with the approved project documents, the construction description and any special conditions and requirements.

2) The responsibility under subsection 1 shall not be limited in any way by the fact that the building authorities and their bodies are entitled to control.

3. Notification procedure Art. 85

Construction notification

1) Construction projects requiring notification must be notified to the building authority in writing prior to the start of construction. The notification procedure is only permitted within the construction zone.

2) The construction notification shall state the nature, location, extent and intended use of the construction project.

3) The government shall regulate the details of the documents to be attached to the construction notification by ordinance.

Art. 86

Completion

1) If the building project subject to notification requires a permit, the building authority shall determine this by order.

2) As a rule, the building authority must approve the building project subject to notification in writing within three weeks of submission of the notification, provided that the building project has been approved in writing.

comply with the building and planning regulations in terms of type, location, extent, compliance with boundary distances, form and use. Otherwise, the execution is to be refused.

3) Retrieved

4) The authorization to execute the construction project expires if the execution of the construction project is not started within two years from the day on which the construction project may be executed. Furthermore, the authorization expires if the execution of the project, which has already started, has been interrupted for two years.

4. Construction control and cessation; revocation of construction permit Art. 87

Control of the constructions

1) To facilitate construction control, the building owner or construction management shall notify the building authority in writing:

a) the creation of the profiling;

b) the erection of the sectional scaffolding with height protection. The sectional scaffolding must be accepted and recorded by a licensed surveyor, civil engineer or geomatics engineer within a reasonable period of time;

c) the completion of the reinforcement of statically relevant components, if a corresponding requirement exists;

d) the completion of the shell before the start of the finishing work;

e) the completion of the construction or facility before its occupation.

2) The building authorities shall have the right to inspect and access the buildings, facilities and construction sites at any time, even after occupation. All parts of the building or plant must be made accessible at all times in order to carry out inspections. The owner or person responsible must be informed in advance and, if necessary, involved.

3) All approved buildings and installations must be inspected by the building authority at least once after completion of the shell and once after their completion within the framework of a final building inspection to ensure that they have been properly executed. A final building inspection can be omitted if it concerns small-scale new buildings, extensions or conversions or comparable structural measures or if it concerns buildings and installations that are used by the owner or builder himself. In the case of construction in the notification procedure according to Art. 85, the building authority may carry out a one-time final inspection.

4) If defects are found during the construction inspection, the builder shall immediately remedy them or have them remedied. If a written

If the customer fails to comply with the order served on him, the continuation of the construction work may be prohibited until the defects have been remedied.

5) The bodies involved in the coordination procedure shall be consulted during the final inspection of the building. If they discover legal violations or significant deviations from the building permit, they may apply to the building authority for the restoration of the lawful condition in accordance with Art. 94.

6) Within their own sphere of action, the municipalities support the building authority in the execution of its tasks.

Art. 88

Cessation of construction

1) The building authority must report any conditions that are contrary to building regulations and, if necessary, order a verbal cessation of construction. The written order must be issued by the building authority within five working days of the verbal cessation of construction.

2) If the building owner or its agents fail to comply with the notification obligations under Art. 87 Para. 1, the building authority may stop work at the construction site.

3) Appeals against construction suspension orders do not have a suspensive effect.

Art. 89

Revocation

1) A building permit issued in conflict with public law regulations or incompatible with public order when exercised may be revoked by the building authority.

2) If significant work has already been carried out on the basis of the building permit issued, revocation is only permissible if:

a) overriding public interests so require; the developer is to be compensated in accordance with the provisions on expropriation, provided that the relevant preconditions are met; or

b) the builder has fraudulently obtained the building permit by providing false information.

3) The revocation order is immediately enforceable. It can be appealed like a decision on a planning application.

5. Maintenance and repair

Art. 90

Principle

1) Buildings and facilities must be maintained by the owner or beneficiary in a condition that meets the requirements of safety and health as well as the protection of the landscape and townscape.

2) If a structure or installation falls into a condition that endangers the safety and health of persons, the building authority may, at the owner's expense, inspect the condition of the structure, monitor it and, if necessary, have it provisionally secured.

3) If the owner or entitled party fails to comply with the obligation to maintain the building, the building authority shall order the necessary measures to be taken at the expense of the owner or entitled party under penalty of execution. Before issuing an order, the building authority may require the submission of plans, calculations and descriptions of the condition of the building or structure to be maintained. A reasonable period of time shall be set for the submission of such documents.

4) If a repair according to para. 1 is not economically reasonable, the building authority shall order the removal of buildings, other facilities or parts thereof under threat of substitute performance at the expense of the owner or entitled party. Removal may also be ordered if:

a) an order for repair is not complied with despite a reasonable extension of the deadline;

b) the interests worthy of protection with the order to repair are met only with the removal.

5) Buildings or other ruins damaged by fire or other natural events must be secured against the danger of collapse. Within a period to be determined by the building authority, but no longer than five years from the event, the buildings must be restored or the ruins completely demolished.

6) If the interests of safety or health so require, the building authority shall order the evacuation of buildings or parts thereof. The order of eviction shall be revoked as soon as the conditions for its issuance no longer exist.

7) If the landscape and local appearance is considerably impaired by stored or parked objects, the municipality may order the removal of this disturbance under threat of substitute performance at the expense of the owner or entitled person.

IV. Organization and

implementation Art.

91

Competent authorities

1) The government is responsible for supra-local and cross-border planning.

2) The municipality is responsible for local planning. It directs the spatial and design development of the municipality and promotes its settlement and spatial quality.

3) The Office of Building and Spatial Planning is the building authority and enforces building law.

Art. 91a

Administrative

assistance

1) The authorities of the province and the municipalities shall provide the building authority with all information necessary for the enforcement of this Act.

2) In order to perform its duties under Art. 77, the building authority is entitled to inspect the land register data by means of a retrieval procedure.

Art. 92

Repealed

Art. 93

Design Commission

1) The government appoints a design commission composed of:

a) the head of the building authority as chairman;

b) two technical experts proposed by the Liechtenstein Association of Engineers and Architects (LIA); and

c) two foreign experts.

The term of office of the individual members is four years.

2) The respective municipality concerned may send two members to the design commission.

3) The Design Commission may call in additional experts as needed.

4) The design commission advises the building authority in matters of development planning. In particular, it assesses development and design plans as well as structure plans and is involved in the approval procedure for development and design plans. At the request of the building authority, it also assesses projects that deviate from the standard construction method. Building and planning authorities and building

The project owners are required to submit these projects to the Design Commission for evaluation at the earliest possible time.

5) Based on the opinion of the design commission, the building authority decides on the building project or the structural measure. In the case of planning constructions, these opinions are to be taken into account accordingly in the approval procedure.

Art. 94

Restoration of the lawful state

1) If a structure or installation is built without or in deviation from the building permit or in contravention of the provisions of building law, the building authority shall order the cessation of construction work and the restoration of the lawful status, setting a deadline and threatening substitute performance. For the procedure concerning the substitute performance, the provisions of the Law on the General Administration of the Land (LVG) shall apply.

2) The restoration order is postponed if the obligated party submits an application for a subsequent building permit within a period to be determined by the building authority, but no longer than six weeks from the written request by the building authority. The submission of a subsequent building application is excluded if a legally binding decision has already been made on the erected building or plant and the legal situation has not changed in the meantime.

3) In the event of full or partial subsequent approval of the building project, the restoration order shall lapse to the corresponding extent. If the subsequent approval is refused in whole or in part, the building authority must, if necessary, set a new deadline for the restoration of the lawful status.

4) If the obligated party fails to comply with a legally binding restoration order within the specified period, the building authority shall have the necessary measures carried out at the obligor's expense.

5) At the request of the building authority, the National Police shall enforce building police orders, in particular building cessation orders. Furthermore, the National Police shall support the substitute enforcement of building police enforcement measures through the appropriate deployment of personnel.

Art. 95

Limitation

1) The time limit for ordering the elimination of unlawful conditions at

The limitation period for buildings and facilities is 20 years from the date of their construction (statute of limitations).

2) The time limit for the compulsory elimination of unlawful conditions, the unlawfulness of which has been legally established, is 10 years from the date of legal effect (limitation period for enforcement).

3) The limitation periods pursuant to paras. 1 and 2 shall not apply in the case of removal for building inspection reasons.

4) Unlawful structures and installations whose removal can no longer be demanded or compulsorily enforced on the basis of paras. 1 and 2 shall be treated as approved structures and installations.

Art. 96

Construction statistics

1) The building authority shall electronically collect the data required for the compilation of the building statistics. The government shall specify the data to be collected and the method of electronic transmission by ordinance. The collection of the relevant data is only necessary for projects requiring a building permit.

2) The Construction Authority shall provide the Office of Statistics with the data collected for construction statistics on a quarterly basis.

Art. 97

Fees

1) The Office of Civil Engineering and Geoinformation or the Office of Building Construction and Spatial Planning shall charge fees for activities under this Act, in particular for issuing building permits and conducting inspections.

2) The Government shall establish the fees for the activities of the competent bodies of the country under this Law by ordinance.

3) The municipalities are authorized to levy fees independently within the scope of their activities under Art. 78.

Art. 97a

Processing and transmission of personal data

1) The authorities and bodies responsible for the enforcement of this Act may process personal data or have personal data processed insofar as this is necessary for the performance of their duties under this Act.

2) You may provide personal data to other competent authorities and agencies

to the extent that they require the data to fulfill their duties under this Act.

V. Legal protection

Art. 98

Complaints and objections

1) Appeals against decisions of the Office of Civil Engineering and Geoinformation or the Office of Structural Engineering and Spatial Planning may be lodged with the Appeals Commission for Administrative Matters within 14 days of notification.

2) Appeals against decisions of the municipal council regarding the issuance and amendment of zoning, development and design plans and

An appeal may be lodged with the government within 14 days of notification of the building ban.

3) Appeals against decisions of the Government and the Complaints Commission for Administrative Matters may be lodged with the Administrative Court within 14 days of notification.

4) Private law objections must be filed with the district court.

5) Public law objections according to this law remain reserved.

VI. Penal provisions

Art. 99

Transgressions

1) The district court shall impose a fine of up to 100,000 Swiss francs or, in the event of non-collection, a term of imprisonment of up to one year on any person who, with intent, commits an infringement of this Act:

a) carries out or allows to be carried out construction projects requiring a permit pursuant to Art. 72 without or contrary to the building permit or in disregard of conditions or requirements;

b) fails to comply with enforceable building code orders under Art. 88;

c) prevents building inspections by the building authorities pursuant to Art. 87 or denies access to persons authorized to do so.

2) The district court shall punish with a fine of up to 5,000 Swiss francs, in case of non-collection with imprisonment of up to one month, any person who fails to notify or cause to be notified any building project subject to prior notification pursuant to Art. 73 or who carries out the building project without awaiting the confirmation of the building authority.

3) In the case of negligent commission, the upper limit of the penalty shall be reduced to half.

4) The statute of limitations for prosecution is three years.

5) 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.

6) This is without prejudice to criminal liability on the basis of other criminal law norms.

VII. Transitional and final provisions Art. 100

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 101

Transitional provisions

1) The planning law proceedings pending at the time of the entry into force of this Act and pending building applications shall be dealt with in accordance with the previous law.

2) Within a period of five years from the entry into force of this Act, the municipalities shall review their local planning for compliance with the objectives and contents of this Act and shall make any necessary adjustments.

3) Owners of endangered buildings and facilities are obliged to inspect and ensure earthquake safety within a period of ten years from the entry into force of this Act. They shall be informed of this in good time after the entry into force of this Act.

Art. 102

Repeal of previous law

It is repealed:

a) Building Act of September 10, 1947, LGBl. 1947 No. 44;

b) Act of 19 August 1961 on the Amendment of the Building Act, LGBl. 1961 No. 20;

c) Act of December 19, 1979, on the Amendment of the Construction Act, LGBl. 1980 No. 9;

d) Act of November 15, 1984, on the Amendment of the Construction Act, LGBl. 1985 No. 20;

e) Act of 26 March 1992 on the amendment of the Building Act, LGBl. 1992 no.

38;

f) Announcement of June 10, 1997, LGBl. 1997 No. 120;

g) Act of March 12, 1998, on the Amendment of the Construction Act, LGBl. 1998 No. 74;

h) Act of October 21, 1998, on the Amendment of the Construction Act, LGBl. 1998 No. 209;

i) Act of 18 December 1998 on the amendment of the Building Act, LGBl. 1999 No. 45;

k) Act of October 25, 2000, on the Amendment of the Construction Act, LGBl. 2000 No. 246;

l) Act of October 25, 2000, on the Amendment of the Construction Act, LGBl. 2000 No. 249;

m) Act of September 22, 2005, on the amendment of the Building Act concerning snowmaking facilities, LGBl. 2005 No. 214;

n) Act of 29 May 2008 on the amendment of the Construction Act, LGBl. 2008 No. 203.

Art. 103

Entry into

force This Act shall enter into force on October 1,

2009.

V. Disability Equality Act (BGlG)

from October 25, 2006

on the Equalization of Persons with Disabilities (Behindertengleichstel- lungsgesetz; BGlG)

I. General provisions Art. 1

Purpose

The purpose of this law is to eliminate or prevent discrimination against people with disabilities and thus to ensure the equal participation of people with disabilities in life in society and to enable them to lead a self-determined life.

Art. 2

Scope

1) Subject to subsection 2, this Act shall apply to all aspects of the lives of persons with disabilities.

2) It does not apply to:

a) Buildings and structures not open to the public, with the exception of residential structures with six or more dwelling units and subsidized residential structures;

b) non-public transportation routes and facilities and non-public transportation systems;

c) Goods from private suppliers, provided that they do not offer goods specific to people with disabilities;

d) Services of private providers, if they cannot provide their service only because they do not have the necessary aids equipped in accordance with the law for the disabled;

e) Articles of daily use that cannot be used by people with disabilities or can only be used with difficulty due to their disability.

Art. 3

Definitions; Designations

1) For the purposes of this Act mean:

a) "Disability" means the effect of a not merely temporary physical, mental, or psychological functional impairment or impairment of the

sensory functions that is likely to make it difficult to participate in life in society. A period of more than six months is considered to be not only temporary;

b) "Structures and facilities open to the public": Buildings and facilities,

1. open to any group of people;

2. that are only open to a certain group of people who have a special legal relationship with the community or service providers operating in the building or facility; or

3. in which service providers deliver personal services;

c) "Public transport undertakings" means the undertakings entrusted or concessioned by the State or the municipalities with the provision of public transport;

d) "Transportation routes and facilities": Facilities such as roads, streets, bridges, underpasses and overpasses, plazas, parking lots, playgrounds or parks;

e) "Community" means the state, municipalities, independent or dependent foundations and institutions under public law, and public corporations;

f) "Construction Authority" means the relevant competent authority or authorities under the Construction Act;

g) "Accessibility": Accessibility exists when designed areas of life are accessible and usable for people with disabilities in the generally usual way, without particular difficulty and basically without outside assistance;

h) "Adaptability": Adaptability is when housing facilities and buildings can be adapted to the needs of people with disabilities with little effort.

2) The personal terms used in this Act shall be understood to mean members of the female and male genders.

Art. 4

Positive measures

Special measures to bring about the equal participation of persons with disabilities in life in society are not considered discriminatory.

II. Protection against discrimination

A. Protection against discrimination in general

Art. 5

Prohibition of discrimination

1) No one may be directly or indirectly discriminated against on the basis of a disability.

2) The prohibition of discrimination under subsection 1 shall also apply to any parent who is discriminated against because of the disability of a child (stepchild, adopted child, foster child) whose care he or she is required to provide because of the disability.

3) The prohibition of discrimination under subsection 1 shall also apply to relatives who are discriminated against on the basis of a person's disability.

whose care they are predominantly responsible for due to their disability. Relatives in a straight line with the exception of parents (para. 2), siblings, spouses, registered partners and de facto life partners are deemed to be relatives.

4) The prohibition of discrimination under subsection 1 shall further apply to persons who temporarily assist or care for persons with disabilities or who demonstrate or combat discrimination on the basis of disability.

5) The prohibition of discrimination under para. 1 shall be applied to relatives in a direct line, siblings, spouses, registered partners and de facto life partners of persons with disabilities in the case of harassment under Art. 8.

Art. 6

Discrimination

1) Direct discrimination occurs when a person, because of a disability, is treated less favorably in a comparable situation than another person is, has been, or would be treated.

2) Indirect discrimination occurs when an apparently neutral provision, criterion or practice, or characteristic of a designed environment, may put persons with disabilities at a particular disadvantage compared with other persons, unless that provision, criterion or practice, or characteristic of a designed environment, is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

Art. 7

Disproportionate burdens

1) Indirect discrimination within the meaning of Article 6(2) does not exist if the elimination of conditions giving rise to a disadvantage, in particular

of barriers, would be unlawful or unreasonable due to disproportionate burdens.

2) When considering whether burdens are disproportionate, particular consideration shall be given to:

a) the expense associated with the elimination of the conditions giving rise to the disadvantage;

b) the economic capacity of the party contesting discrimination;

c) Subsidies from public funds for the corresponding measures;

d) the time elapsed between the effective date of this Act and the alleged discrimination;

e) the effect of the disadvantage on the general interests of the group of persons protected by this Act.

3) If the elimination of conditions that constitute a disadvantage proves to be a disproportionate burden within the meaning of para. 1, discrimination shall be deemed to exist if reasonable measures have failed to bring about at least a significant improvement in the situation of the person concerned in the sense of the closest possible approximation to equal treatment. Para. 2 is to be consulted in the examination of reasonableness.

4) When assessing the existence of indirect discrimination by bar- rizing, it must also be examined whether relevant legal provisions on accessibility applicable to the case at hand exist and whether and to what extent they have been complied with.

Art. 8

Harassment

Discrimination also exists in the case of harassment. Harassment occurs when, in connection with a disability, unwanted, inappropriate or offensive conduct is used with the purpose or effect of violating the dignity of the individual or creating an intimidating, hostile, degrading, offensive or humiliating environment for the individual.

Art. 9

Discrimination instruction

Discrimination also exists when a person instructs a person to discriminate

for the reason of disability, as well as when a person is instructed to harass.

B. Protection against discrimination in the world of work

Art. 10

Prohibition of discrimination, exceptions

1) No one may be discriminated against directly or indirectly on the basis of a disability in connection with an employment relationship under private or public law or in other employment, in particular:

a) when the employment relationship is established;

b) in the determination of the remuneration;

c) when granting voluntary social benefits that do not constitute remuneration;

d) for training and retraining measures;

e) in career advancement, especially promotions;

f) in other working conditions;

g) upon termination of the employment relationship;

h) access to vocational counseling, job placement, vocational training, continuing vocational education and retraining outside of an employment relationship;

i) in the case of membership and participation in an employee or employer organization or an organization whose members belong to a certain professional group, including the use of the services of such organizations;

k) in the conditions for access to self-employment.

2) Discrimination also occurs when an employer culpably fails to provide an appropriate remedy in the event of harassment by employees on the basis of statutory provisions, standards of collective legal organization or the employment contract.

3) In the case of unequal treatment on the basis of a characteristic related to a disability, there is no discrimination if the characteristic in question constitutes a genuine and determining occupational requirement by reason of the nature of a particular occupational activity or of the context in which it is carried out, and if it is a legitimate purpose and a reasonable requirement.

4) There is no discrimination if the remuneration paid corresponds to the service provided.

5) In all other respects, Articles 5 to 9 shall apply mutatis mutandis.

C. Protection against discrimination in buildings and facilities as well as public transport facilities

Art. 11

Accessibility and adaptability

1) The government shall, by ordinance, determine in particular technical and constructional requirements, compliance with which shall be assumed to ensure accessibility and adaptability. The respective state of the art and science is decisive. The government may declare common national or international technical standards or other standards as well as guidelines, recommendations, specifications and the like to be binding.

2) The Government shall consult the Office for the Equality of Persons with Disabilities or the organization entrusted with this task (Art. 22) as well as the recognized organizations of persons with disabilities (Art. 31) before issuing corresponding regulations pursuant to para. 1.

3) The provisions of the Environmental Protection and Nature Conservation Act and the Cultural Property Act remain reserved.

Art. 12

Publicly accessible buildings and facilities

1) Publicly accessible buildings and facilities for which a building permit is issued after the entry into force of this Act shall be designed to be barrier-free.

2) Publicly accessible buildings and facilities that were approved under building law before the entry into force of this law must be designed to be barrier-free in the case of conversions and changes of use, unless they have already been designed to be barrier-free. Maintenance and renovation work as well as value-preserving measures without extensive intervention in the building fabric are exempt from this requirement.

3) The building authority is obliged to ensure that the regulations according to paragraphs 1 and 2 are complied with during the building permit procedure. Building permits shall be subject to appropriate conditions.

4) As part of the building permit procedure, the building authority shall notify the organizations of persons with disabilities (Art. 31), which primarily advocate the rights and interests of persons with disabilities, of building applications in accordance with paras. 1 and 2 and give them the opportunity to comment on compliance with the regulations on accessibility within a reasonable period of time. Organizations of persons with disabilities that have exercised their right to submit comments are entitled to lodge complaints.

5) Within the framework of the building inspection, the building authority shall invite representatives of the organizations of persons with disabilities notified in accordance with para. 4 to participate in the building inspection and shall give them the opportunity to point out any violations of accessibility to the building authority within the framework of the building inspection. The organizations of persons with disabilities do not have any other rights within the scope of the building inspection.

6) Publicly accessible buildings and facilities that have been accepted by the building authority without objections or where any objections have been rectified are considered barrier-free.

7) In individual cases, the building authority may allow exceptions to the accessibility requirement or order the measures necessary to achieve accessibility, provided that these are proportionate. When assessing proportionality, in addition to the criteria set out in Art. 7 Para. 2, consideration must be given to whether access to the building or installation meets the need for the use of the building or installation to be demonstrated by the person concerned. Disproportionality shall be deemed to exist in any case if the expenditure for the adaptation exceeds 5% of the building insurance value or the new value of the installation or 20% of the renewal costs.

8) The building owner as well as the executing planner, the construction management, the engineers and contractors are responsible for the implementation of the regulations on accessibility within the scope of their duties after the building permit has been issued.

Art. 13

Residential

1) In residential complexes with six or more dwelling units for which a building permit is issued after the entry into force of this Act, all dwelling units as well as the entrances to the dwellings and the ancillary and outdoor spaces shall be designed to be adaptable. In the case of difficult terrain

The building authority may allow exceptions under certain circumstances after consultation with the Office for the Equalization of Persons with Disabilities or the organization charged with this task.

2) Residential complexes with six or more residential units that were approved under building law before the entry into force of this Act are, insofar as they have not already been designed to be adaptable, to be designed to be adaptable in principle in the case of conversions. Art. 12 paras. 2 and 7 shall apply mutatis mutandis to conversions.

3) In all other respects, Art. 12 par. 3, 6 and 8 shall apply mutatis mutandis.

Art. 14

Subsidized housing

1) New residential buildings for which a building permit is issued after the entry into force of this Act shall only be subsidized under the Housing Subsidy Act if they are designed in an adaptable manner.

2) The building authority is obliged to ensure that the provisions of paragraph 1 are complied with as part of the building permit procedure. Building permits shall be subject to appropriate conditions.

3) In all other respects, Art. 12 par. 6 and 8 shall apply mutatis mutandis.

Art. 15

Public traffic routes and facilities

1) Traffic routes and facilities constructed by the state or municipalities after the entry into force of this Act shall be designed to be barrier-free.

2) Organizations for persons with disabilities (Art. 31), which primarily promote the rights and interests of persons with disabilities, shall be given the opportunity by the Land or the responsible municipality to express their opinion on accessibility in the construction of new or the modification of existing public transport routes and facilities within a reasonable period of time. After consultation with the Office for the Equality of Persons with Disabilities or the organization charged with this task, accessibility requirements may be waived in exceptional cases.

Art. 16

Public transport systems

1) Public transport systems, in particular bus stops, communication systems, ticket offices and vehicles of public transport companies, which are erected or put into operation after the entry into force of this Act, shall be designed to be barrier-free, provided that traffic and operational safety are not impaired as a result.

2) Organizations of persons with disabilities (Art. 31), which primarily advocate for the rights and interests of persons with disabilities, shall be given the opportunity by the respective public transport company to comment on accessibility in the construction of new or the modification of existing public transport systems within a reasonable period of time.

III. Special measures of the community Art. 17

Measures for speech-, hearing- or visually impaired people

1) In its dealings with the public, the community takes into account the special concerns of the speech-, hearing- or visually-impaired.

2) In order to exercise their rights in court and administrative proceedings, people with speech, hearing or visual disabilities can demand that decisions, forms and other written material be made available in a form that they can perceive and understand, at no additional cost. Hearing- and speech-impaired persons have the right to communicate with the authorities in sign language or with aids they are familiar with.

3) If services are offered by the public sector on the Internet, they must comply with international standards. Art. 11 para. 1 shall apply mutatis mutandis.

4) The community can support projects that address language and comprehension concerns of speech-, hearing-, or visually-impaired people.

5) The community can promote educational opportunities for speech-, hearing-, or visually-impaired people and those especially close to them to enable them to learn communication technology appropriate to their disabilities.

6) The community can promote measures that make television broadcasts accessible to hearing and visually impaired people.

Art. 18

Measures in the education sector

1) The state ensures that children and adolescents with disabilities receive early education and primary education adapted to their special needs. The provisions of the School Act are authoritative.

2) The state promotes the integration of children and adolescents with disabilities into mainstream schools by providing appropriate forms of education, training and support for teachers. The provisions of the School and Teacher Service Act are authoritative.

3) The state also ensures that children and young people with disabilities receive vocational training adapted to their special needs, abilities and interests. The state may contribute to the additional costs arising from disabilities if these are not covered by insurance and other benefits.

Art. 19

Programs for the integration of people with disabilities

1) The country promotes the integration of people with disabilities.

2) The community can implement programs that serve to better integrate people with disabilities into society.

3) In particular, the programs may address the following areas:

a) Education;

b) professional activity;

c) Housing;

d) Passenger transport;

e) Culture;

f) Sports;

g) Relief for family caregivers.

4) In particular, the community may participate in such third-party programs by providing financial assistance.

Art. 20

Pilot tests for integration in working life

The community may carry out or support temporary pilot projects to test incentive systems for the employment of persons with disabilities. For this purpose, it may provide for investment contributions for the creation or establishment of workplaces suitable for persons with disabilities.

Art. 21

Information, consultation and review of effectiveness

1) The community can carry out information campaigns to increase the public's understanding of the problems of equality and the integration of people with disabilities, and to show the various possibilities for action to the circles concerned.

2) The government may advise and make recommendations to private persons and authorities. It may delegate this task to the Office for the Equality of Persons with Disabilities or the organization charged with this task (Art. 22).

3) The government regularly examines the impact of its measures on the integration and equality of persons with disabilities. It may also examine the impact of measures taken by others.

IV. Organization

Art. 22

Office for the Equality of People with Disabilities

1) The Government shall establish an Office for the Equality of Persons with Disabilities to promote the legal and de facto equality of persons with disabilities. The government may entrust this task to an organization.

2) The Office for the Equality of Persons with Disabilities is responsible in particular for:

a) the preparation of recommendations or proposals to the government for measures regarding the integration and equality of people with disabilities;

b) advising public authorities and private individuals on issues relating to the integration and equality of people with disabilities;

c) participation in the drafting of legislation insofar as it is relevant to the integration and equality of persons with disabilities;

d) the issuing of statements within the framework of consultation procedures on draft legislation affecting the integration and equality of people with disabilities;

e) the preparation of opinions at the request of the government or individual members of the government;

f) carrying out public relations work to raise public awareness of the concerns of people with disabilities;

g) the development and implementation of projects, including in cooperation with public or private organizations for the disabled, or participation in such projects;

h) periodic reporting to the government on the development of integration and equality of persons with disabilities and on the effects of implemented measures and projects;

i) the promotion of social dialogue between employers and employees, with the aim of advancing the implementation of the principle of equal treatment;

k) promoting dialogue with non-governmental organizations involved in the fight against discrimination;

l) ensuring cooperation with public and private institutions.

3) The Office for the Equality of Persons with Disabilities can work with the

cooperate with the organizations for the disabled designated in Art. 31.

V. Legal rights and procedures

A. Violation of the prohibition of discrimination Art. 23

Legal claims

1) In the event of a violation of the prohibition of discrimination pursuant to Articles 5 to 10, the person concerned shall in any event be entitled to compensation for the pecuniary loss and to compensation for the personal impairment suffered.

2) In addition to asserting claims under para. 1, the data subject may request:

a) prohibit or refrain from threatening discrimination;

b) eliminate any existing discrimination.

3) When assessing the amount of non-material damages, particular consideration must be given to the duration of the discrimination, the severity of the fault, the significance of the impairment and multiple discrimination.

4) In response to a complaint or to the initiation of proceedings to enforce the prohibition of discrimination, the person concerned may not be disadvantaged. Another person who appears as a witness or as a person providing information in a procedure or who supports a procedure of a person concerned may not be disadvantaged either. Paragraphs 1 and 2 and Article 26 apply mutatis mutandis.

5) If the discrimination consists of a violation of the provisions on freedom of movement and adaptability under Articles 11 to 16, the assertion of claims under paras. 1 and 2 shall be excluded. If it is objected in the civil proceedings that the discrimination is based on an infringement of the provisions of Art.

If the court finds that the provisions on accessibility and adaptability have not been complied with, the court shall rule on this objection itself without interrupting the proceedings.

Art. 24

Limitation

The claims under Art. 23 paras. 1 and 2 shall be time-barred after one year from the day on which the person concerned becomes aware of the discrimination and the discriminating person, but in any case after the expiry of three years.

from the date of discrimination. The provisions of the General Civil Code shall apply mutatis mutandis to the other conditions of the statute of limitations.

Art. 25

Competence and procedure

1) The ordinary civil courts have jurisdiction over actions under Art. 23.

2) Subject to Art. 26, the procedure shall be governed by the provisions of the Code of Civil Procedure.

Art. 26

Burden of proof

1) If a person concerned claims discrimination under Articles 5 to 10 before a court, he or she must establish this fact.

2) If direct discrimination is invoked, it is up to the defendant to prove that, when all the circumstances are weighed, it is more likely than not that another motive asserted by the defendant was decisive for the difference in treatment.

3) In the case of an allegation of harassment as well as in the case of an allegation of indirect discrimination, it is incumbent upon the defendant to prove that it is more likely than not, when all the circumstances are weighed against each other, that the facts he or she has plausibly alleged are true.

B. Violation of accessibility and adaptability in buildings and facilities so-like public transport facilities

Art. 27

Legal rights for publicly accessible buildings and facilities, residential complexes and subsidized residential buildings

1) Anyone who is disadvantaged by structural or other measures after the time of the acceptance of the building as defined in Art. 12 to 14, in that the regulations on accessibility or adaptability have not been complied with, may assert the claim for removal of the defect or omission of the disadvantage with the building authority for an unlimited period of time.

2) The proof that a structural or other measure (para. 1) leading to the disadvantage already existed at the time of the acceptance of the construction within the meaning of Art. 12 to 14 and was therefore approved with the acceptance of the construction shall be furnished by the opponent of the disadvantaged party.

Art. 28

Legal rights for public transport routes and facilities

1) Anyone who is disadvantaged within the meaning of Art. 15 in that the regulations on accessibility have not been complied with may assert a claim for removal of the defect or omission of the disadvantage within five years of the commissioning of the traffic routes and facilities with the government or competent municipality.

2) If changes are made to the traffic routes and facilities after they have been put into operation, the period under para. 1 shall start anew from the respective date of commissioning.

3) In all other respects, Art. 27 Para. 2 shall apply mutatis mutandis.

Art. 29

Legal rights in public transport systems

1) Anyone who is disadvantaged within the meaning of Art. 16 by the failure to comply with the regulations on accessibility may assert a claim for the elimination of the defect or the omission of the disadvantage with the government or competent municipality within five years of the commissioning of the relevant facility.

2) If changes are made to the public transport systems after they have been put into operation, the period referred to in paragraph 1 shall start anew from the respective date of commissioning.

3) In all other respects, Art. 27 Para. 2 shall apply mutatis mutandis.

Art. 30

Procedure

The provisions of the Act on General Provincial Administration shall apply to the procedure under Articles 27 to 29.

Art. 31

Right of disabled persons' organizations to file applications and complaints

1) Organizations of persons with disabilities that have existed for at least five years and have their registered office in Switzerland may assert legal claims on the basis of discrimination within the meaning of Articles 27 to 29 in their own name.

2) The Government shall designate by decree the disabled persons' organizations entitled to file complaints at their request.

VI. Transitional and final provisions Art. 32

Adaptation periods for buildings and facilities as well as for traffic routes and

-systems

1) Publicly accessible buildings and facilities of the community (Art.

12) and public transport routes and facilities (Art. 15) must be barrier-free within the following deadlines, subject to Par. 2:

a) insofar as the completion did not take place more than five years before the entry into force of this Act: within 20 years after the entry into force of this Act;

b) insofar as the completion took place more than five years before the entry into force of this Act: within 12 years after the entry into force of this Act.

2) Community kindergartens and schools must be barrier-free within five years of the effective date of this Act. If a child or

If a young person with a disability is already dependent on the accessibility of kindergartens and schools in the community before the expiry of this adaptation period due to his disability, the accessibility of the kindergarten or school in question must be provided within a reasonable period of time.

3) In the case of public traffic routes and facilities, claims under Art. 28 must be asserted within five years of the expiry of the time limits under para. 1.

Art. 33

Adaptation periods for public transport systems

1) Existing public transport systems (Art. 16) must be barrier-free within five years of the entry into force of this Act, with the exception of Para. 2.

2) The public transport systems of the Austrian Federal Railways must be barrier-free by the end of 2015.

3) In the case of public transport systems, claims under Art. 29 must be made within five years of the expiry of the time limits under paras. 1 and 2.

Art. 34

Pending applications

1) With the exception of publicly accessible buildings and facilities of the public domain, Articles 12 to 14 shall apply to building permit procedures commenced prior to the entry into force of this Act.

of this Act have been initiated by the submission of the building application, but have not yet been legally concluded, shall not apply.

2) Article 14 shall likewise not apply to applications for housing subsidies submitted before the entry into force of this Act but not yet legally concluded.

Art. 35

Executive Order

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 36

Entry into force

This Act shall enter into force on January 1, 2007.

VI. Citizenship Act (BüG)

from 4 January 1934

on the Acquisition and Loss of National Citizenship (Citizenship Act; BüG)1 I give my approval to the following resolution adopted by the Diet:

I. General provisions

§ 1

General

1) The acquisition and loss of national citizenship shall in future be governed exclusively by the provisions of this Act, with the exception of state treaties.

2) The terms national, spouse, registered partner, applicant, alien, legal representative, and authorized representative each include members of both genders.

§ 2

Municipal citizenship

Every citizen must be a citizen in a municipality of the Principality of Liechtenstein, with the exception of members of the Princely House.

II. Acquisition of the right of national citizenship6

A. In general

§ 3

Principle

The national citizenship is acquired:

a) by operation of law:

1. Birth;

2. Adoption in lieu of child;

3. Finding a child of unknown parentage (foundling);

b) by recording:

1. in the facilitated procedure as a result:

- Marriage or establishment of a registered partnership;

- longer-term residence;

- Statelessness;

2. in the ordinary procedure.

B. Acquisition by operation of law

§ 4

Birth and adoption in lieu of child

1) National citizenship is inherent in children by birth if the father or mother are Liechtenstein citizens.

2) Retrieved

3) By adoption in lieu of a child, a foreign child of choice acquires the right of national citizenship if the father or mother of choice is a national, provided that the child has not yet reached the age of 10 at the time of adoption. If the adoption is revoked or annulled, the acquisition of national citizenship shall be deemed not to have occurred, unless the elective child would thereby become unavoidably stateless.

4) If the natural child of one spouse is adopted by the other spouse, he or she acquires national citizenship if he or she is not yet of age at the time of adoption.

§ 4a

Foundling

1) The child of unknown nationality found in Liechtenstein is a citizen of Liechtenstein. He or she is granted the municipal citizenship of the municipality in which he or she was found.

2) The citizenship rights acquired in this way (municipal and national citizenship) expire when the parentage of the child is established, the person is still a minor and does not thereby become stateless.

C. Acquisition by inclusion

1. general requirements

§ 4b

Reputation and economic performance

1) Admission to national citizenship may only take place if:

a) the applicant has not been finally sentenced to imprisonment by a German or foreign court for a previous offense, the facts on which the sentence by the foreign court is based are also punishable under German law, the sentence has not been expunged, and the sentence was passed in a procedure that complies with the principles of Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR);

b) no criminal proceedings are pending against the applicant before a German or foreign court on suspicion of an intentional offense punishable by imprisonment;

c) the international relations of the country are not substantially affected by the granting of the national citizenship;

d) the applicant's previous conduct is such that he or she can be reassured that he or she has an affirmative attitude towards the country of Liechtenstein and that he or she does not pose a threat to public peace, order or security, nor does he or she endanger other public interests mentioned in Article 8 (2) ECHR;

e) the livelihood of the applicant is sufficiently secured; and

f) the applicant does not have such relations with foreign states that the granting of citizenship would harm the interests of the country.

2) Admission to national citizenship may not be made if:

a) the applicant has been convicted by a final court decision in Germany for a serious violation of the provisions regulating prostitution (§§ 210 and 215 StGB) or has been convicted by a final court decision in Germany or abroad for pimping or cross-border prostitution trafficking (§§ 216 and 217 StGB);

b) the applicant has committed or participated in a criminal conspiracy (Section 277 of the Criminal Code);

c) the applicant has given false information to a Liechtenstein authority or its organs about his person, his personal circumstances, the purpose or intended duration of his stay in order to obtain the right of entry or residence;

d) the applicant has entered into a marriage or a registered partnership, has invoked the marriage or the registered partnership for the issuance of a residence permit, but has never led a common family life with the spouse or the registered partner within the meaning of Art. 8 ECHR;

e) the applicant was adopted and obtaining or retaining the right of residence was the exclusive or primary reason for the adoption, but deceived the court as to the true relationship to the adoptive parents;

f) certain facts justify the assumption that the applicant belongs or has belonged to a criminal organization (§ 278a StGB) or a terrorist organization (§ 278b StGB);

g) certain facts justify the assumption that the applicant endangers national security through his or her conduct, in particular through public participation in violent activities, public calls for violence or inflammatory incitements or demands;

h) the candidate approves or promotes a crime against peace, a war crime, a crime against humanity or terrorist acts of comparable weight in public, in a meeting or by disseminating writings;

i) proceedings for termination of residence are pending against the applicant;

k) the applicant is subject to a residence ban imposed by another EEA member state or Switzerland;

l) the applicant has a close relationship to an extremist or terrorist group and extremist or terrorist activities cannot be ruled out in view of the group's existing structures or developments to be expected in its environment.

3) The livelihood according to Paragraph 1(e) is sufficiently secured if the applicant can prove that he/she has a fixed and regular income from employment, income, legal maintenance claims or insurance benefits at the time of the decision for the last three years, which enable him/her to live without having to resort to social welfare benefits from the authorities in the future and which correspond to the standard rates of the social welfare legislation.

§ 4c Language knowledge and civics

1) The general requirement for admission to national citizenship is proof:

a) knowledge of the German language; and

b) of basic knowledge of the legal system as well as the state structure (civics) of Liechtenstein.

2) Excluded from the proofs according to para. 1 are:

a) the cases according to § 5a par. 1a and § 5b;

b) Applicants who are minors and not yet subject to compulsory education at the time of application;

c) Applicants who, due to their advanced age or permanently poor health, are unable to provide the evidence and the latter is proven by a certificate from the public health officer;

d) other applicants who are not incapable of acting on their own solely on account of their age, insofar as this is proven by a certificate from the public health officer.

3) The evidence required under paragraph 1 shall be deemed to have been provided if the applicant is a minor at the time of application and

a) attended an elementary school within the framework of compulsory education or attended it in the previous semester, or

b) attends a secondary school within the framework of compulsory education and

1. the sub-area "German" has been evaluated positively or the school report at the end of the first semester of the current school year shows a positive performance in the subject "German", or

2. the applicant can prove a positive assessment in the subject "German" by the most recent annual report or the most recent school report by the time of the decision.

4) The proof referred to in paragraph 1(a) shall be deemed to have been furnished if:

a) the German language is the native language of the applicant; or

b) the applicant provides proof of sufficient German language skills, for example by means of certificates or recognized language diplomas.

5) Further details on the proof of knowledge of the German language in accordance with paragraph 4 b) may be regulated by ordinance.

6) The proof referred to in paragraph 1(b) shall be furnished by means of an examination to be carried out before the competent authority, unless it is deemed to have been furnished in accordance with paragraph 3. Details on the performance of the test shall be regulated by ordinance in accordance with the following principles:

a) The examination shall be conducted in writing.

b) The examination success is to be assessed as "passed" or "failed".

c) Retakes of failed exams are permitted.

6a) The proof referred to in subsection 1(b) shall be deemed to have been furnished if the applicant submits proof of sufficient knowledge of civics, such as a certificate of graduation from a domestic school. The Government shall regulate the details by ordinance.

7) The details of the contents of the examination with regard to the legal system and the state structure (civics) shall be regulated by ordinance in accordance with the following principles:

a) The basic knowledge of the legal system of Liechtenstein comprises the structure and organization of Liechtenstein and its relevant institutions, the fundamental rights and freedoms including the possibilities of legal protection and the right to vote on the basis of a defined teaching material.

b) Basic knowledge of the state structure (civics) shall be based on a defined teaching material.

§ 4d Duty to cooperate

1) Applicants for national citizenship are obliged to declare to the authority entrusted with the enforcement of this act

to truthfully present and substantiate by appropriate means personal data required under this Act.

2) Incomplete, illegible or unsigned applications will be returned to the applicant with a one-time deadline of four weeks for completion. If the deadline expires without completion, the application is considered withdrawn.

§ 4e Ordinary residence[48]

1) A regular Liechtenstein residence within the meaning of this law exists if the applicant holds a residence, permanent residence or settlement permit and there is no reason for revocation or expulsion according to the provisions of foreign law.

2) Retention of a permit under subsection 1 shall not count against the time limits under section 5(1)(a), section 5a(1)(a), section 5b(1)(b) and (5), and section 6(1)(d).

2. Facilitated procedure

§ 5

Marriage and establishment of a registered partnership

1) The foreign spouse of a Liechtenstein citizen is entitled upon application to be admitted to the national and municipal citizenship of his or her spouse if:

a) the applicant can prove a regular Liechtenstein residence of ten years, whereby the years after marriage count double;

b) the applicant has lived in an upright marriage with a Liechtenstein citizen for at least five years;

c) the applicant submits a declaration or a confirmation of release that he/she has renounced his/her previous citizenship or has already officially renounced it, or proof is provided that such a renunciation is invalid under his/her home country's law;

d) the Liechtenstein spouse has not acquired Liechtenstein citizenship by admission following marriage.

2) Retrieved

3) A foreigner who loses his or her Liechtenstein spouse through death during the period referred to in paragraph 1(a) shall be admitted to Liechtenstein citizenship after the expiry of this period if the other requirements are met, provided that he or she does not enter into a new marriage with a foreigner before being admitted to Liechtenstein citizenship.

4) A foreigner who is separated or divorced from his or her Liechtenstein spouse during the period pursuant to paragraph 1(a) shall, if the other requirements are met, be admitted to Liechtenstein national citizenship after the expiry of this period if:

a) the marriage was separated or divorced by a Liechtenstein court;

b) Retrieved

c) the applicant does not enter into a new marriage with a foreigner before becoming a citizen of the country.

5) The application for national and municipal citizenship must be submitted to the government using an official form. The application must be accompanied by

a) the birth certificate;

b) the marriage certificate;

c) a certificate of nationality;

d) proof of normal residence in the Principality of Liechtenstein;

e) the extract from the criminal record;

f) a declaration by the applicant that he or she renounces his or her previous citizenship in the event that he or she is admitted to the Liechtenstein national and municipal citizenship system, or proof that such a renunciation is invalid under the applicant's national law. Before the naturalization procedure is completed, proof of release from the previous nationality must be submitted;

g) the death certificate of the deceased spouse (par. 3);

h) a copy or a certified copy of the final judgment if the applicant is judicially separated or divorced (par. 4);

i) A statement by the applicant that no marital separation or divorce proceedings are pending.

Instead of the documents according to a, b, c and g, a family certificate issued by the competent authority may be submitted, provided that it contains the required information in officially certified form.

6) The government shall review the application to determine whether it meets the statutory requirements and shall hear the relevant municipality as to whether it has any objections to the admission of an applicant. If a municipality raises objections, it shall state its reasons in writing. After receiving the opinion of the responsible municipality, the government decides on the admission.

7) The applicant is required to pay a fee for the admission due to marriage.

8) This provision applies mutatis mutandis to the registered partnership.

§ 5a Longer-term residence

1) Foreigners are entitled to be admitted to the national and municipal citizenship upon application if:

a) a regular Liechtenstein residence of 30 years is proven, whereby the years from birth to the applicant's 20th birthday are counted twice;

b) the applicant has had permanent ordinary residence in Liechtenstein for the last five years prior to application;

c) the applicant submits a declaration or a confirmation of release that he/she has renounced his/her previous citizenship or has already officially renounced it, or proof is provided that such a renunciation is invalid under his/her home country's law;

d) Retrieved

e) Retrieved

1a) The requirements under paras. 1 and 5 letters e and f and under §§ 4b para. 1 letter e and 4c do not apply if the government confirms that the granting of national and municipal citizenship is in the special interest of the country because of the extraordinary achievements already made by the applicant and those still to be expected of him.

2) The applicant receives the citizenship of the municipality in which he or she last had his or her normal place of residence.

3) If the applicant is accepted as a citizen of the state and municipality, his or her minor children also acquire citizenship of the state and municipality:

a) if the other parent agrees or if the child is in the care and upbringing of the applicant;

b) provided that they or their representative have made a renunciation of their previous citizenship on their behalf or proof is furnished that such a renunciation is invalid under their home law;

c) they are not expressly excluded at the time of admission;

d) Retrieved

4) Adolescents who have reached the age of 15 must make a declaration as to whether they wish to be included.

5) The application for national and municipal citizenship must be submitted to the government using an official form. The application must be accompanied by

a) the birth certificate of the applicant and of the persons included in the admission;

b) a certificate of citizenship of the applicant and of the persons included in the admission;

c) proof of normal residence in the Principality of Liechtenstein for the applicant and for the persons included in the admission;

d) an extract from the criminal record of the applicant and of the persons included in the admission, provided that they have reached the age of 14;

e) a declaration by the applicant and the persons included in the admission that they renounce their previous citizenship in the event of admission to Liechtenstein national and common citizenship, or proof that such a renunciation is ineffective under the applicants' home law;

f) within the meaning of subparagraph (e), prior to completion of the naturalization procedure, proof of release from the previous nationality.

A family certificate issued by the competent authority may be submitted instead of the documents referred to in points (a) and (b), provided that it contains the required information in officially certified form.

6) The government shall review the application to determine whether it meets the statutory requirements and shall hear the relevant municipality as to whether it has any objections to the admission of an applicant. If a municipality raises objections, it shall state the reasons for its objections in writing. In cases where, according to the foreign applicant's home country law, the previous citizenship is lost without further ado by the submission of the declaration of renunciation, the government may, if the other requirements are met, issue a certificate of assurance of acceptance into the state and municipal citizenship. After the competent municipality has given its opinion or after proof of the waiver received by the home authorities of the foreign applicant and any persons involved in the admission procedure, the government shall decide on admission.

7) Retrieved

8) The applicant must pay a fee for admission under the facilitated procedure.

§ 5b

Statelessness

1) Stateless persons are entitled to be admitted to the national and municipal citizenship upon application if:

a) they were born in the country and have been stateless since birth; and

b) a regular Liechtenstein residence of five years is proven.

2) The admission according to paragraph 1 can be applied for until the age of 21.

3) The applicant receives the citizenship of the municipality in which he or she last had his or her normal place of residence.

4) If the applicant is admitted to the national and municipal citizenship, his minor children shall also acquire the national and municipal citizenship, provided that:

a) the other parent agrees or the child is in the care and upbringing of the applicant; and

b) they are not expressly excluded at the time of admission.

5) Upon application, a stateless minor child is entitled to be admitted to the citizenship of the country and municipality if proof is furnished of a regular residence in Liechtenstein for five years, one year of which must have been immediately prior to the application. The child receives the citizenship of the municipality in which he or she last had his or her normal place of residence.

6) The application for national and municipal citizenship must be submitted to the government using an official form. The application must be accompanied by

a) the alien's identity card of the applicant and of the persons included in the admission;

b) proof of normal residence in the Principality of Liechtenstein for the applicant and for the persons included in the admission;

c) the criminal record of the applicant.

7) The government shall review the application to determine whether it meets the statutory requirements and shall hear the relevant municipality as to whether it has any objections to the admission of an applicant. If a municipality raises objections, it shall state its reasons in writing. After receiving the opinion of the responsible municipality, the government decides on the admission.

8) The applicant must pay a fee for admission due to statelessness.

3. Ordinary procedure

§ 6

Principle

1) National citizenship may be granted only to foreigners who:

a) are capable of acting according to the laws of their previous home country; the lack of legal capacity can be replaced by the consent of the father or the legal representative;

b) prove that they are guaranteed admission to the home association of a Liechtenstein municipality in the event that they acquire the right of national citizenship;

c) submit a declaration or a confirmation of release that the previous citizenship is renounced or has already been officially renounced, or provide proof that such a renunciation is invalid under their hei- matary law;

d) provide proof that they have been ordinarily resident in the Principality of Liechtenstein for at least ten years.

2) When a married foreigner is admitted to the national citizenship, his or her legitimate minor children also acquire the national citizenship, unless they are expressly excluded from the admission. The applicant's spouse also acquires national citizenship if he or she fulfils the requirements of § 5, para. 1, lives in a valid marriage and applies to be included in the application for national citizenship.

3) Paragraph 2 applies mutatis mutandis to registered partnerships between foreigners.

§ 7

Award request

The application for national citizenship must be submitted to the government using an official form. The application must be accompanied by

a) the birth certificate of the applicant and, if applicable, that of his/her spouse or registered partner, the marriage certificate or the certificate of registration of the partnership, the death certificate of the deceased spouse or registered partner as well as the birth certificates of the legitimate minor children. Instead of these documents, a family certificate issued by the competent authority may be submitted, provided that it contains the required information in an officially certified form;

b) a copy or a certified copy of the final judgment if the applicant is judicially divorced or separated, or whose marriage has been declared invalid;

c) a passport, a certificate of origin or a similar document issued by the competent authority confirming the nationality of the applicant and his/her family members;

d) proof of normal residence in the territory of the Principality of Liechtenstein;

e) an extract from the criminal record. This extract shall, where applicable, extend to the spouse or registered partner and to the minor legitimate children of the applicant, provided they are over the age of 14;

f) Proof of assets and acquisitions through bank confirmations, tax assessments and the like;

g) a copy or a certified copy of the certificate of nobility, if the applicant wishes to retain his own nobility or seeks its recognition;

h) a certificate of religious affiliation;

i) a declaration by the applicant and the persons included in the admission that they renounce their previous citizenship in the event of admission to Liechtenstein national and common citizenship, or proof that such a renunciation is ineffective under the applicants' home country law. Before completion of the naturalization procedure, proof of release from the previous nationality must be submitted.

§ 8

Privileges and nobility

Any privileges are not associated with the retention or recognition of nobility.

§ 9

Representative

If the application is not signed by the applicant himself/herself, but by an authorized representative, the latter must prove his/her identity by means of an officially certified power of attorney.

§ 10

Admission fees

A fee is to be paid by the applicant for the granting of national citizenship. This fee shall amount to at least half of the purchase fee to be paid by the applicant for admission to the home association of a Liechtenstein municipality and shall be assessed by the Princely Government. In cases particularly worthy of consideration, the Princely Government may reduce this fee. For the retention or recognition of the applicant's own nobility, an appropriate special fee shall be fixed by the Princely Government in each individual case. These fees must be paid to the Princely State Treasury in Vaduz before the citizenship certificate is issued.

§ 11

Retrieved

§ 12

Procedure

1) The Government, after having examined the application for citizenship and the accompanying documents in accordance with the law and after having obtained satisfactory information about the applicant for citizenship, shall submit the application for citizenship to Parliament. If Parliament approves the application, the Government shall submit the necessary application to the Reigning Prince, who shall have the exclusive right to confer citizenship except in the case of § 15.

2) No one is entitled to be granted national citizenship.

D. Supplementary provisions

§ 13

Community Benefits

The rights of municipal citizenship acquired through the granting of citizenship rights are not connected with claims to the use and proceeds from the municipal property.

§ 14

Landesbürgereid

The head of government shall be responsible for administering the oath of citizenship after the conferral of citizenship. The oath of citizenship shall be administered to all persons of legal age.

§ 15

Resume

1) The Government is authorized to grant the following persons free reinstatement of their former municipal and national citizenship rights with the consent of the citizens' assembly of the municipality concerned:

a) the widow and the divorced or separated wife who has lost Liechtenstein citizenship by marriage, provided that she is resident in the country and applies for readmission within ten years after the death of the spouse or the divorce or separation;

b) Persons who, due to special circumstances, were forced to renounce their national citizenship, provided they are resident in the country and submit such an application within ten years of their return to Liechtenstein.

2) The granting of national citizenship to minor children of the persons mentioned in paragraph 1(a) may only be effected on the basis of an ordinary admission procedure.

§ 15bis Support costs

Retrieved

§ 16

Honorary citizenship

If foreigners have earned merit by promoting the cultural and economic interests of the state or of a municipality, in particular by increasing the earning and income opportunities of the population, or if they have contributed in a special way to increasing the income of the state and of the municipality, they may be granted honorary citizenship of the state to the exclusion of a right to citizenship of a municipality by the Reigning Prince at the request of the Princely Government, or may be granted honorary citizenship of a municipality to the exclusion of the right to citizenship of the state with the consent of the Reigning Prince and in agreement with the government.

§ 16a

Dual nationals

Persons who, in addition to Liechtenstein citizenship, possess the citizenship of a foreign state are not entitled to the rights and protection of a Liechtenstein citizen vis-à-vis that state.

III. Loss of national citizenship

§ 17

Loss of the right of national citizenship The right of national citizenship is lost:

a) by express waiver;

b) lifted

c) by annulment of marriage or registered partnership;

d) by disqualification;

e) by adoption in lieu of child.

§ 18

a) by express waiver

1) National citizens may renounce their national citizenship, provided that they

a) Are capable of acting under the laws of the country of which they are citizens or seek to become citizens, and

b) prove that they have already acquired or been granted citizenship of another country for themselves and, if applicable, for their minor legitimate children.

2) The application must be accompanied by official certificates on the birth and marriage of the minor, legitimate children. Persons who are under guardianship or guardianship must submit the application for waiver of benefits through their legal representatives.

3) The Princely Government is responsible for issuing the certificate of dismissal.

4) The renunciation also results in the loss of national citizenship for the minor children if they have already acquired or been assured the citizenship of another state and neither the father nor the mother possesses national citizenship after the renunciation.

§ 19

Retrieved

§ 20

Retrieved

§ 20a

c) by invalidation of marriage or registered partnership

1) If the marriage of a Liechtenstein citizen to a foreigner is declared invalid, the former foreigner loses the national citizenship acquired through the marriage, subject to the provisions of paragraph 2.

2) If the former foreigner is guilty of ignorance of the marriage, he does not lose his national citizenship if he would otherwise inevitably become stateless.

3) This provision applies mutatis mutandis to the registered partnership.

§ 21

d) by disqualification

1) The government may allow a citizen - provided that this does not render him stateless - revoke the acquired national citizenship if:

a) it is found that the conditions set forth in this Act for the award were not met and not more than five years have elapsed since the acquisition; or

b) he/she significantly damages the interests or reputation of the country through his/her conduct.

1a) The Government may at any time deprive a person of his or her national citizenship if it was acquired by means of false information or fraudulently.

2) Fees paid pursuant to Section 10 of this Act shall be deemed forfeited.

§ 21a

e) by legitimation

Retrieved

§ 21b

e) by adoption in lieu of child

1) If a minor citizen is adopted by a foreigner, he loses his national citizenship upon adoption if he acquires or already possesses the nationality of the adopting person upon adoption.

2) If the acceptance is revoked, the loss of national citizenship shall be deemed not to have occurred.

§ 22

Loss of the right of municipal citizenship

With the loss of the national citizenship, the municipal citizenship is also lost.

IV. Data protection and legal remedies

§ 22a

Processing and transmission of personal data

1) The authorities entrusted with the enforcement of this Act may, in order to perform their duties, process the personal data required under this Act, including data revealing religious or ideological beliefs, data on civil status and personal data on criminal convictions and offences. For this purpose, they may use a suitable electronic information system.

2) The Government shall regulate the details of the organization and operation of the information system, access to data, processing authorization, storage of data, archiving and deletion of data, and data security by ordinance.

3) Upon request and in individual cases, the authorities entrusted with the enforcement of this Act may transmit the data necessary for the performance of their statutory duties.

§ 22b

Remedies

Appeals against decisions and orders of the Government may be lodged with the Administrative Court within 14 days of service.

V. Final provisions

§ 22c

Delegation of business

The Government may, by decree, make available to it the provisions of sections 5(5) and 5(6), 5a(5) and 5a(6),

The administrative authority shall transfer the business assigned to it under § 5b paras. 6 and 7, § 7 and § 12 para. 1 to an official body for independent execution, subject to the right of appeal to the collegial government. The appeal period shall be 14 days from the date of service of the respective order or decision.

§ 23

Repealed regulations

This Act repeals the Act of March 28, 1864, LGBl. 1864 No. 3, the Act of July 27, 1920, LGBl. 1920 No. 9, and § 72 of the Introductory and Transitional Provisions to the Law on Persons and Companies of January 20, 1926, LGBl. 1926 No. 4.

§ 24

Entry into force

This Act shall be declared non-urgent and shall enter into force on the day of its promulgation.

gez. Franz Josef

VII. E-Government Act (E-GovG)

from 21 September 2011

on Electronic Business Transactions with Public Authorities (E-Government Act; E-GovG)

I. General provisions Art. 1

Subject matter and scope

1) This law regulates electronic business transactions between public authorities as well as between public authorities and individuals.

2) This Act shall apply to electronic commerce between persons only to the extent expressly provided for in the Act.

Art. 2

Purpose

1) This Act serves in particular to promote legally relevant electronic communication and to ensure efficient and economical administrative activity through the use of electronic means of communication.

2) It also serves to implement Regulation (EU) No. 910/ 2014 on electronic identification and trust services for electronic transactions in the internal market (eIDAS Regulation).

3) The valid version of the EEA legal provision referred to in para. 2 results from the promulgation of the decisions of the EEA Joint Committee in the Liechtenstein Law Gazette pursuant to Art. 3 let. k of the Promulgation Act.

Art. 3

Terms and designations

1) For the purposes of this Act shall be deemed to include:

a) "Identity" means the description of a person (subparagraph (f)) by characteristics that make him or her indistinguishable from others;

b) "Identification" means the electronic identification of persons in accordance with Article 3(1) of the eIDAS Regulation;

c) "Authenticity": the genuineness of a declaration of intent or action;

d) "Authenticity verification" means the process pursuant to Article 3(5) of the eIDAS Regulation that is used to prove or establish the authenticity of a declaration of intent or

action is required;

e) "Authorities": bodies of the State, of municipalities and of corporations, foundations and institutions under public law, as well as private persons, insofar as they are active in the performance of the public duties assigned to them;

f) "Person" means any natural person, legal entity or other entity having legal capacity, which has its own identity when participating in legal or economic transactions;

g) "Business" means legal entities and other entities with legal capacity, as well as any natural person acting in a businesslike manner;

h) Retrieved

i) "electronic identity (eID)" means an electronic means of identification as defined in Article 3(2) of the eIDAS Regulation;

k) "Official signature" means an advanced electronic signature or an advanced electronic seal for the exclusive use by public authorities.

1a) In addition, the definitions of the eIDAS Regulation shall apply.

2) The personal and functional terms used in this Act shall be understood to mean members of the male and female genders.

II. Electronic communication Art. 4

Form of electronic communication

1) Any form of electronic communication can be used within the scope of electronic business transactions.

2) If an authority provides for a special electronic form of transmission, it must announce this on its website.

Art. 5

Obligation for electronic communication

1) In business transactions between authorities and between authorities and companies, communication takes place electronically.

2) Authorities are obliged to communicate electronically with natural persons if they have consented to electronic communication. The provisions of the Service of Documents Act remain reserved.

3) The government regulates the exceptions from the obligation to communicate electronically by decree.

Art. 6

Obligation to provide a non-electronic communication channel

Public authorities must provide natural persons who are not companies with at least one non-electronic communication channel.

Art. 6a

Electronic communication between authorities and companies

1) Electronic communication between authorities and companies that are not natural persons is carried out by the company's natural persons authorized to represent the company. The powers of representation are governed by Art. 20.

2) Semi-automated or fully automated data exchange systems can be set up for electronic communication between public authorities and companies.

3) The government regulates the details of electronic communication between authorities and companies by ordinance.

Art. 6b

Reuse and transmission of data

1) In electronic commerce, public authorities shall reuse data that has already been collected by them or by another public authority if the person concerned has consented to the reuse. For this purpose, authorities shall provide each other with the necessary data.

2) The Government may regulate the details of the reuse and transmission of data by ordinance.

Art. 6c

Online service portals

1) Public authorities shall cooperate in the establishment as well as the technical and content maintenance of common service portals for the provision of information and support in communication in electronic business transactions. The portals shall be set up and operated by the Liechtenstein National Administration.

2) The government shall regulate the details, in particular the organization, the requirements for interfaces and data formats as well as the processing and transmission of information, by ordinance.

Art. 7

Legal effects of electronically filed submissions

Electronically filed submissions that are submitted outside of official hours within an open period in a form that enables the determination of the time of submission shall be deemed to have been submitted in time. However, official decision deadlines shall not begin to run until the resumption of official hours.

Art. 8

Electronically certified copies

1) Persons may submit to authorities electronically certified copies made in place of original documents or certified copies under paragraph 2.

2) Persons may have electronic copies of original documents or a certified copy made at public authorities; the conformity of the electronic copy with the original or the certified copy must be confirmed by an official signature and must contain the reference "electronically certified copy pursuant to Art. 8 E-GovG". If an electronically certified copy does not contain a complete reproduction, the omissions must be indicated in the copy.

3) The probative value of the electronically certified copy shall be governed by the provisions applicable to the original document submitted to the authority or the certified copy submitted. The provisions of the Code of Civil Procedure shall apply mutatis mutandis.

4) The Government shall regulate the details, in particular the responsibilities and the fees, by ordinance.

Art. 9

Official announcements

Official announcements may be made electronically. Special statutory provisions, in particular the public notices legislation, shall remain reserved.

Art. 10

Disclaimer

Public authorities are not liable for material or non-material damage caused by the use of the electronic information or services provided, unless it can be proven that the public authority acted with intent or gross negligence.

IIa. Electronic identification

Art. 11

Principle

The electronic identity (eID) is required in electronic business transactions between

authorities and individuals in cases where unique identifi- cation is required.

Art. 12

Purpose

1) The eID is used for the unique electronic identification of a natural person and for checking the authenticity of the person's declaration of intent or action. It replaces the signature in official procedures.

2) It is used for the unique electronic identification of companies, if this is done by a natural person authorized to represent the company according to Art. 20.

3) The use of the eID for the unique electronic identification of natural persons in data applications of private data owners is only permitted if the data subject has consented to this use.

Art. 13

Entitlement to issue

1) Every natural person is entitled to the issuance of an eID. Minors or persons to whom a guardian has been appointed in accordance with § 269 ABGB.

has been issued, an eID may only be issued if the legal representative consents to the application.

2) The government shall regulate the details, in particular the fees for issuing the eID, by ordinance.

Art. 14

Issue procedure

1) Applications for the issuance of an eID must be submitted to the Aliens and Passport Office.

2) The Aliens and Passport Office must establish and verify the identity of the applicant in the course of issuing an eID.

3) The government shall regulate the details, in particular with regard to the verification of the identity of the applicant, by ordinance.

Art. 15

Recognition of electronic means of identification from other countries

1) Electronic means of identification from another EEA Member State may be used in electronic commerce with public authorities for the purposes set out in Art. 12 in accordance with Art. 6 and 9 of the eIDAS Regulation.

2) Electronic means of identification of Switzerland or another third country

may be recognized in electronic business transactions with public authorities for the purposes set out in Art. 12, provided they have a "substantial" or "high" level of security within the meaning of Art. 6 (1) in conjunction with Art. 8 (2) (b) and (c) of the eIDAS Regulation. Art. 8 (2) (b) and (c) of the eIDAS Regulation.

3) The Government shall regulate the details, in particular on the recognition of electronic means of identification of Switzerland and other third countries, by ordinance.

Art. 16

Repealed

Art. 17

Extension

Repealed

Art. 18

Blocking and expiration

1) The eID is blocked by the Immigration and Passport Office if:

a) the holder of the eID is deceased;

b) the eID has not been used for a period of three years;

c) the holder of the eID expressly requests this;

d) there are doubts about the identity of the holder of the eID;

e) the requirements for holding the eID no longer exist; or

f) an unauthorized use of the eID has been established in accordance with Art. 28 para. 1 let. a.

2) The eID expires if it has been blocked for a period of two years.

3) The eID may be reactivated in the cases specified in paragraph 1 letters b to d. The procedure under Art. 14 applies to reactivation.

4) The government shall regulate the details, in particular with regard to informing the holder of the eID about the blocking and the reactivation of the eID after a blocking, by ordinance.

Art. 19

eID system

1) The eID system serves the technical implementation of the following purposes in particular:

a) of the electronic identification system in accordance with Art. 3 No. 4 eIDASVO;

b) representation in electronic commerce;

c) the release of data.

2) The eID system is managed by the state administration. The operation of the eID system is the responsibility of the Office for Information Technology.

3) The Office of Information Technology shall take appropriate measures to ensure that the principles of data security pursuant to the Data Protection Act are complied with.

4) Access to the eID system is logged; the log data must be retained for three years and kept legible and available.

5) The government shall regulate the details of the management and operation of the eID system by ordinance.

Art. 20

Representation in electronic commerce

1) Individuals can be represented in e-commerce by natural persons who are holders of an eID.

2) The representations granted under paragraph 1 may be revoked at any time by the represented person.

3) Registration, transfer and revocation of powers of representation can be performed by natural persons in the eID system. The responsibility for the correctness of the registration lies with the person.

4) The Government shall regulate the details of representation by decree.

Art. 21

Liability

1) The scope and extent of the damage to be compensated in accordance with Art. 11 of the eIDAS Regulation as well as any rights of recourse against other persons shall be governed by the provisions otherwise applicable to the case of damage.

2) Claims for compensation against other persons or for any other legal reason shall remain unaffected.

Art. 22

Repealed

Art. 23

Repealed

III. Electronic documents and record keeping

Art. 24

Principle

1) The authority shall create and record documents electronically, in particular, notices of execution and copies.

2) Electronically created documents are considered to be originals. Copies in the form of electronic documents must be provided with an official signature.

3) Electronically captured content is considered original if it is ensured that it cannot be subsequently altered without detection.

4) Authorities may use electronic records management systems to create and record documents electronically.

Art. 24a

Official signature

1) The official signature serves to facilitate the recognition of the origin of an authority's document.

2) The use of the official signature must be indicated in the document by means of a signature note; the signature note contains in particular the name of the authority and the indication that the document is signed with an official signature.

3) An electronic document of an authority printed on paper shall be presumed to be authentic if the document has been signed with an official signature and has a signature mark in accordance with paragraph 2.

4) The government may regulate the details by ordinance.

Art. 25

Electronic document submission

1) Insofar as documents have to be submitted by one authority to another authority and these documents were created or recorded electronically, the obligation to submit refers to this electronic original. This applies in particular to documents from a continuously electronically

managed file management system. The template must be in a standard format.

2) Standard formats are those electronic formats that guarantee the readability of a document for the foreseeable retention period, even for third parties, in the best possible way according to the state of the art.

Art. 26

Archiving electronic documents

Electronic documents shall be stored on electronic information carriers or via

to offer defined interfaces for acceptance in a form that complies with the generally accepted rules of technology at the time of offering.

IV. Legal

remedies

Art. 27

Complaint

1) Appeals against decisions and orders of the Aliens and Passport Office may be lodged with the Government within 14 days from the date of service.

2) Appeals against decisions and orders of the Government may be lodged with the Administrative Court within 14 days of service.

3) Appeals against the blocking of the eID pursuant to Art. 28 Para. 2 shall not have a suspensive effect.

V. Penal provisions

Art. 28

Illegal use of eID and official signature

1) If the act does not constitute a criminal offense within the jurisdiction of the courts or is not punishable under other administrative

tion penal provisions is punishable by a more severe penalty, the government shall punish by a fine of up to 10,000 francs for infringement who:

a) uses an eID improperly;

b) uses an official signature contrary to Art. 24a or pretends to use it.

2) In the cases referred to in paragraph 1(a), in addition to the imposition of a fine, the eID shall be blocked in accordance with Art. 18(1)(f), with the data being archived by the operator for the purpose of securing evidence.

3) In the case of negligent commission, the upper limit of the penalty shall be reduced to half.

4) If offences are committed in the business operations of a legal entity, a general or limited partnership or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, the partnership or the sole proprietorship for the fines and costs.

VI. Final provisions Art. 29

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the exceptions to the obligation to communicate electronically (Art. 5(3));

b) electronic communication between public authorities and businesses (Art. 6a(3));

c) the reuse and transfer of data (Art. 6b para. 2);

d) the online service portals (Art. 6c para. 2);

e) the electronically certified copies (Art. 8 par. 4);

f) the issuance of the eID (Art. 13(2));

g) the issuance procedure (Art. 14 par. 3);

h) the recognition of electronic means of identification of other states (Art. 15 para. 3);

i) the blocking and expiry of the eID (Art. 18(4));

k) the management and operation of the eID system (Art. 19(5));

l) electronic representation (Art. 20 para. 4);

m) the official signature (Art. 24a par. 4).

Art. 30

Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 January 2012, otherwise on the day of promulgation.

VIII. European Convention on Extradition (EAC)

Completed in Paris on December 13, 1957.

Entry into force for the Principality of Liechtenstein: 26 January 1970 The signatory governments, members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members;

Considering that this objective may be achieved by concluding agreements or by joint action in the field of law;

Believing that the adoption of uniform rules in the field of delivery is likely to promote this work of unification,

have agreed as follows:

Art. 1 Obligation to extradite

The Contracting Parties undertake to surrender to each other, in accordance with the following rules and conditions, persons who are being prosecuted by the judicial authorities of the requesting State for a criminal offence or who are wanted for the execution of a sentence or a precautionary measure.

Art. 2 Extraditable offenses

1) Extradition shall be granted for acts which are punishable under the law of both the requesting and the requested State by a custodial sentence or a detention order for a maximum period of at least one year or by a more severe penalty. If a sentence has been passed or a detention order has been made in the territory of the requesting State, the sentence must be for a period of not less than four months.

2) If the request for extradition relates to several different acts, each of which is punishable by a custodial sentence or a measure restricting liberty under the law of both the requesting and the requested State, but some of which do not satisfy the condition as to the degree of punishment, the requested State shall be entitled to grant extradition in respect of those acts as well.

3) Any Contracting Party whose legislation does not permit extradition for certain offences referred to in paragraph 1 above may exclude for itself the application of the Convention to such offences.

4) Any Contracting Party which wishes to avail itself of the right provided for in paragraph 3 of this article shall, when depositing its instrument of ratification or accession, notify the Secretary General of the Council of Europe either of a list of offences in respect of which extradition is permitted or of a list of offences in respect of which extradition is excluded, indicating the legal provisions permitting or excluding extradition. The Secretary General of the Council of Europe shall communicate these lists to the other signatory States.

5) If extradition for other offences is subsequently excluded by the legislation of a Contracting Party, the latter shall notify the Secretary General of the Council of Europe, who shall inform the other signatory States accordingly. Such notification shall not take effect until three months have elapsed from the date of its receipt by the Secretary General.

6) Any Contracting Party which has exercised the right provided for in paragraphs 4 and 5 above may at any time extend the application of this Convention to offences which were excluded from it. It shall notify such amendments to the Secretary General of the Council of Europe, who shall communicate them to the other signatory States.

7) Each Party may apply the principle of reciprocity with respect to offences excluded from the application of the Convention by virtue of this article.

Art. 3

Political offences

1) Extradition shall not be granted if the offense for which it is sought is considered by the requested State to be a political offense or an offense connected therewith.

2) The same shall apply if the requested State has serious grounds for believing that the request for extradition has been made for an offence punishable under common law, for the purpose of prosecuting or punishing a person for considerations of race, religion, nationality or political opinion, or that the person prosecuted would be in danger of having his situation aggravated for any of these reasons.

3) Under this Convention, an attack on the life of a Head of State or a member of his family is not considered a political offense.

4) This Article is without prejudice to obligations which the Parties have assumed or will assume under any other multilateral international agreement.

Art. 4

Military offenses

This Convention shall not apply to extradition for military offences which are not offences under common law.

Art. 5

Fiscal offences

In criminal matters relating to taxes, duties, customs and foreign exchange, extradition shall be granted under the conditions of this Convention only if it has been agreed between the Contracting Parties in respect of individual offences or groups of offences of this nature.

Art. 6

Extradition of own nationals

1)

a) Each Party has the right to refuse the extradition of its nationals.

b) Any Contracting Party may, as far as it is concerned, at the time of signature or when depositing its instrument of ratification or accession, by a declaration, define the term "nationals" within the meaning of this Convention.

c) For the assessment of the nationality, the date of the decision on extradition is decisive. However, if this status is established between the decision and the date envisaged for the surrender, the requested State may also invoke the provision of subparagraph (a) of this paragraph.

2) If the requested State does not extradite its national, it shall, at the request of the requesting State, submit the matter to the competent authorities for possible prosecution. For this purpose the files, documents and objects relating to the offence shall be transmitted free of charge through the channels provided for in Article 12, paragraph 1. The requesting State shall be informed of the extent to which its request has been complied with.

Art. 7

Place of inspection

1) The requested State may refuse to extradite the person sought for an offence which, according to its law, was committed in whole or in part on its territory or in a place treated as such.

2) If the offence on which the request for extradition is based was committed outside the territory of the requesting State, extradition may be refused only if the laws of the requested State do not permit the prosecution of an offence of the same nature committed outside its territory or extradition for the offence which is the subject of the request.

Art. 8

Pending criminal proceedings for the same acts

The requested State may refuse to extradite a person prosecuted by it for acts in respect of which extradition is requested.

Art. 9

Ne bis in idem

Extradition shall not be granted if the person sought has been finally convicted by the competent authorities of the requested State for the acts for which extradition is requested. Extradition may be refused if the competent authorities of the requested State have decided not to institute criminal proceedings for the same acts or to discontinue criminal proceedings already instituted.

Art. 10

Limitation

Extradition shall not be granted if prosecution or execution of a sentence is barred by the laws of the requesting or requested State.

Art. 11

Death

penalty

If the act in respect of which extradition is requested is punishable by death under the law of the requesting State, and the law of the requested State does not provide for the death penalty for such acts or does not normally impose it, extradition may be refused unless the requesting State gives an assurance, which the requested State considers sufficient, that the death penalty will not be carried out.

Art. 12

Requests and documents

1) The request shall be made in writing and transmitted through diplomatic channels. Another way can be agreed directly between two or more parties.

2) The request shall be accompanied by:

a) the original or a certified copy of an enforceable judgment, an arrest warrant or any other document having the same legal effect issued in accordance with the formal requirements of the requesting State;

b) a description of the acts for which extradition is requested. The time and place of their commission as well as their legal assessment with reference to the applicable legal provisions shall be stated as precisely as possible;

c) a copy of the applicable provisions of the law or, if this is not possible, a statement of the applicable law and as accurate a description as possible of the person pursued and any other information appropriate to establish his identity and nationality.

Art. 13
Supplementation of the documents

If the documents furnished by the requesting State prove insufficient to enable the requested State to take a decision under this Convention, that State shall request the necessary supplementary documents and may fix a time limit within which they are to be furnished.

Art. 14 Principle of speciality

1) The extradited person may not be prosecuted, tried, detained for the execution of a sentence or detention order, or subjected to any other restriction of his or her personal liberty for any act committed prior to the surrender other than the act on which the extradition is based, except in the following cases:

a) if the State which extradited him consents. For this purpose a request shall be made, accompanied by the documents referred to in Article 12 and a judicial record of the statements made by the extradited person. Consent shall be given if the offence in respect of which consent is sought is in itself subject to the obligation of extradition under this Convention;

b) if the extradited person, although having had the opportunity to do so, has not left the territory of the state to which he has been extradited within 45 days after his final valid release, or if he has returned there after leaving that territory.

2) The requesting State may, however, take the necessary measures to get an extradited person out of the country or to interrupt the statute of limitations in accordance with its laws, as well as to conduct a trial in absentia.

3) If the act with which the extradited person is charged is legally re-evaluated during the proceedings, the extradited person may be prosecuted or sentenced only to the extent that the constituent elements of the legally re-evaluated criminal act would permit extradition.

Art. 15 Onward delivery to a third state

Except in the case referred to in Article 14, paragraph 1, sub-paragraph b, the requesting State may not extradite to the other Party or to the third State a person extradited to it who is wanted by another Party or by a third State for offences committed prior to the surrender without the consent of the requested State. The requested State may require the production of the documents referred to in Article 12, paragraph 2.

Art. 16 Provisional extradition custody

1) In urgent cases, the competent authorities of the requesting State may request the provisional arrest of the person pursued; this request shall be decided upon by the competent authorities of the requested State in accordance with its law.

2) The request for provisional arrest shall state the existence of one of the documents referred to in Article 12(2)(a) and the intention to submit a request for extradition, the offence for which extradition is requested, the time and place of its commission and, as far as possible, a description of the person sought.

3) The request for provisional arrest shall be sent to the competent authorities of the requested State through diplomatic channels or directly by mail or telegraph or through the International Criminal Police Organization (Interpol) or by any other means of communication which leaves a written record or which is authorized by the requested State. The requesting authority shall be informed immediately of the extent to which its request has been complied with.

4) Provisional detention may be revoked if the request for extradition and the documents referred to in Article 12 are not received by the requested State within 18 days of the arrest; in no case may it exceed 40 days from the date of the arrest. However, provisional release is possible at any time, provided that the requested State takes all measures it deems necessary to prevent the escape of the person pursued.

5) Release does not preclude re-arrest and extradition if the extradition request is received later.

Art. 17

Majority of extradition requests

If extradition is requested by several States at the same time in respect of the same or different acts, the requested State shall decide, taking into account all the circumstances, in particular the proportional gravity of the offences, the place where they were committed, the date of the request for extradition, the nationality of the person prosecuted and the possibility of subsequent extradition to another State.

Art. 18

Surrender of the persecuted person

1) The requested State shall inform the requesting State of its decision on extradition through the channels provided for in Article 12, para. 1.

2) Reasons must be given for any total or partial rejection.

3) If granted, the requesting state shall be notified of the place and time of the surrender and the duration of the extradition custody suffered by the prosecuted person.

4) Subject to the case provided for in No. 5, the person pursued may be released at the expiration of 15 days after the date fixed for surrender if he has not been taken over by that time; in any case he shall be released after the expiration of 30 days. The requested State may then refuse extradition for the same act.

5) If the handing over or taking over of the person to be extradited is hindered by force majeure, the State concerned shall inform the other State thereof. Both States shall agree on a new date for the surrender; the provisions of Clause 4 shall apply.

Art. 19

Deferred or conditional handover

1) The requested State may, after deciding on the request for extradition, postpone the surrender of the person sought in order that he may be prosecuted by it or, if he has already been convicted, may serve in its territory a sentence which he has forfeited for an offence other than that in respect of which extradition has been requested.

2) Instead of postponing the surrender, the requested State may temporarily surrender the person pursued to the requesting State under conditions agreed upon by both States.

Art. 20 Surrender of objects

1) At the request of the requesting State, the requested State shall, to the extent permitted by its laws, seize and surrender the items,

a) that can serve as evidence or

b) arising from the criminal act and found in the possession of the prosecuted person at the time of arrest or discovered later.

2) The objects mentioned in para. 1 shall be surrendered even if the extradition already granted cannot be executed as a result of the death or flight of the person pursued.

3) If these objects are subject to seizure or confiscation in the territory of the requested State, it may temporarily retain them in view of pending criminal proceedings or surrender them on condition of their return.

4) Rights of the requested State or third parties to these objects shall remain reserved. If such rights exist, the objects shall be returned to the requested State as soon as possible and free of charge after the conclusion of the proceedings.

Art. 21 Transit

1) Transit through the territory of one of the Contracting Parties shall be granted on the basis of a request to be transmitted through the channels provided for in Article 12, paragraph 1, provided that the offence is not considered by the State requested for transit as a political or purely military offence within the meaning of Articles 3 and 4 of this Convention.

2) The transit of a national - within the meaning of Article 6 - of the State requested for transit may be refused.

3) Subject to the provisions of Clause 4, the documents referred to in Article 12, Clause 2, shall be provided.

4) If air transportation is used, the following provisions shall apply:

a) If a stopover is not foreseen, the requesting State shall notify the Contracting Party whose territory is to be overflown and confirm the existence of one of the documents referred to in Article 12, paragraph 2, sub-paragraph a. In the case of an unforeseen stopover, this notification has the effect of a request for provisional arrest within the meaning of Art. 16; the requesting State must then make a request for transit in due form.

b) If an intermediate landing is foreseen, the requesting State shall submit a request for transit in due form.

5) A Contracting Party may, however, when signing this Convention or depositing its instrument of ratification or accession, declare that it will permit the transit of a person only subject to some or all of the conditions governing extradition. In this case the principle of reciprocity may apply.

6) The persecuted person shall not be allowed to transit through an area if there is reason to believe that his life or freedom may be threatened there because of his race, religion, nationality or political opinion.

Art. 22

Procedure

Unless otherwise provided in this Convention, the procedure of extradition and provisional arrest for extradition shall be governed exclusively by the law of the requested State.

Art. 23

Language to be used

The documents to be produced shall be in the language of the requesting State or in that of the requested State. The latter may require a translation into an official language of the Council of Europe chosen by it.

Art. 24

Costs

1) Costs arising from extradition in the territory of the requested State shall be borne by the latter.

2) Costs incurred by transit through the territory of the requesting State shall be borne by the requesting State.

3) In the case of extradition from a territory other than the metropolitan territory of the requested State, expenses incurred in transportation between that territory and the metropolitan territory of the requesting State shall be borne by the latter. The same shall apply to costs incurred in transportation between the non-metropolitan territory of the requested State and its metropolitan territory.

Art. 25

Definition of the term "safeguarding measures

For the purposes of this Convention, the term "protective measures" means all measures restricting liberty ordered by a criminal court in addition to or in lieu of a sentence.

Art. 26

Reservations

1) Any Contracting Party may, when signing this Convention or depositing its instrument of ratification or accession, make a reservation in respect of one or more specified provisions of the Convention.

2) Any Contracting Party which has made a reservation shall withdraw it as soon as circumstances permit. The withdrawal of reservations shall be effected by notification to the Secretary General of the Council of Europe.

3) A Contracting Party which has made a reservation in respect of a provision of the Convention may claim its application by another Contracting Party only in so far as it has itself accepted that provision.

Art. 27 Territorial scope

1) This Convention shall apply to the metropolitan territory of the Contracting Parties.

2) It also applies to Algeria and the overseas departments with respect to France and to the Channel Islands and the Isle of Man with respect to the United Kingdom of Great Britain and Northern Ireland.

3) The Federal Republic of Germany may extend the application of this Convention to the Land of Berlin by means of a declaration addressed to the Secretary General of the Council of Europe. The latter shall notify the other Contracting Parties of the declaration.

4) As between two or more Contracting Parties, the application of this Convention may be extended by direct agreement, under the conditions to be laid down therein, to territories other than those mentioned in paragraphs 1, 2 and 3 above for whose international relations one of these Parties is responsible.

Art. 28

Relationship of this Agreement to Bilateral Agreements

1) This Convention shall supersede, in respect of the territories to which it applies, the provisions of bilateral treaties, conventions or agreements governing extradition between two Contracting Parties.

2) The Contracting Parties may conclude bilateral or multilateral agreements among themselves only to supplement this Convention or to facilitate the application of the principles contained herein.

3) When extradition takes place between two or more Contracting Parties on the basis of uniform legislation, those Parties shall be entitled, notwithstanding the provisions of this Convention, to regulate their mutual relations in the field of extradition exclusively in accordance with that system. The same principle shall apply between two or more Contracting Parties when, under the laws of each of them, warrants of arrest issued in the territory of one or more of the other Parties are to be executed in their territory. Contracting Parties which, by virtue of the provisions of this paragraph, exclude or will exclude the application of the Convention in their mutual relations shall notify the Secretary General of the Council of Europe accordingly. The latter shall transmit to the other Parties any notification received under this paragraph.

Art. 29

Signature, ratification, entry into force

1) This Convention shall be open for signature by the members of the Council of Europe. It shall be subject to ratification, the instruments of which shall be deposited with the Secretary General of the Council of Europe.

2) The Convention shall enter into force 90 days after the deposit of the third instrument of ratification.

3) For each signatory state that ratifies it subsequently, the Convention shall enter into force 90 days after the deposit of its instrument of ratification.

Art. 30

Accession

1) The Committee of Ministers of the Council of Europe may invite any State which is not a member of the Council of Europe to accede to this Convention. The resolution on such invitation shall require the unanimous approval of the members of the Council of Europe which have ratified the Convention.

2) Accession shall be effected by the deposit of an instrument of accession with the Secretary General of the Council of Europe and shall take effect 90 days after the date of its deposit.

Art. 31

Termination

Any Contracting Party may, in so far as it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe. Such denunciation shall take effect six months after the date of receipt of the notification by the Secretary General of the Council of Europe.

Art. 32

Notifications

The Secretary General of the Council of Europe shall notify the members of the Council of Europe and the government of any State which has acceded to this Convention:

a) the deposit of any instrument of ratification or accession;

b) the date of entry into force;

c) any declaration made in accordance with Art. 6 item 1 and in accordance with Art. 21 item 5;

d) any reservation made in accordance with Art. 26 item 1;

e) any withdrawal of a reservation made in accordance with Art. 26 item 2;

f) any notification of termination received under Article 31 and the date on which it takes effect.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Paris, this 13th day of December 1957, in French and English, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to the undersigned governments.

IX. Law concerning the introduction of the franc currency

from 26 may 1924

I give my approval to the resolutions adopted by the Diet at its session of April 11, 1924.

A. Means of payment

I. In general Art.

1

1) The only legal currency is the Swiss franc as the Liechtenstein franc.

2) Legal tender is defined as coins, banknotes and other means of payment that are recognized as legal tender in Switzerland.

3) The government may also approve other coins and means of payment for payment at public treasuries. However, such authorization must be made public, with an indication of the value to be credited.

4) The Government may, on the basis of a resolution of Parliament, authorize the Liechtenstein Landesbank (Savings and Loan Bank of the Principality of Liechtenstein) to issue Liechtenstein banknotes and coins of any kind on the basis of the Swiss franc currency. A guarantee fund is to be established for the issued banknotes and coins in accordance with the instructions of the Government.

II. Maximum

amounts

Art. 2

1) However, no one is obliged to accept more than two francs in coins of less than five centimes, more than ten francs in coins of 20 centimes and below, and more than 50 francs in coins of two francs and below.

2) Cash with a larger nominal value, on the other hand, may be accepted in any amount.

3) However, the public coffers are also obliged to accept such coins in unlimited amounts.

4) Moreover, the National Treasury is required to exchange such divisional coins for legal tender.

III. Announcements

Art. 3

1) The government will announce those coins and other means of payment which have legal tender in Switzerland.

2) It will also issue the necessary notices concerning the compulsory exchange of banknotes and other means of payment.

3) It must also take the necessary measures for the withdrawal of out-of-currency means of payment.

B. Legislation Art. 4

1) In all Liechtenstein laws, ordinances and decisions or decrees and orders of public authorities and offices, as well as in decisions of public corporations and institutions, monetary amounts are to be stated only in francs.

2) If special circumstances justify it, the government may make or permit an exception.

3) Wherever in Liechtenstein laws, ordinances and other enactments the word "crown" occurs, it shall be replaced by the word "franc" and the word "heller" by the word "centime" and the amount shall be left unchanged, so that they are subsequently expressed in the same amount in francs as formerly in crowns.

C. Public accounts, charges and salaries Art. 5

1) All accounts and cash registers of the State, of the municipalities, of corporations and institutions under public law, of the Savings and Loan Fund for the Principality of Liech- tenstein, as well as of those private persons and enterprises which are obliged to render public accounts, or whose books or accounts are subject to public supervision, shall be kept in francs, all taxes, fees, stamp duties and other charges shall be levied in francs and the penalties and fines to be imposed by administrative and judicial authorities shall be pronounced in francs.

2) Likewise, salaries, wages, daily allowances and similar benefits to public officials, employees, workers and other persons in the public service are to be paid in francs.

3) With regard to customs duties, the treaty agreements remain reserved.

4) Where special circumstances warrant, the government may make or permit an exception.

D. Public documents and judgments Art. 6

1) In public documents under civil and administrative law that are issued for monetary amounts, these must be expressed in Swiss franc currency.

2) Likewise, in judgments, the amount owed is to be determined in francs, unless actual performance is owed in another currency.

E. Monetary debts Art. 7

1) Unless otherwise agreed, monetary debts shall be paid in Swiss francs, with the exception of obligations under the old law.

2) Retrieved

3) Money debts in Swiss francs which are provided with a gold clause or an exchange rate hedging clause may be repaid by the debtor with discharging effect in Swiss francs at the nominal amount, insofar as the debtor did not receive gold bars or gold coins at the time. The creditor cannot claim further benefits. This provision also applies to ding rights, even if they are not based on personal claims.

4) These provisions of subsection 3 shall apply both to principal amounts and to ancillary payments, in particular interest, and shall also extend to monetary debts which have become payable since September 28, 1936, prior to the enactment of this Act.

F. Penal provisions

I. Banknotes

Art. 8

Repealed

Art. 9

Repealed

II. Stitches, plates, etc. Art. 10

Retrieved

III. Banknotes similar printed matter

Art. 11

Whoever makes or distributes printed matter or images similar to banknotes or coins or similar products for announcements, advertisements or jokes, shall be punished by the district court for an offense with a fine of up to 20,000

francs, in case of non-collection punishable by imprisonment for up to three months.

IV. Unauthorized issue of monetary tokens

Art. 12

A person who issues banknotes and other monetary tokens without authorization from the government shall be punished by the district court for a misdemeanor with imprisonment for not more than one year or a fine of not more than 360 daily penalty units.

V. Gold and silver certificates Art. 13

The above provisions shall also apply to gold and silver certificates issued by the Swiss National Bank or the Liechtenstein Landesbank.

G. Transitional provisions

I. Obligations under old law

Art. 14

1) Obligations that arose prior to the entry into force of this Act shall not be changed by this Act.

2) If the performance is owed in a certain metal (e.g. gold or silver), the market value of the metal owed at the relevant time shall be decisive in this respect.

3) If an obligation in crown currency is to be paid in "sounding coin", the metal value of those five-crown silver coins shall be decisive for this purpose which had the legal rate at the moment of the maturity of this obligation.

II. Recall of old means of payment Art. 15

1) The Liechtenstein gold and silver coins denominated in kroons which are currently still in circulation will be accepted by the Land Treasury at their respective metal value or exchanged for legal tender until December 31, 1924.

2) Liechtenstein emergency banknotes denominated in Heller may be exchanged for legal tender bills at the Landeskasse until December 31, 1924, at the respective daily rate of the Austrian kroner banknotes on the Zurich Stock Exchange.

3) After this date, these means of payment no longer have a legal exchange rate in Liechtenstein and are no longer accepted for payment by the public treasury.

III. Continuation of the crown account

Art. 16

Until the obligations and claims denominated in crown currency are liquidated, the public offices and treasuries shall keep a special account for the same in crowns.

IV. Repealed provisions Art. 17

1) Upon the entry into force of this Act, all provisions in conflict with it shall be repealed.

2) In particular, are repealed:

1. the Law on the Introduction of the Crown Currency of August 8, 1898, LGBl. 1898 No. 2;

2. the Act on the Introduction of the Crown Currency as the National Currency of August 17, 1900, LGBl. 1900 No. 2;

3. the Decree of 3 December 1858 concerning the Coinage Agreement of 14 January 1857;

4. the Law of August 27, 1920, concerning the conversion of crown amounts into Swiss francs in the laws and ordinances on taxes, stamps, ta- xes and other fees, as well as in the penal provisions, LGBl. 1920 No. 8;

5. the relevant provisions of the Criminal Code;

6. all provisions of laws and regulations relating to the krona currency;

7. Law of January 11, 1904, on the Minting of Silver Coins of the Crown Currency, LGBl. 1904 No. 1;

8. Law of December 2, 1909, on the Minting of Silver Coins of the Crown Currency, LGBl. 1909 No. 6;

9. the law of November 29, 1912, concerning the minting of two-crown pieces, LGBl. 1912 No. 5;

10. the Act of December 22, 1914, on the Recoinage of Silver Coins of the Crown Currency, LGBl. 1914 No. 13.

V. Entry into force Art. 18

1) This law, which is declared non-urgent, shall enter into force upon expiration of the re- ferendum period.

2) The Government shall take the necessary measures for its execution. Vaduz, May 26, 1924

X. Law on the Procedure in Expropriation Cases

from 23 August 1887

on the procedure in expropriation cases

Based on Section 14 of the Constitutional Charter of September 26, 1862, I decree, with the consent of the Diet, as follows:

§ 1

Expropriation, i.e. the compulsory deprivation of property, is permissible only in return for appropriate indemnification and only in those cases in which the general best interests require it (§ 365 of the General Civil Code).

§ 2

Whether the necessity of expropriation exists in an individual case shall be decided each time by Parliament on the basis of a submission by the Princely Government.

§ 3

The Princely Government shall decide on the extent of the objects to be expropriated, and then on the detailed modalities under which the expropriation decided by the Diet in a particular case is to be carried out.

§ 4

The determination of the amount of compensation to be paid shall first be attempted by the Government by agreement, with the assistance of at least two impartial experts.

§ 5

In determining the amount of compensation, the actual value of the objects to be expropriated, as it appears in current prices according to the nature and location of these objects, as well as any new encumbrances and reductions in value accruing to the expropriator, shall be taken into account. Likewise, any increase in value that the remaining property may experience as a result of the construction or other measures taken by the expropriator shall be taken into account appropriately when determining the compensation.

§ 6

1) If the Government succeeds in reaching an agreement, the latter shall be immediately binding and enforceable by the courts; if, however, no agreement is reached, the Government shall issue a written decision on the compensation to be paid and shall send it to the parties concerned, stating that they are at liberty to lodge an objection against this decision with the Government within 14 days from the date of service.

2) The expropriator may, in the event of an objection within the meaning of para. 1, after the owner has been heard, an inspection has been made, evidence has been secured in accordance with the Code of Civil Procedure (sections 384 et seq.), and a judicial appraisal has been carried out in accordance with section 8 of this Act, the Diet may authorize the expropriator to take possession of the object of expropriation before the final amount of compensation has been determined, if the expropriator would suffer significant disadvantages as a result of a delay or if the public interest so requires.

3) If the Diet complies with such a request, it shall at the same time order measures to ensure the subsequent determination of the compensation. The final amount of compensation shall bear interest at the rate of 5% from the date of taking possession.

§ 7

In the event of such an objection, the government shall immediately notify the regional court of the negotiation files, and the latter shall, if it concerns the payment of compensation from state funds, ex officio, but otherwise upon request of the party, arrange for the judicial appraisal of the objects to be expropriated in accordance with the provisions of the court rules.

§ 8

1) There shall be no independent appeal against the court's approval of the valuation and against all court orders concerning the execution of the latter; however, appeals may be lodged in the appeal against the decision by which the executed valuation is accepted by the court.

2) The notice shall be served on both parties ex officio.

§ 9

1) The amount of compensation determined by the judicial appraisal shall be paid to the expropriated person within 30 days after the aforementioned decision has become final or, if payment is not possible due to refusal of acceptance or for other reasons, deposited with the judicial deposit office, whereupon the expropriator may no longer be prevented from using the expropriated property.

2) However, the expropriator is free to declare in writing to the expropriated party the renunciation of the execution of the expropriation up to 30 days after the legally binding determination of the compensation, provided that he/she has not already obtained the prior assignment of possession.

3) If the expropriated party demonstrably suffers damage as a result of the waiver, this shall be compensated. If the parties cannot agree on the amount of compensation, this shall be decided by the courts. The claim for compensation shall become statute-barred within one year of the declaration of renunciation.

4) If in one case an expropriation granted by the Diet has been waived, a new application for expropriation of the same object may be made only after four years.

§ 10

The Government shall have the right to order or permit the drawing up of plans and the marking out of sites for the purpose of executing a public work, even before the construction of such work or the expropriation has been approved.

§ 11

If the government makes use of this power, everyone shall be obliged to have such surveys, stake-outs and the like carried out on his property against compensation for the full damage incurred by him as a result.

§ 12

Whoever alters, damages or removes signals, poles or other signs which are attached to a survey or marking out for public purposes, shall be liable to a fine of up to 80 francs, of which one third shall be paid to the person making the statement.

§ 13

The costs incurred when the compensation is determined by the commission mentioned in para. 4 shall be borne by the expropriator, while those costs incurred by entering the legal process (para. 8) shall be divided up by the judge by analogous application of Section V. Section V of the Austrian Civil Procedure Amendment of May 16, 1874, which was adopted by the Law of August 15, 1879, LGBl. 1897 No. 25.

Vienna, August 23, 1887

XI. Health Law (GesG)

from 13 December 2007

I. General provisions Art. 1

Subject and purpose

1) This Act regulates public health and specifically establishes requirements for health care professionals and health care facilities for the protection of the public.

2) It aims to protect, maintain and promote the health of the population and to ensure a high quality standard of health care, taking into account personal responsibility.

3) It also serves to implement the following EEA legislation:

a) Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (EEA law: Annex VII - 1.);

b) Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation (EEA Supplementary Act: Annex II - Chapter XIII - 15zn.);

c) Commission Implementing Directive 2012/25/EU of 9 October 2012 laying down information procedures for the exchange between Member States of organs intended for transplantation (EEA Supplementary Act: Annex II - Ch. XIII - 15zna.);

d) Directive 2004/23/EC of the European Parliament and of the Council of 31 March 2004 on setting standards of quality and safety for the donation, procurement, testing, processing, preservation, storage and distribution of human tissues and cells (EEA Corp.: Annex II - Chapter XIII - 15w.);

e) Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (EEA Law Series: Annex X - 2.).

Art. 2

Exceptions from the scope

This Act does not apply to the health profession:

a) of the physician, unless otherwise expressly provided in this Act;

b) of the veterinarian and other animal health professions.

Art. 3

Designations and terms4

1) Unless otherwise provided in this Act, the personal, occupational and functional designations used in this Act to refer to persons shall be understood as referring to members of the female and male genders.

2) The definitions of Art. 3 of Directive 2005/36/EC, 2010/53/EU and 2004/23/EC and the implementing Directive 2012/25/EU apply to this Act.

II. Health promotion and prevention Art. 4

Purpose

1) The purpose of health promotion is to maintain and improve the health status of the population.

2) Prevention serves the early detection of risk factors and the prevention of diseases and accidents.

Art. 5

Measures

1) Health promotion and prevention measures include in particular:

a) the information of the population;

b) counseling of persons and groups of persons, in particular pregnant women and mothers and fathers;

c) the implementation of projects and campaigns;

d) the collection of data to determine the health status of the population;

e) the maintenance of an electronic cancer registry in accordance with Art. 56.

2) Measures for the promotion of health or for prevention may not be compulsorily enforced. The special provisions of epidemic legislation remain reserved.

Supply of therapeutic products Art. 5a

a) Principle

1) The government ensures the adequate supply of the population with the most important remedies suitable for the control of communicable diseases.

2) The state shall bear the costs for the adequate supply of the population with remedies in accordance with subsection 1.

3) In the case of dispensing, the assumption of the costs of the remedies is based on the conditions:

a) of the Health Insurance Act;

b) of the Law on Compulsory Accident Insurance.

4) If the requirements of paragraph 3 are not met, the state shall bear the costs of the remedies.

Art. 5b

b) Damage coverage

1) The country may undertake to cover the manufacturer of a remedy referred to in Art. 5a for damage for which it is liable as a result of a use recommended or ordered by the government, if the adequate supply of the population cannot otherwise be ensured in the event of exceptional circumstances.

2) The scope and modalities of the damage coverage are defined in an agreement between the country and Switzerland or the manufacturer.

III. Health Professions

A. General Art.

6

Authorization requirement

1) Subject to Articles 31 to 35, the independent practice of one of the following health professions requires a permit from the Office of Public Health:

a) Pharmacist; the scope of practice includes, but is not limited to, medical treatment:

1. the preparation of medicinal products according to Formula magistralis, Formula offi- cinalis, Formula hospitalis or according to one's own formula or a formula published in the technical literature;

2. the dispensing and storage of medicines;

3. the pharmaceutical consultation;

b) Optician; depending on the specialized training, the scope of activity includes the making, fitting and sale of eyeglasses, contact lenses and other visual aids, as well as refraction determination;

c) Chiropractor; the scope of practice includes, by own diagnosis, the treatment of patients with painful conditions and dysfunctions caused by changes in the spine and pelvis;

d) Dental hygienist; scope of work includes performing dental cleanings and scaling, counseling patients, and teaching prophylaxis;

e) Druggist; the field of activity includes the production, dispensing and storage of remedies in accordance with the legislation on remedies;

f) Occupational therapist; scope of practice includes providing active and passive movement therapies;

g) Nutritionist; scope of practice includes nutrition counseling in the context of health promotion and prevention, planning, implementing and monitoring nutrition therapies, and counseling patients;

h) Midwife; scope of practice includes counseling pregnant women, preparing pregnant women for childbirth, managing births, and caring for women in labor and newborns;

i) Laboratory medical diagnostician; depending on the specialist training, the field of activity includes the performance of medical-analytical laboratory tests in hematology, clinical chemistry, clinical immunology as well as medical microbiology and medical genetics;

k) Speech therapist; the field of activity includes the clarification and treatment of patients with complex speech, language, voice or swallowing disorders, taking into account the clinical-medical condition, as well as counseling of the patient's family;

l) medical masseur; the scope of activities includes the performance of water, heat, cold and electrotherapies, as well as manual massage;

m) Naturopath; the scope of practice is governed by Art. 23 and 24;

n) Osteopath; the scope of practice includes manual treatment of the skeleton, vessels, muscles and internal organs to remove blockages and restrictions of the body systems, as well as the preparation of osteopathic findings;

o) Nursing specialist; the field of activity includes health care and nursing. In particular, she cares for the sick, the injured and the disabled;

p) Physiotherapist; the scope of practice includes passive and active physical healing treatments, as long as the treatment method does not require medical or chiropractic expertise;

q) Psychologist; the scope of practice includes conducting psychological consultations and psychodiagnostic evaluations according to accepted scientific methods;

r) Psychotherapist; the scope of practice includes the treatment of illnesses that can be treated by psychotherapeutic methods according to recognized scientific doctrine;

s) Dentist; scope of practice includes:

1. the independent clarification and treatment of diseases and injuries in the oral and maxillofacial region;

2. Examination and consultation to exclude and prevent diseases of the oral and maxillofacial region;

3. the issuance of dental certificates and the reimbursement of dental appraisals.

2) Self-responsibility within the meaning of para. 1 exists if the health profession is exercised:

a) freelance, i.e. under their own professional responsibility and on their own account;

b) in his or her own professional responsibility within the framework of an employment relationship for a freelance licensee of the same health profession, for a health professional association or for a health care institution; or

c) in his own professional responsibility as a shareholder of a health professional company and at the same time an employee of the same.

3) The government may define the scope of activities of the health care professions listed in paragraph 1 in more detail by ordinance.

Art. 7 Licensing requirements

1) Authorization to practice a health profession on one's own responsibility (professional practice authorization) is granted if the applicant:

a) is a Liechtenstein national or a national of one of the Contracting Parties to the EEA or is treated as such on the basis of an international treaty;

b) has the appropriate professional qualification (education and training);

c) has a good reputation;

d) meets the health requirements for the practice of the profession;

e) has taken out professional liability insurance in accordance with the nature and extent of the risks;

f) has the required language skills.

2) Persons intending to practice a health profession on a self-employed basis must prove that they have their professional domicile in Austria and that they have suitable premises and facilities. The government shall designate by decree the professions for which the requirement of suitable premises and facilities may be waived.

3) Individuals who intend to practice a health care profession as part of an employment relationship shall disclose the employer.

4) The Government may, on application, waive the requirement of nationality under subsection 1(a) in justified cases.

4a) The insurance cover of the professional liability insurance shall in particular also apply to claims that are caused during the insurance period but are only known and reported after its expiry. The deductible may not exceed 50,000 Swiss francs. The insurance contract must contain the following provision: "The policyholder instructs the insurer to notify the Office of Public Health of the suspension or cessation of insurance coverage. "11

5) It shall regulate the details of the licensing requirements by ordinance, in particular:

a) the required education and training for the individual health care professions as well as the recognition of foreign professional qualifications;

b) the minimum insured amount of the liability insurance.

B. Authorization

procedure Art.

8

Application

1) The application for a professional license must be submitted in writing to the Office of Public Health.

2) The application must be accompanied by the documents required to prove that the conditions for approval have been met and the relevant information must be provided. The government shall regulate the details by ordinance.

Art. 9

Granting and scope of the permit

1) If the applicant fulfills the requirements of Art. 7, the professional license shall be granted and the entry in the list of the respective health profession shall be made.

2) The permit is personal and non-transferable. It describes the assigned field of activity and may be granted for a limited period of time and subject to conditions or requirements.

3) The health profession may be included in the list of the respective health profession only after receiving the confirmation of registration or, in the case of a health professional society, after receiving the confirmation of registration in the list of health professional societies.

4) The license is limited to the practice of the health profession in that field of activity which corresponds to the education and training of the licensee.

5) The Office of Public Health shall maintain lists of the respective health professions, keep these lists current, and publish them in an appropriate manner.

C. Rights and duties

Art. 10

Treatment and consultation of patients

holders of a professional license are obliged:

a) To care conscientiously and in accordance with science and experience for each patient accepted for consultation or treatment, without distinction of person;

b) inform the patient about the consequences and risks of treatment, including the economic consequences, as well as about treatment alternatives and any consequences and risks of refusing treatment.

Art. 11

Mandatory

acceptance

In the case of exceptional events, especially disasters or epide- mics, the government may require persons practicing a health profession to serve for a limited period of time.

Art. 12 Documentation

and information obligation

1) Holders of a professional license are obliged to keep records of the consultation or treatment of patients and to provide them or the person authorized to legally represent them with all information.

2) The government shall regulate the details by decree, in particular the retention period for records.

Art. 13

Training

Holders of a license to practice a profession are required to undergo ongoing continuing education within the framework of the continuing education guidelines of their profession.

Art. 14

Duty to notify

Holders of a professional license are obliged to report to the Office of Public Health any findings made in the exercise of their profession that give rise to the suspicion that:

a) the death or serious bodily injury of a person has been caused by a judicially punishable act; or

b) the torture or neglect of a human being has damaged that person's health.

Art. 15 Duty of confidentiality

1) Persons practicing a health profession and their employees are obligated to maintain the secrecy of findings entrusted to them or made known to them in the exercise of their profession.

2) They are only entitled or obliged to disclose the secret in fulfillment of an explicit legal obligation or on the basis of an authorization of the person affected by the secret.

Art. 16

Professional and business name; advertising

1) Holders of a professional license must limit the designation of their profession or business to the wording of the type of license granted to them. Other professional or business designations or those that only cover a part thereof are not permitted.

2) They may only recommend themselves for consultations and treatments that they are allowed to do.

3) Any intrusive endorsement or professional or business designation is prohibited.

4) No person shall, in public advertising or otherwise, create the impression that he or she is offering pain or healing treatments that require a license under this Act if he or she does not have one.

Art. 17 Joint practices

1) The joint use of practice rooms or medical equipment (joint practices) is permitted, provided that the liberal professional activity is preserved. The freelance activity must be clearly visible to the outside.

2) Retrieved

2a) Health care professional associations shall be treated in the same way as holders of a professional license for the purposes of paragraph 1.

3) The government shall regulate the details by ordinance.

Health professional societies Art. 18

a) Admissibility and legal form

1) Holders of a professional license may practice their profession within the framework of a health professional society. The health professional society consists either only of members with a license or only of members without a license within the meaning of the requirements planning pursuant to Art. 16b of the Health Insurance Act (KVG).

2) The legal forms open to shareholders are the stock corporation and the limited liability company. Health care professional companies in the form of a stock corporation may only issue registered shares.

3) The participation of health professional associations in other health professional associations as well as the merger of several health professional associations into a group association are not permitted.

Art. 18a

b) Purpose

1) The purpose of a health professional society may include only the scope of activities described in the license, including the necessary auxiliary activities and the management of the society's assets.

2) If the shareholders of a health care professional society differ with regard to their professional license, it must be pointed out in a suitable manner that the health care professional society may only carry out the corresponding activities under the responsibility of the holder of the corresponding professional license.

Art. 18b

c) Company

1) The existence as a health professional society must be made visible to the outside world through appropriate measures.

2) The company must include the reference to the exercise of the respective health care profession, which must be limited to the wording of the respective type of authorization.

3) It must not contain misleading information or information for mere advertising purposes.

Art. 18c

d) Registration in the list of health professional societies

1) Health professional societies shall apply to the Office of Health for entry on the list of health professional societies.

2) The Office of Public Health shall verify the compliance of the partnership agreements, the draft articles of association and other agreements between the partners with the

requirements of this Act and shall deny registration on the list of health professional societies in the form of an appealable order if they are not met.

3) For the purpose of registration in the Commercial Register, the Office of Public Health shall issue a certificate to the Office of Justice that the requirements of this Act have been met and that the company will be entered in the list of health professional companies after registration in the Commercial Register. Without this certificate, the company may not be entered in the Commercial Register.

4) The health professional society shall be entered in the list of health professional societies if proof is provided that the society meets the requirements under Articles 18 to 18c and 18f to 18i.

5) In all other respects, Art. 9 Para. 5 shall apply mutatis mutandis.

Art. 18d

e) Obligation to notify

Registered health professional societies shall notify the Office of Health of any changes in the documents to be submitted in the registration procedure and in the composition of the shareholders within one month.

Art. 18e

f) Removal from the list of health professional societies and dissolution of the health professional society.

1) If the changes in the documents to be submitted in the registration procedure or in the composition of the shareholders (Art. 18d) are in conflict with the requirements of this Act, or if the requirements for the registration of the company in the list of health professional societies are no longer met, the company shall be removed from the list of health professional societies after its prior hearing if it does not restore the legal condition within three months.

2) Removal from the list of health professional societies shall result in the dissolution of the society. The Office of Public Health shall notify the Office of Justice immediately when the deletion from the list of health professional societies is legally effective. The Office of Justice enters the dissolution of the health professional society in the Commercial Register and appoints a liquidator in accordance with Art. 133 et seq. PGR.

Art. 18f

g) Professional liability insurance

1) The health professional society is obligated to provide evidence of the conclusion of a professional liability insurance policy, which the health professional society

and all persons working in it who practice a health profession, and whose coverage corresponds to the nature and extent of the risks associated with the company's activities.

2) The minimum insurance amount is 10 million Swiss francs for health professional societies in which pharmacists, chiropractors, druggists, laboratory medical diagnosticians or dentists participate, and 5 million Swiss francs for other health professional societies.

3) In all other respects, Art. 7 Para. 4a shall apply mutatis mutandis.

Art. 18g

h) Shareholder

1) Only persons who are registered in the list of a health profession can be shareholders of a health professional society.

2) Company shares, stock or capital stock may not be held for the account of third parties or third parties may not participate in the profits of the healthcare company.

3) Shareholders may only authorize shareholders to exercise shareholder rights.

4) Associates may only be members of a health professional society of the appropriate health profession. They may not:

a) Participate in some form of another health professional society;

b) practice the health profession under a salaried employment relationship with an an- ther health professional society;

c) additionally practice the same health profession on a freelance basis.

Art. 18h

i) Management and representation of the health professional society

1) Only persons who are registered as holders of a professional license in the list of a health profession may be members of the administration of a health professional society.

2) Within the scope of the practice of the health profession, each holder of a professional license must be authorized to represent the health professional association or all of its shareholders alone.

Art. 18i

k) professional and ethical obligations

1) Holders of a professional license who are members of a health professional association remain personally and disciplinarily responsible for the fulfillment of their professional and ethical duties.

2) Personal and disciplinary responsibility for the fulfillment of professional and ethical duties may not be limited or waived by the articles of association, by resolutions of the companies or the management, or by management measures.

Art. 19

Transfer of activities to technically subordinate persons

1) Holders of a professional license may only delegate such activities to persons subordinate to them that they themselves are authorized to perform.

2) They are responsible for ensuring that the persons technically subordinate to them are proficient in the activities assigned to them and are liable for damage caused by such persons in the performance of their duties.

Art. 20

Reporting obligations

1) Holders of a professional license must notify the Office of Public Health in writing:

a) the subsequent change of the conditions that led to the granting of the permit;

b) any transfer of the professional domicile or place of employment, in each case stating the address; a temporary transfer only if it is expected to exceed three months;

c) any abandonment of the practice of the profession, as well as the cessation of activity for more than three months;

d) the resumption of the practice of the profession after a voluntary renunciation within the meaning of Art. 28.

2) The notification under subsection 1 shall be made:

a) in the cases referred to in paragraph 1(a), within a period of one week after the change occurs;

b) in the other cases referred to in paragraph 1, prior to the implementation of the intended amendment.

3) In the case of employment, the employer shall notify the Office of Public Health in writing:

a) the independent employment in own professional responsibility according to Art. 6 para. 2 let. b in the form of a confirmation;

b) an employment relationship in the context of completing a relevant training program to obtain the necessary further training requirements for a freelance position.

professional and independent professional license of the employee in the form of a confirmation with a proof of the corresponding professional aptitude (training); and

c) Internship Relationships.

Art. 20a

Invoicing

In accordance with Directive 2011/24/EU, the holders of a professional license are obliged to calculate the costs charged to the patient for treatment according to objective, non-discriminatory criteria.

Art. 21

Special duties for individual health care professions

The government may, by ordinance, lay down special duties for the practice of individual health professions if this is necessary to protect public health.

D. Special provisions for naturopaths Art. 22

Principle

Unless otherwise stipulated below, the remaining provisions of Chapter III shall apply to the practice of the profession of naturopath.

Art. 23 Licensing

obligation and requirements

1) The independent practice of homeopathy, traditional Chinese medicine and traditional European naturopathy requires a license as a naturopath from the Office of Public Health.

2) The professional qualification for the granting of the professional license is proven by:

a) registration with a government-approved body that issues a quality label for the training, and

b) the successful completion of an examination.

3) The professional license circumscribes the authorized field of activity in terms of the methods or groups of methods mentioned in para. 1.

4) The government shall determine the details by ordinance. It may also specify other subject areas.

Art. 24

Rights and duties

1) The naturopath is authorized to use and dispense medicines in accordance with the legislation on medicinal products.

2) The naturopath is prohibited from:

a) To take blood samples and injections or to engage in other practices that result in bodily injury and bleeding. Excluded from this are bloody cupping, Baunscheidt, the application of leeches and acupuncture;

b) prescription drugs to be recommended;

c) to perform medical interventions and surgical and obstetrical procedures;

d) treat communicable reportable diseases, including sexually transmitted diseases;

e) To perform manipulations on the spine and musculoskeletal system;

f) issue official opinions, certificates and attestations.

E. Special provisions for dentists Art. 25

Principle

Unless otherwise specified below, the other provisions of Chapter III shall apply to the practice of dentistry.

Art. 26 Emergency

dental service

1) The dentist is obliged to participate in the emergency dental service.

2) The purpose of the emergency dental service during the night and on weekends and public holidays is to provide dental treatment for patients that cannot be postponed.

3) The internal organization of the emergency service (scheduling and rotation) is entrusted to the professional association. The association sets quality standards.

Art. 27

Dispensing of medicines

The dentist is authorized to dispense medicines in accordance with the Therapeutic Products Act.

E.bis Special provisions for chiropractors

Art. 27a

Issue of certificates of incapacity for work

The chiropractor is entitled to issue certificates of incapacity of his patients within his scope of practice.

Art. 27b Referrals to physiotherapists

The chiropractor is authorized, within the scope of his practice, to make referrals of his patients to physical therapists when a medical necessity exists.

F. Expiry, suspension and withdrawal of the license Art. 28

Expiration and suspension of the authorization

1) The professional license expires with the written declaration of renunciation of the professional practice.

2) The expiration of the authorization shall be established by order.

3) The right to exercise the profession is suspended due to a waiver of the right to exercise the profession declared for a maximum period of twelve months. The waiver must be notified in writing to the Office of Public Health, stating the date and duration of the waiver.

Art. 29

Withdrawal of authorization

The professional license shall be revoked by the Office of Public Health if:

a) one of the conditions required for the exercise of the profession is not or no longer fulfilled;

b) the profession is no longer practiced for an uninterrupted period of more than twelve months;

c) it was obtained by means of incorrect or misleading information or by concealing material facts;

d) the professional duties are seriously violated despite a warning;

e) there are serious violations of this Act and the ordinances issued in relation thereto.

Art. 30

Interim prohibition of the exercise of the profession

1) In the interest of public welfare and in the event of imminent danger, the Office of Public Health shall, after initiating proceedings for the withdrawal of the license, temporarily prohibit the practice of the profession if there is a risk of danger to the safety and health of the workforce or other persons in connection with the practice of the activity.

2) The government may determine the details by decree.

G. Exercise of the freedom to provide services

Art. 31

Approval

1) Nationals of a contracting party to the EEA or nationals with another nationality treated as equivalent on the basis of an international treaty who are legally established in one of these states for the purpose of exercising their profession are permitted to exercise their profession in Liechtenstein on a temporary and occasional basis across the border in the field of a profession regulated by this law.

2) This also applies if the profession or the training of the service provider is not regulated in his country of establishment and he has exercised this profession there as a freelancer for at least two years during the previous ten years.

3) The temporary and occasional nature of the provision of services shall be assessed on a case-by-case basis, in particular on the basis of the duration, frequency, regular recurrence and continuity of the provision of services.

Art. 32

Obligation to report

1) Service providers must notify the Office of Public Health in writing in advance of the first provision of a service in Liechtenstein. In urgent cases, this notification may be made immediately after the service has been provided.

2) The notification must be renewed once a year if the service provider intends to provide services in Liechtenstein temporarily or occasionally during the year in question.

3) When reporting the provision of services for the first time or in case of significant changes from the situation described in the documents submitted so far, the service provider shall submit:

a) a certificate stating that:

1. the service provider is legally established in the State of its establishment to perform the activities in question; and

2. the service provider is not prohibited, even temporarily, from performing this activity at the time of submission of the certificate;

b) a proof of professional qualification;

c) a proof of citizenship;

d) in the cases referred to in Art. 31 par. 2, proof that the service provider has carried out the activity in question on a freelance basis for at least two years during the previous ten years.

e) proof of professional liability insurance in accordance with Art. 7 Para. 1 Letter e for the activity in the Principality of Liechtenstein.

4) In certain cases, the Office of Health may verify the professional qualifications of the service provider before the first provision of a service. The Government shall determine the details by ordinance.

Art. 33

Facilitation of trade in services

1) If Liechtenstein citizens are required to be members of a professional association or a professional body in order to take up or exercise a professional activity subject to this law, the service providers are exempt from this requirement.

2) If, in Liechtenstein, membership of a public social security body is required for the settlement of accounts for activities in favor of social security beneficiaries, the service providers are exempt from this requirement in the case of the provision of services for which they have to change location. However, the service providers shall inform this body of the provision of services prior to the provision of the services or, in urgent cases, after the provision of the services.

Art. 34

Rights and obligations of service providers

When providing services, service providers are subject to the same professional regulations as persons licensed to perform the activity in question in Liechtenstein. The Office of Public Health shall inform the state in which the service provider is licensed without delay of any infringements of these regulations by the person concerned and of any measures taken.

Art. 35

Use of the professional title

1) Service providers are entitled to use the professional title of the state in which they are established when providing the service, provided that such a professional title exists in that state for the activity in question.

2) The professional title must be used in the official language or one of the official languages of the Member State of establishment in such a way that no confusion with the Liechtenstein professional title is possible.

3) If the said professional title does not exist in the State of establishment, the service provider shall indicate his educational qualification in the official language or one of the official languages of that State.

4) The Government shall regulate the details by ordinance; in particular, it shall determine the cases in which the service is to be provided under the Liechtenstein professional title by way of exception.

H. Professional associations

Art. 36

Position

Associations of health care professions under this Act are subject to the law of associations and have no powers under public law. By law, certain business may be transferred to them for independent execution.

IV. Health care facilities

A. General Art. 37 Principle

1) Health care facilities are defined as:

a) Facilities that serve the inpatient, day-care or outpatient treatment of acute illnesses or the implementation of medical rehabilitation measures, in particular clinics and hospitals;

b) Facilities that provide nursing and medical care or rehabilita- tion for long-term patients, especially nursing homes;

c) other entities designated by the government by decree, which perform a public service mission in the field of health care.

2) The state may establish, operate, participate in, or support health care facilities through financial contributions.

3) The provisions of the Liechtenstein National Hospital Act shall apply to the Liechtenstein National Hospital.

4) Retrieved

B. Granting of the operating license

Art. 38

Permit requirements and types

1) The operation of a health care facility requires a permit from the government (operating permit).

2) The following types of permits are distinguished:

a) provisional operating licenses;

b) definitive operating permits.

Provisional operating license Art. 39

a) Approval requirements and procedures

1) The provisional operating license is granted upon application if:

a) a concept of operation is submitted; and

b) a corresponding proof of financing (Art. 42) is provided.

2) The concept contains all the necessary information about:

a) the sponsorship and the legal form (Art. 40);

b) the range of services;

c) the personnel, spatial and technical equipment (Art. 41);

d) the public liability insurance;

e) the prices and tariffs;

f) cooperation with other institutions at home and abroad;

g) quality management.

3) The government may obtain an expert opinion at the applicant's expense to verify the concept and the proof of financing.

4) A permit shall not be granted if the services offered can also be provided within the framework of individual practices or groups of practices (Art. 17).

5) The provisional license is issued for a maximum period of five years. It describes the authorized field of activity.

6) The government may, by ordinance, grant facilities pursuant to Art. 37 Para. 1 Let. c relief with regard to the licensing requirements and procedure.

Art. 40

b) Legal form

Healthcare facilities must be operated in the legal form of a legal entity under private law or as an institution or foundation under public law.

Art. 41

c) Personnel, spatial and technical equipment

1) Operation of a health care facility requires that:

a) the head of the facility and the employees with their own professional responsibility have the respective professional prerequisites for independent professional practice. Deputies must meet the same requirements;

b) sufficiently large rooms, the necessary sanitary facilities as well as adjoining and recreation rooms are available for the accommodation of the patients;

c) the equipment and instruments used for examinations and treatments meet medical and hygienic requirements and do not endanger patients and staff.

2) The government shall regulate the details by ordinance.

Art. 42

d) Proof of financing

Health care facilities must be able to provide their services without the need for state contributions under the Health Insurance Act.

Art. 43

e) Circulation

The following conditions are attached to the provisional operating permit:

a) the fulfillment of quality assurance measures;

b) the performance of an external evaluation by a body appointed by the government at the expense of the institution;

c) the presentation of the audit report.

Art. 44

Definitive operating license

1) A definitive operating permit will be issued upon application if:

a) a provisional operating license has been issued;

b) an evaluation report on the successful implementation of the concept according to Art. 39 has been prepared, no objections have been raised in the audit reports and the other requirements according to Art. 43 have been fulfilled.

2) The definitive operating license will only be granted if at least two years have passed since the provisional operating license was granted. The application for a definitive operating license must be submitted at least six months before the provisional operating license expires.

C. Withdrawal of operating license

Art. 45

Principle

The operating license is withdrawn by the government if:

a) the conditions for granting them are no longer met;

b) the operation is discontinued.

V. Autopsy

Art. 46

Autopsy

1) An autopsy may be performed on a deceased person on the order of the physician in charge. The consent of the next of kin must be obtained in advance for the intended autopsy.

2) Subject to paras. 3 and 4, the post-mortem examination is only permissible if the deceased person or the next of kin in his/her place have given their consent.

3) The medical officer may order a post-mortem examination regardless of any objection if it is absolutely necessary to clarify the cause of death, in particular if there is suspicion of a transmissible disease.

4) The legislation on the administration of criminal justice, in particular the provisions of §§ 80 et seq. of the Code of Criminal Procedure on the procedure in investigations into homicides, shall remain reserved.

Va. Handling of human organs, tissues and cells Art. 46a

Scope and reserved right

1) This chapter applies to the handling of organs, tissues or cells of human origin intended for transplantation to humans.

2) It does not affect the Swiss legal provisions applicable in Liechtenstein on the basis of the customs treaty or the provisions of the EEA Medicinal Products Act.

Art. 46b

Principles of donation

1) Organs, tissues or cells may only be donated voluntarily and free of charge.

2) It is prohibited to offer or promise financial gain or comparable advantage to donors of organs, tissues or cells or to third parties in return for a donation. Legal transactions that violate this prohibition are void.

3) Paragraphs 1 and 2 shall not preclude the granting of appropriate compensation to living donors for loss of earnings and other expenses caused by the donation and related medical measures, and the granting of compensation in the event of the occurrence of damage as a result of the donation and other related medical measures.

4) Advertisements for the need for organs, tissues or cells or their availability must not contain any reference to financial gain or comparable benefits.

5) Organs, tissues or cells may not be the subject of legal transactions aimed at profit.

Art. 46c

Prohibition of trade

1) It is forbidden:

a) to trade in organs, tissues or cells in Liechtenstein or from Liechtenstein abroad;

b) To remove or transplant organs, tissues or cells that have been acquired in exchange for payment or by granting benefits.

2) The prohibition under paragraph 1(b) shall not apply to compensation under Art. 46b(3).

Art. 47

Removal of organs, tissues or cells from deceased persons

1) Organs, tissues or cells may be removed for transplantation from a person whose death has been established if it is essential for the salvation or treatment of a patient and the deceased person has consented in writing to removal before his or her death.

2) If there is no written consent of the deceased person within the meaning of Para. 1, the removal of organs, tissues or cells for transplantation may nevertheless take place if:

a) The next of kin is aware of a declaration by the deceased person of a donation; or

b) the next of kin give their consent, taking into account the presumed will of the deceased person.

3) If there are no next of kin or they are not reachable, the removal is not permitted.

4) Only physicians who did not participate in the determination of death may participate in the removal or transplantation.

5) The government shall regulate the further requirements, in particular the circle of next of kin, by ordinance.

Art. 47a

Insurance coverage and reimbursement of expenses of living donors

1) The insurer who would have had to bear the costs of treating the recipient's health impairment in the absence of living donation will cover:

a) the cost of adequate insurance of the donor against possible serious consequences of the removal of organs, tissues or cells;

b) compensation for loss of earnings and other expenses incurred by the donor in connection with the withdrawal.

2) If the insurance relationship ends for reasons other than a change of insurer, the insurer responsible prior to the end of the insurance relationship remains liable to pay the costs.

3) The obligation to bear the costs under paragraph 1 shall also apply if the removal or transplantation cannot be performed. If the recipient's insurer is not known, the state shall bear the costs.

4) The Government shall regulate the details of the insurance cover and the reimbursement of expenses, in particular which other expenses are to be reimbursed in accordance with subsection 1(b), by ordinance.

Art. 47b Living

donor registry

1) The Office of Public Health maintains a register containing the health data of living donors residing in Liechtenstein (living donor register).

2) All physicians working in Liechtenstein are entitled to transmit health data to the Office of Public Health in accordance with paragraph 5, provided that the living donor concerned has consented in writing in the individual case.

3) The Office of Public Health must provide the person entered in the living donor register or the person authorized to represent him/her by law with all information on the health data concerning him/her.

4) The Office of Public Health may also participate in living donor registries or living donor records maintained by competent authorities or agencies of other EEA Member States or Switzerland.

5) The Government shall regulate the details by decree, in particular concerning:

a) The health data contained in the living donor registry;

b) the data access;

c) data security.

Art. 47c

Reporting of serious adverse events and reactions

1) If the Office of Public Health is informed of a serious incident or adverse reaction that it associates with an organ received from another EEA member state, it shall immediately:

a) inform the competent authority or authorized body of the EEA Member State of origin thereof; and

b) to send them a first report with the available information according to Directive 2012/25/EU.

2) If the Office of Public Health is informed of a serious incident or adverse reaction that it associates with a donor whose organs have also been shipped to other EEA Member States, it shall immediately:

a) inform the competent authorities or authorized bodies of all EEA Member States of destination concerned thereof; and

b) to send them a first report with the available information according to Directive 2012/25/EU.

3) If further information becomes available after the first report according to paras. 1 and 2, it shall be forwarded without delay.

4) The Office of Public Health may, if necessary, inform the competent Swiss authorities and agencies of serious adverse events and reactions within the meaning of paragraphs 1 to 3.

Art. 47d

Confidentiality and security of data processing

The confidentiality and security of the processed data shall be guaranteed in accordance with Art. 16 of Directive 2010/53/EU.

VI. Organization and implementation

Art. 48

Responsibility

Entrusted with the implementation of this Act are:

a) the government;

b) the Office of Public Health;

c) the Food Control and Veterinary Office;

d) the state health commission;

e) the municipalities.

Art. 49

Government

1) The government is responsible for the supreme management and supervision of the entire public health system. It is responsible in particular for:

a) The determination of health policy measures;

b) the granting and withdrawal of licenses to operate health care facilities;

c) recognition of diplomas and certificates of proficiency issued in third countries.

2) She chooses:

a) for a period of four years:

1. The members of the state health commission;

2. Retrieved

3. the state dentist;

b) the representatives of the Land on commissions and boards of health care institutions which the Land manages, in which the Land has an interest or to which it makes financial contributions.

3) It may entrust physicians who have a license to practice under the Medical Act with the performance of official medical activities.

4) When dealing with business that has a significant impact on the municipalities and professional associations, the government shall give them the opportunity to comment.

Art. 50

Health office

1) The Office of Public Health shall be responsible for the enforcement of this Act and the ordinances issued thereunder, insofar as tasks under this Act are not assigned to any other body. It is responsible in particular for:

a) the implementation of health promotion and prevention measures;

b) the granting and withdrawal of professional licenses;

bbis) the entry of holders of a professional license and of health professional societies in the list of the respective health profession or in the list of health professional societies, as well as their deletion from these lists;

bter) issuance of confirmations according to Art. 9 par. 3 and certificates according to Art. 18c par. 3;

c) the surveillance of general public health and the planning of dispositions for crisis situations and for the issuance of necessary initial orders in the event of the occurrence of epidemics or other immediate threats to public health;

d) the performance of official medical activities;

e) the processing of notifications according to Art. 14;

ebis) the performance of tasks involving the handling of human organs, tissues and cells;

f) the maintenance of the cancer registry in accordance with Art. 56;

g) the punishment of transgressions.

1a) The Office of Public Health performs the task of the national contact point for cross-border healthcare in accordance with Directive 2011/24/EU. The contact point is responsible for cooperation with the contact points of other EEA member states and with the EFTA Surveillance Authority.

2) The Office of Public Health may at any time carry out or arrange for inspections and controls to be carried out in practices and health care facilities. Its organs must be granted unrestricted access to the premises.

3) Official medical activities, such as the preparation of official medical reports, as well as other duties expressly assigned by law to the official physician or one of his deputies, may only be performed by persons who have a license to practice medicine.

4) The Office of Public Health concludes performance agreements with institutions in the field of public health that receive significant financial support from the state, unless they are assigned to another office. The service agreements are subject to approval by the government.

Art. 51

Food Control and Veterinary Office

1) The Food Control and Veterinary Office is responsible for the hygiene control of public institutions. It carries out inspections and sample collections, in particular in:

a) Schools and kindergartens;

b) Day care centers;

c) Home-based businesses;

d) Bathing facilities;

e) Sauna facilities and gyms;

f) Drinking water supplies.

2) The Government shall issue regulations on the requirements for the proper operation of the facilities listed in subsection 1 and the services they provide. Likewise, the details concerning the monitoring of compliance with these regulations, the measures to be taken in the event of complaints and the levying of fees in the event of inspections that have led to complaints shall be regulated by ordinance.

Art. 52 National

Health Commission

1) The National Health Commission consists of at least five members, with at least two representatives of associations of health care providers and at least one representative of the health insurance fund. The government appoints the chair.

2) It is responsible in particular for:

a) advising the government on all health care matters;

b) Retrieved

c) Retrieved

d) ongoing monitoring of national and international developments in the healthcare sector;

e) the preparation of proposals for health policy measures for a future-oriented further development of the health care system for the attention of the government;

3) Retrieved

4) It submits an annual report on its activities to the government.

5) The government may regulate the details by ordinance.

Art. 53

Municipalities

1) The municipalities are responsible for the following tasks in the field of health care:

a) the implementation of health promotion and prevention measures; they provide suitable premises free of charge for maternal and paternal counseling;

b) the organization of home care and home nursing (Spitex). They promote and support private associations for this purpose and may participate in such associations;

c) the systematic control of animal pests, especially mice and rats, in their function as vectors or reservoirs of dangerous pathogens.

2) The country can support measures of home care and home nursing by contributions.

Art. 54

Administrative assistance

1) The authorities of the Land and of the municipalities, as well as public-law institutions and corporations, shall provide the bodies responsible for the enforcement of this Act with all information required for the enforcement of this Act.

2) The Tax Administration shall notify the Office of Health annually of those permit holders for whom the documentation submitted indicates that they have not engaged in any business activity during the entire preceding year.

3) The Office of Public Health shall be entitled to inspect, by means of a retrieval procedure, the registers of the authorities of the Land designated by the Government by decree, if this is necessary for the performance of the tasks under this Act and if no provisions of data protection law conflict therewith.

4) The Office of Public Health shall provide administrative assistance to the competent authority of another State party to the EEA, while maintaining the confidentiality of the information exchanged, in order to facilitate the application of this Act. In particular, it shall inform the competent authorities of the existence of disciplinary or criminal sanctions or of any other serious, well-defined facts that could have an impact on the performance of the activities covered by this Act, in compliance with the provisions of data protection law.

Art. 55

Processing and disclosure of personal data

1) The bodies entrusted with the implementation as well as the control or supervision of the implementation of this Act may process or have processed personal data, including special categories of personal data as well as personal data relating to criminal convictions and criminal offenses, to the extent necessary for the performance of their duties under this Act.

2) Unless there is an overriding private interest to the contrary, bodies entrusted with the implementation as well as the control or supervision of the implementation of this Act may disclose the data referred to in paragraph 1:

a) other bodies entrusted with the implementation of this Act and the control or supervision of the implementation of this Act, if the data are necessary for the performance of the tasks assigned to them under this Act;

b) other bodies, if the data is necessary for the performance of a task assigned to them by law.

Art. 56

Cancer registry

1) The Office of Public Health maintains an electronic registry (cancer registry) for purposes of cancer control and research.

2) The cancer registry contains health data of persons suffering from cancer and residing in Liechtenstein.

3) All physicians working in Liechtenstein and their assistants are entitled to transmit health data to the Office of Public Health in accordance with paragraph 2. Before the intended transfer, the patient concerned must be informed of his right to object in writing to the transfer of his health data.

4) The Office of Public Health shall provide patients registered in the cancer registry, or the person authorized to represent them by law, with all information on health data concerning them.

5) The Office of Public Health may also participate in a foreign cancer registry.

6) The Government shall regulate the details by decree, in particular concerning:

a) The type of data contained in the cancer registry;

b) the data access;

c) data security.

Art. 57

Fees

1) Fees shall be charged for official acts under this Act, in particular for the granting and withdrawal of permits and for operational inspections.

2) The Government shall regulate the details of the levying of fees by ordinance.

VII. Penal provisions

Art. 58

Misdemeanors

1) The district court shall punish for misdemeanor with imprisonment for a term not exceeding six months or with a fine not exceeding 180 daily rates who:

a) practices a health profession or operates a health care facility without a license or otherwise performs an activity requiring a license under this Act without authorization;

b) violates enforceable decisions on the practice of the profession.

2) The district court shall punish with imprisonment for a term of up to three years or with a fine of up to 360 daily penalty units who intentionally:

a) performs an autopsy on a deceased person without the prerequisites being met (Art. 46);

b) provides or promises a financial gain or comparable advantage to donors of organs, tissues or cells or to third parties in return for a donation (Art. 46b Para. 2);

c) advertises the need for organs, tissues or cells or their availability, holds out the prospect of financial gain or comparable advantage or achieves such gain (Art. 46b Para. 4);

d) enters into legal transactions involving organs, tissues or cells with a view to making a profit (Art. 46b Para. 5);

e) trades in organs, tissues or cells in Liechtenstein or from Liechtenstein abroad, or removes or transplants organs, tissues or cells that have been acquired in return for payment or by granting advantages (Art. 46c para. 1);

f) removes organs, tissues or cells from a deceased person for transplantation without the prerequisites being met (Art. 47);

g) accesses data or systems without authorization, thereby enabling the identification and traceability of donors or recipients (Art. 47d).

3) Any person who commits the acts referred to in subsection 2 on a commercial basis shall be liable to a custodial sentence not exceeding five years.

4) In the case of negligent commission, the upper limit of the penalty shall be reduced to half. Art. 59

Administrative Violations

1) The Office of Public Health shall punish for violation with a fine of up to 50,000 francs, or in case of non-collection with a substitute term of imprisonment of up to six months, who:

a) unauthorizedly uses a professional title of a profession regulated under this Act or an equivalent title;

b) violates the duty of confidentiality (Art. 15), the duty of documentation and safekeeping (Art. 12), the duty of disclosure (Art. 14), the duty of notification (Art. 18d) or the duty to report (Art. 20);

c) unauthorizedly recommends himself for consultations and treatments or engages in unauthorized advertising (Art. 16);

d) obtains a professional license or an operating license by making false or misleading statements or by concealing material facts;

e) Violates ordinance provisions, the violation of which is declared punishable by law.

2) In case of negligent commission, the upper limit of the penalty shall be reduced to half. Art. 60

Responsibility

If offences are committed in the business operations of a legal entity or a general or limited partnership or a sole proprietorship, the penal provisions shall apply to the persons who have acted on its behalf or

The legal entity, the company or the sole proprietorship shall be jointly and severally liable for the fines and costs.

VIII. Legal remedies

Art. 61

Complaint

1) Decisions and orders of the Office of Public Health and the Office of Food Control and Veterinary Affairs may be appealed to the Government within 14 days of notification.

2) Appeals against decisions and orders of the Government may be lodged with the Administrative Court within 14 days of service.

3) An appeal to the Administrative Court may only be lodged against unlawful action and execution or against an unlawful or incorrect presentation of the facts.

IX. Transitional and final provisions

A. Transitional provisions Art. 62

Concessions and permits under previous law

1) Persons who have already exercised health care professions or managed a health care business on the basis of a licence or authorization before the entry into force of this Act may, subject to paragraphs 2 to 4, continue their activities within the previous framework. Within a period of twelve months, they must provide proof that they have taken out public liability insurance in accordance with Art. 7 Para. 1 e). The expiry, suspension and withdrawal of licences and permits shall be governed by the provisions of this Act.

2) Persons who, at the time of the entry into force of this Act, are working as chiropodists, hearing aid specialists, orthopedists or dental technicians on the basis of a license acquired under the previous law must return their license or certificate to the Office of Public Health within one year. The Office of Economic Affairs shall issue them a business license ex officio, free of charge. If the license under the previous law is not returned within this period, this license expires.

3) Persons who, at the time of the entry into force of this Act, are authorized to practice naturopathy or one of the three specialties of naturopathic practitioners mentioned in this Act, or to practice speech therapy, on the basis of a business license obtained under the previous law, shall submit their license or certificate within one year to the Office of Economic Affairs.

return it. The Office of Public Health shall issue them a professional license free of charge in accordance with this Act. The professional license shall be issued if the requirements of this Act are met. If the professional license under the previous law is not returned within this period, this license shall expire.

4) Retrieved

5) The new law shall apply to licensing procedures pending at the time of the entry into force of this Act. Pending applications shall be forwarded ex officio to any new competent authority.

Art. 63

Retrieved

Art. 64 Therapeutic gymnastics

Physiotherapists who hold a license under the previous law may apply to the Office of Public Health within six months of the entry into force of this Act to convert their license into a license as a physiotherapist. The application must be accompanied by proof of continuous practice of the profession during the three years preceding the entry into force of this Act and proof of professional liability insurance.

B. Final provisions Art. 65

Executive Orders

1) The Government shall issue the ordinances necessary for the implementation of this Act.

2) It may, by ordinance, transfer the business assigned to it in Art. 49 to the Office of Public Health for independent execution, subject to the reservation of legal recourse to the collegiate government.

Art. 66 Repeal of previous law

It is repealed:

a) Act of December 18, 1985, on Health Care (Sanitary Act), LGBl. 1986 No. 12;

b) Announcement of March 18, 1986, on the correction of the Provincial Law Gazette 1986 No. 12, LGBl. 1986 No. 18;

c) Act of November 12, 1992, concerning the amendment of the Health Care Act (Sanitary Act), LGBl. 1993 No. 19;

d) Act of June 14, 1994, amending the Health Care Act (Sanitary Act), LGBl. 1994 No. 43;

e) Act of December 16, 1994, concerning the amendment of the Health Care Act (Sanitary Act), LGBl. 1995 No. 18;

f) Act of March 23, 1995, on the amendment of the Act of November 12, 1992, concerning the amendment of the Health Care Act (Sani- tity Act), LGBl. 1995 No. 108;

g) Act of May 14, 1997, amending the Health Care Act (Sanitary Act), LGBl. 1997 No. 130;

h) Act of March 12, 1998, amending the Health Care Act (Sanitary Act), LGBl. 1998 No. 76;

i) Act of 26 November 1999 on the amendment of the Sanitary Act, LGBl. 2000 No. 17;

k) Act of October 22, 2003, concerning the amendment of the Health Care Act (Sanitary Act), LGBl. 2003 No. 240;

l) Announcement of 9 August 2005 of the declaration of the unconstitutionality of Article 52(3) of the Health Care Act (Sanitary Act) by the judgment of the Princely Liechtenstein State Court of 9 May 2005 (StGH 2004/14), LGBl. 2005 No. 167;

m) Announcement of 18 October 2005 of the repeal of Art. 52 (2) of the Health Care Act (Sanitätsgesetz) by the decision of the Liechtenstein Constitutional Court of 27 September 2005 (StGH 2005/62), LGBl. 2005 No. 194;

n) Act of September 22, 2005, concerning the amendment of the Health Care Act (Sanitary Act), LGBl. 2005 No. 215;

o) Act of October 19, 2005, concerning the amendment of the Health Care Act (Sanitary Act), LGBl. 2005 No. 234;

p) Announcement of 3 July 2007 of the repeal of Art. 52 (1) (d) of the Health Care Act (Sanitätsgesetz) by the decision of the Liechtenstein Constitutional Court of 4 December 2006 (StGH 2006/44), LGBl. 2007 No. 153;

q) Act of December 13, 2001, on Temporary Emergency Measures in the Health Sector, LGBl. 2002 No. 24;

r) Act of April 16, 2003, on the Amendment of the Act on Temporary Emergency Measures in Health Care, LGBl. 2003 No. 138;

s) Article 49 of the Therapeutic Products Act of October 24, 1990, LGBl. 1990 No. 75.

Art. 67

Terminology

In laws and regulations are to be replaced, in each case in the grammatically correct form:

a) the designation "Sanitary Commission" by the designation "National Health Commission";

b) the designation "Landesphysikus" by the designation "Amtsarzt".

Art. 68 Entry into force

Subject to the unused expiry of the referendum period, this Act shall enter into force on 1 February 2008, otherwise on the day of promulgation.

XII. Gender Equality Act (GLG)

from march 10, 1999

on the Equality of Women and Men (Equality Act, GLG).

I. General Art.

1

Subject and purpose

1) This law regulates the promotion of the actual equality of women and men.

2) It aims to achieve equality between women and men in the world of work and in access to and supply of goods and services.

3) It serves in particular to implement:

a) Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (EEA Supplementary Act: Annex XVIII 21b.01);

b) of Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (EEA Supplementary Act: Annex XVIII 21c.01).

Art. 1a

Terms

For the purposes of this Act means:

a) "Direct discrimination" means discrimination in which one person is treated less favorably than another is, has been, or would be treated in a comparable situation because of sex;

b) "indirect discrimination" means discrimination where an apparently neutral provision, criterion or practice may put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;

c) "Harassment" means unwanted gender-based behaviors toward

of a person with the purpose or effect of violating the dignity of the person concerned and creating an environment of intimidation, hostility, humiliation, degradation or insult;

d) "sexual harassment" means any form of unwanted conduct of a sexual nature, whether verbal, non-verbal or physical, which has the purpose or effect of violating the dignity of the person concerned, in particular when an intimidating, hostile, degrading, humiliating or offensive environment is created;

e) "Compensation" means the usual basic or minimum wages and salaries and any other remuneration received directly or indirectly by the employee in cash or in kind;

f) "Social security schemes" means statutory and occupational (compulsory and non-compulsory) insurance schemes providing protection against the risks of sickness, invalidity, old age, occupational accident, non-occupational accident and disease, and unemployment.

II. Equality in the world of work Art.

2

Principle

The provisions under this title apply to all employment relationships under private and public law, as well as other employment.

Art. 3

Prohibition of discrimination

1) No person may be discriminated against directly or indirectly on the grounds of sex, in particular by reference to marital or family status or, in the case of women, pregnancy or maternity. More favorable provisions for the protection of women with regard to pregnancy and maternity are reserved.

2) This prohibition applies with respect to:

a) the conditions, including selection criteria and recruitment requirements, for access to employment and self-employment irrespective of field of activity and professional position, as well as for career advancement;

b) access to vocational guidance, vocational training, continuing vocational education and retraining, and practical work experience;

c) employment and working conditions, including dismissal conditions, and remuneration, including remuneration criteria for job classification systems;

d) membership or participation in an employee or employer organization or an organization whose members belong to a particular professional group, including the use of the services of such organizations;

e) joining and leaving social security schemes;

f) the obligation to pay contributions, the calculation of contributions, the calculation of benefits, including supplements for spouses and dependants, the direction of benefits, and the conditions relating to the duration and maintenance of entitlement to benefits under social security schemes.

3) Discrimination also occurs when a person is instructed to discriminate.

4) There is no discrimination if:

a) appropriate measures are taken to achieve actual equality;

b) gender is an indispensable requirement for the activity because of the nature of the activity to be performed or the conditions under which it is performed;

c) In the voluntary occupational pension plan, different benefit levels are granted, which take into account actuarial calculation factors that differ according to gender;

d) different contributions are set in the voluntary occupational pension scheme or retirement pension for employers, provided that:

1. in the case of fixed contributions, it is intended to equalize or increase the amount of pension benefits for women and men based on these contributions;

2. in the case of defined benefit schemes financed by accumulation of capital, the employer's contributions are intended to supplement the funding base essential to cover the cost of the promised benefits.

Art. 4

Harassment and sexual harassment discrimination

1) Harassment and sexual harassment, as well as instruction to do so, are considered discriminatory on the basis of sex.

2) Discrimination also includes adverse treatment based on the rejection or toleration of harassment or sexual harassment.

3) Retrieved

III. Equality in access to and supply of goods and services

Art. 4a

Prohibition of discrimination

1) No one shall be discriminated against directly or indirectly on the basis of sex in the access to and supply of goods and services available to the public. Discrimination against women on the grounds of pregnancy or maternity is directly discriminatory on the grounds of sex. More favorable provisions for the protection of women with regard to pregnancy and maternity shall remain reserved.

2) This prohibition applies to all persons who provide goods and services that are available to the public, in public and private areas, including public authorities.

3) Discrimination also occurs when a person is instructed to discriminate. ration before.

4) Exempt from this prohibition are:

a) Transactions in the area of private and family life;

b) the content of media and advertising;

c) the area of education;

d) self-employed activities, to the extent that they are covered by other legislation implementing EEA rules;

e) Legal relationships falling within the scope of Chapter II.

5) There is no discrimination if:

a) appropriate measures are taken to achieve actual equality;

b) it is justified by a legitimate objective to provide the goods and services exclusively or primarily to members of one sex, and the means of achieving that objective are appropriate and necessary;

c) Retrieved

6) The prohibition of discrimination under subsection 1 shall not affect the free choice of a contracting partner by a person as long as that person does not base his or her choice on gender.
of the contractual partner.

Art. 4b

Harassment and sexual harassment discrimination

1) Harassment and sexual harassment, as well as instruction to do so, are considered discriminatory on the basis of sex.

2) Discrimination also includes adverse treatment based on the rejection or toleration of harassment or sexual harassment.

IV. Legal protection

A. General

Art. 5

Legal claims

1) Any person affected by discrimination within the meaning of Articles 3 to 4b may apply to the court or administrative authority:

a) prohibit or refrain from threatening discrimination;

b) eliminate an existing discrimination;

c) establish discrimination if it continues to have a disruptive effect.

2) Claims according to Art. 7b, 7c and 15a, claims for damages and satisfaction as well as further contractual claims are reserved.

Art. 6

Easing the burden of proof

Discrimination within the meaning of Articles 3 to 4b shall be presumed if it is plausibly demonstrated by the person concerned.

Art. 6a

Invalidity

Contractual provisions, company regulations, statutes of profit or non-profit associations, collective labor agreements and all other agreements are binding.

Any agreements and regulations that violate the prohibition of discrimination are null and void.

Art. 7

Complaints and grievances from organizations

1) Associations with their registered office in Switzerland which, according to their articles of association, aim to promote equality between women and men or to represent the interests of female or male employees and have been in existence for at least five years may, with the consent of the person complained of:

a) Have a finding of discrimination made on their own behalf; or

b) initiate litigation on behalf of the complainant or participate in litigation initiated by the complainant, either on the complainant's behalf or in support of the complainant.

2) They must give the parties concerned, such as employers, contractual partners or the organization concerned, the opportunity to state their position before appealing to the conciliation body (Art. 11 and 15b) or filing a complaint.

3) In all other respects, the provisions governing actions and complaints by individual persons, in particular Art. 6, shall apply mutatis mutandis.

Art. 7a

Prohibition of retaliatory measures

1) In response to a complaint of violation of the prohibition of discrimination or to the initiation of proceedings to enforce the prohibition of discrimination, the individual may not be disadvantaged. This also applies to persons who appear as witnesses or as respondents in such proceedings or who support such a complaint. Article 10 remains reserved.

2) Retaliatory measures can trigger the same legal consequences as the discrimination itself.

B. Special legal rights in the event of discrimination in the world of work

Art. 7b

Legal claims

1) Any person affected by discrimination within the meaning of Articles 3 and 4 may apply to the court or administrative authority:

a) order the payment of the wages owed;

b) reimbursement of overpaid contributions or under-received benefits of social security systems.

2) The claim under subsection 1(a) shall become statute-barred after the expiry of five years. The limitation

The limitation period for claims under paragraph 1(b) is governed by the special legal provisions.
sible provisions.

Art. 7c

Compensation

1) If the discrimination consists in the refusal of employment or in the termination of an employment relationship under private law, the person concerned shall only be entitled to compensation instead of the claims under Art. 5 para. 1. This is to be determined in consideration of all circumstances and is calculated on the basis of the expected or actual salary.

2) In the event of discrimination due to harassment or sexual harassment, the court or the administrative authority may, in addition to the claims under Art. 5, also award compensation to the affected person if the employer does not prove that it has taken measures which, according to experience, are necessary and appropriate to prevent harassment or sexual harassment and which can reasonably be expected. If the employer has been informed in advance by the employee concerned of the threat or occurrence of harassment or sexual harassment and the employer has nevertheless not taken the necessary and reasonable measures, the court or the administrative authority shall award compensation.

3) Compensation for discrimination in refusal of employment under paragraph 1 may not exceed the amount equivalent to three months' salary. The total amount of compensation may not exceed this amount.

even if several persons claim compensation for discriminatory rejection of the same employment. Compensation for discrimination in the termination of a private-law employment relationship under para. 1 shall amount to at least three months' wages. Compensation in the event of discrimination through harassment or sexual harassment in accordance with para. 2 shall be determined taking into account all the circumstances and shall amount to at least 5,000 Swiss francs.

4) If the discrimination exists with regard to joining or maintaining entitlement to benefits under social security schemes, the person concerned shall only be entitled to compensation instead of the entitlements under Article 5(1). This is to be determined in consideration of all circumstances and is calculated on the basis of the expected or actual benefits and contributions.

C. Special provisions for employment relationships under private law

Art. 8

Procedure in case of discriminatory refusal of employment

1) Individuals whose applications have not been considered for employment and who claim discrimination may request that the employer provide written justification.

2) The right to compensation under Article 7c(1) shall be forfeited if an action is not brought within three months of the employer's notification of the refusal of employment.

Art. 9

Procedure in the event of discriminatory termination

If an employee is discriminated against by termination, Section 1173a Art. 48 of the General Civil Code (ABGB) is applicable.

Art. 10

Protection against dismissal in the event of revenge dismissal

1) The termination of the employment relationship by the employer shall be voidable if it follows, without reasonable cause, on:

a) an internal complaint or a complaint against social security institutions about discrimination by the employee; or

b) the employee's appeal to the conciliation board or the court.

2) The protection against dismissal shall apply for the duration of any grievance, conciliation or court proceedings under subsection 1 and for six months thereafter.

3) The termination must be appealed to the court before the end of the notice period. The court may order the provisional reinstatement of the employee for the duration of the proceedings if it appears probable that the conditions for setting aside the termination have been met.

4) The employee may waive the continuation of the employment relationship during the proceedings and instead claim compensation pursuant to Section 1173a Art. 47 ABGB.

5) This Article shall apply mutatis mutandis to terminations due to the action of an or- ganization under Art. 7.

Art. 11

Arbitration

1) The district court shall designate a district judge as a conciliation board. He or she shall advise the parties and attempt to reach an agreement. The parties must appear in person.

2) The conciliation procedure is mandatory and must be invoked within the time limit for bringing an action if the law provides for such a time limit. If no agreement is reached, the court action must be filed within three months of the conclusion of the conciliation proceedings.

3) The conciliation proceedings shall be free of charge and shall be governed mutatis mutandis by the provisions of §§ 227 et seq. ZPO, unless this Act provides otherwise.

4) Collective labor agreements may transfer the arbitration of disputes between employee associations and individual employers to bodies provided for in the agreement, to the exclusion of the state arbitration board.

Art. 12

Civil Justice

1) Disputes concerning discrimination in employment are to be settled before the ordinary courts.

2) The court shall establish the facts ex officio and assess the evidence at its own discretion.

D. Legal protection in the case of employment relationships under public law Art. 13

Principle

1) Legal protection in the case of employment relationships under public law shall be governed in principle by the provisions of the Act on the General Administration of the Land.

2) Any person who makes a prima facie case that he or she has been affected by discrimination within the meaning of this Act may request the competent authority to issue an order disposing of his or her claims under Articles 5, 7b and 7c.

3) The order must be requested within three months after the disri-

minating event has occurred or a discriminatory situation that has lasted over a longer period of time has been concluded, otherwise the claim to the issuance of an order and to any compensation is forfeited.

Art. 14

Refusal of employment and termination of the employment relationship

1) If a person is discriminated against by the rejection of his or her employment for the first time, Art. 7c Para. 1 is applicable. Compensation may be claimed directly by means of an appeal against the rejection order. If the rejection

for the time being by informal notification, an order may be requested in accordance with Art. 13 paras. 2 and 3.

2) If the termination of an employment relationship is perceived as discriminatory, the person concerned may appeal against the dismissal and at the same time claim compensation in accordance with Art. 7c para. 1.

Art. 15

Jurisdiction and legal remedies

1) Applications for the issuance of an order must be addressed to the municipal council if the person concerned is in an employment relationship with the municipality.

2) The government is responsible if the person concerned is in an employment relationship with the country.

3) Appeals against decisions and orders of the Municipal Council may be lodged with the Government within 4 weeks of service, and appeals against decisions and orders of the Government may be lodged with the Administrative Court within 4 weeks of service.

E. Special legal rights and procedural provisions in the event of discrimination in the access to and supply of goods and services.

Services Art. 15a

Compensation

1) If the discrimination consists in the rejection or dissolution of a legal relationship, the person concerned shall only be entitled to compensation instead of the claims under Art. 5 para. 1. This shall be determined taking into account all the circumstances and shall not exceed 3,000 Swiss francs.

2) In the case of discrimination by harassment or sexual harassment, the

court may also award the person concerned compensation in addition to the claims under Art. 5. This compensation shall be determined taking into account all the circumstances and shall amount to at least 1,000 Swiss francs.

Art. 15b

Conciliation proceedings and civil justice

The provisions on conciliation under Art. 11 paras. 1 to 3 and on the administration of civil justice under Art. 12 shall apply mutatis mutandis in the event of discrimination in access to and supply of goods and services.

V. Grants Art.

16

Support programs

1) The state may grant financial assistance to public or private institutions that implement programs to promote gender equality. It may carry out programs itself.

2) In particular, the programs shall serve the following purposes:

a) Promotion of in-house or external training and continuing education;

b) Improve gender representation across professions, functions, and management levels;

c) Improving the compatibility of work and family responsibilities;

d) Promote work organization and infrastructures in the workplace that favor equality;

e) To promote, analyze, monitor and support the realization of the principle of equality between women and men.

3) Primarily, programs with novel and exemplary content are supported. Direct funding of programs in companies is excluded.

Art. 17

Advice centers

The state may award grants to private institutions for:

a) to provide advice and information to women and men and to support them in the event of complaints;

b) for promoting the reintegration of women and men who have interrupted their professional activities in favor of family responsibilities.

VI. State institutions Art.

18

Repealed

Art. 19

Social Services Office

1) The Office of Social Services promotes gender equality in all areas of life and advocates for legal and de facto equality.

2) To this end, it shall perform the following tasks in particular:

a) it advises the authorities and private individuals on equality issues and assists victims of discrimination in pursuing their complaints;

b) it conducts public relations work;

c) it conducts investigations and recommends appropriate measures to authorities and private individuals;

d) it participates in the drafting of decrees of the country, insofar as they are relevant to equality;

e) among other things, it develops support programs in cooperation with public or private institutions, carries out projects or participates in projects;

f) it examines applications for subsidies in accordance with Articles 16 and 17 and monitors the implementation of the subsidy programs;

g) it shall inform all persons concerned of the measures taken to achieve equality within the meaning of this Act and of the relevant regulations in force;

h) it exchanges information with the competent European bodies active in the field of protection against discrimination based on sex.

VII. Transitional and final provisions Art. 20

Repealed

Art. 21 *Entry into force*

This Act shall enter into force on the day of its promulgation.

XIII. Land Transfer Act (GVG)

from 9 December 1992

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions and definitions Art. 1

Objective

1) The purpose of this law is to preserve or bring land to the use of its owners in order to ensure the widest possible distribution of land ownership that is socially tolerable and commensurate with the size of the lan- dary.

2) In order to achieve this objective, the acquisition of ownership of domestic real property shall require the approval of the land transfer authority in accordance with the provisions of this Act.

Art. 2

Scope

1) This Act applies to the acquisition of ownership of real property within the meaning of property law.

2) Acquisition of ownership of land is equal to the acquisition:

a) Retrieved

b) a long-term usufruct, a long-term residential right or a long-term dependent building right to a property;

c) of a right of purchase, right of first refusal or right of repurchase in respect of a property;

d) of other rights, in particular from loan or trust agreements, long-term rental or lease agreements, insofar as, in terms of content or scope, regardless of the type and form of the agreement, similar economic purposes can be achieved as with the acquisition of property or rights to real property within the meaning of subparagraphs (b) and (c);

e) shares in the assets of legal entities or companies without legal personality whose assets consist wholly or mainly of real property or rights thereto within the meaning of subparagraphs (b) to (d).

Art. 3

Exceptions from the scope

This law does not apply to the acquisition of ownership of land:

a) by the state or a municipality within its territory;

b) for the purpose of adjusting boundaries in the course of a cadastral survey. Art. 4

Definitions

1) For the purposes of this Act, the following terms shall have the following meanings:

a) Nationals are all persons with Liechtenstein national citizenship. All nationals of those States who are to be treated as nationals on the basis of international agreements shall be treated as nationals. Nationals of other States are foreigners within the meaning of this Law.

b) Domestic legal entities are all legal entities under Liechtenstein law with their head office in Liechtenstein. All legal entities under foreign law with their principal place of business in another State which, on the basis of international agreements, are to be treated as domestic legal entities, shall be treated in the same way as domestic legal entities. All other legal entities are foreign legal entities within the meaning of this Act.

c) Domestic companies without personality are all partnerships under Liechtenstein law with their head office in Liechtenstein. All companies without personality under foreign law which are to be treated as domestic companies without personality under international agreements shall be treated as domestic companies without personality. All other companies without personality are foreign companies without personality within the meaning of this law.

d) The domicile of a person shall be at the place where he or she actually predominantly resides with the intention of remaining there permanently. A residence of a foreigner that has not lasted continuously for at least ten years with an official permit shall not be deemed to be a residence within the meaning of this Act.

e) For the purposes of this Act, the registered office of a legal entity or of a company without legal personality shall always be located only at the place where the statutes or the articles of association so determine. In case of doubt, the relevant entries in the Commercial Register shall be authoritative.

2) Natural persons and legal entities entitled to acquire real property in Germany on the basis of the Agreement on the European Economic Area may acquire ownership of real property under the same conditions as nationals and domestic legal entities.

II. Approval requirement

Art. 5

Requirements

1) Permission to acquire ownership of domestic land is granted upon application if:

a) there is a legitimate interest in the intended acquisition of ownership of real property; or

b) one of the following conditions is met:

aa) Acquisition by a spouse, a registered partner, a blood relative in the ascending or descending line or up to the third degree of the collateral line, or an elective or foster child;

bb) Acquisition by way of an exchange with a land plot of equal value;

cc) the land to be acquired is an equivalent substitute for land given to the state or municipality;

dd) Acquisition on the basis of a will, codicil, inheritance contract or legacy contract; refusal of approval may not result in a reversion pursuant to § 760 ABGB;

ee) Acquisition by way of forced sale, provided that the bid is awarded to a person of full age who is a national pursuant to Art. 4(1)(a) or to a domestic legal entity pursuant to Art. 4(1)(b).

2) The basic traffic authority shall decide on the existence of a justified interest in accordance with subsection 1(a) after weighing all the circumstances. In doing so, an economic approach shall be taken in favor of or to the detriment of the purchaser.

3) When weighing up all the circumstances within the meaning of para. 2, the interest of the vendor must also be taken into account. An interest of the seller alone shall not be deemed to be a legitimate interest.

4) The acquirer shall enclose with the application to the land transfer authority all documents relevant to the decision, as determined by the government by decree.

Art. 6

Legitimate interest

1) A legitimate interest within the meaning of Art. 5(1)(a) exists in particular if:

a) the property to be acquired serves the acquirer or his family to meet an already existing domestic residential need and the acquirer is domiciled in Germany;

b) the real estate to be acquired will serve the acquirer or his family to meet a future domestic residential need and the acquirer is a national;

c) the real estate to be acquired to the acquirer or his family members living with him in the same household for the purpose of covering a current up-

The purchaser must be an adult national resident in Germany and neither he nor one of his family members must already be the owner of a corresponding plot of land;

d) the real property to be acquired serves the acquirer wholly or to a substantial extent to establish or expand the permanent establishment of his legally authorized domestic business thereon, or if the real property to be acquired serves the acquirer wholly or to a substantial extent for the exercise of a trade, business or profession, and in all these cases the acquirer has no corresponding domestic real property for this purpose;

e) the land to be acquired is reserved for agricultural use and is used by the acquirer for the full-time or part-time management of his domestic farm for the production of agricultural products and his land ownership does not exceed a ratio commensurate with the size of the farm;

f) the land to be acquired is to be used for the construction of owner-occupied or rented dwellings or for the construction of commercial premises and the following conditions are met:

aa) the superstructure must contribute to meeting the domestic demand for owner-occupied or rental housing or commercial premises;

bb) A preliminary project including a construction description must be submitted for the superstructure;

cc) the planned overbuilding must be proportionate to the area of the plot and must be carried out within the time limit;

dd) the superstructure must comply with local and regional planning regulations and guidelines;

ee) the acquirer of the domestic real estate must be a national or a domestic legal entity;

ff) the purchaser must not be the owner of a plot of land ready for construction which would be suitable for a superstructure within the meaning of subparagraph aa);

gg) Retrieved

g) the property to be acquired serves social housing purposes and the acquisition is made by a non-profit legal entity with its registered office or branch in Germany that enjoys tax exemption in Germany;

h) the land to be acquired is land reserved for agricultural use and the acquirer is a national resident in the country who does not have such land for use;

i) the real property to be acquired serves a foundation, an institution without members, or a trust similar to a foundation with personality to cover a beneficiary's legitimate interest under subparagraphs a, c, d, e, or h, and

the following conditions are demonstrably met in the relevant constituent documents:

aa) the purpose expressly provides for the acquisition and holding of real estate in Germany;

bb) the beneficiary regulation clearly assigns the property to be acquired to a specific beneficiary;

cc) the beneficiary expressly agrees to his or her beneficiary status by means of a separate declaration and has the property assigned to him or her under land transfer law;

dd) the amendment provision stipulates that, in particular, the amendment of the purpose, the beneficiary regulation and the provisions on dissolution and liquidation require the approval of the land transfer authority, and any amendment of the beneficiary regulation requires the separate approval of the land transfer authority (Art. 24a para. 2);

ee) the foundation or establishment without members or the foundation-like trust enterprise with personality is expressly subject to the supervision of the land transaction authority (Art. 24a Para. 1).

2) Retrieved

III. Conditions and requirements Art. 7

Approval subject to conditions and requirements

1) Permission to acquire title to land may be granted subject to conditions and requirements to ensure the use of the land for the purpose claimed by the acquirer.

2) If the acquisition of ownership of real property is approved subject to conditions or obligations, these must be fully and precisely described in the decision of the land transfer authority so that their fulfillment or compliance can be verified at any time.

3) If the acquisition of ownership of real property is approved subject to a condition, it may not be entered in the land register or otherwise executed until the land transfer authority has received proof that the conditions have been met.

4) Conditions shall be noted in the land register or in the commercial register as conditions under public law. In the event of a compulsory auction of a property, such an annotation in the land register shall be deleted ex officio.

5) Retrieved

Art. 8

Reservation of revocation

The right to revoke approval of the acquisition of ownership of land is reserved if the acquirer fails to comply with a condition.

IV. Land Transfer Authority

Art. 9

Responsibility and tasks

1) The land transfer authority is the Office of Justice.

2) The land transfer authority is responsible for all decisions under land transfer law in connection with the acquisition of ownership of real estate in Austria.

3) In particular, your duties will include:

a) the decision on the inapplicability of the Act in the cases referred to in Article 2(2)(d) and (e);

b) the granting of a permit in accordance with Art. 5;

c) the revocation of a permit pursuant to Art. 19.

Art. 10

Retrieved

Art. 11 to Art. 14

Retrieved

Art. 15

Obligation to submit

Legal transactions requiring approval shall be submitted to the land transfer authority within four months of their conclusion, otherwise they shall be null and void.

Art. 16

Decision and official note

1) All decisions of the Real Estate Transfer Authority under land transfer law shall be made by order.

2) If approved as requested, an official notation will be made on the submitted contract.

Art. 17 Service of the decision

1) The land transfer authority shall deliver the decision under Art. 16 to each contracting party in writing.

2) The contract under consideration shall be returned to the applicant if it is not executed in accordance with the application.

Art. 18

Legal remedies

1) Appeals against decisions of the land transfer authority may be lodged with the Appeals Commission for Administrative Matters within 14 days 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.

Art. 19

Revocation

If the land transfer authority grants a permit subject to a condition, it shall revoke the permit ex officio or upon application if the purchaser fails to comply with the condition.

Art. 20

Retrieved

Art. 21

Entries in the land register and commercial register

1) All legal transactions requiring approval may not be entered in the land register until the approval notice (Art. 16(2)) has been affixed to the legal transaction document.

2) Registrable facts and circumstances that are subject to approval within the meaning of Art. 2(2)(e) may only be entered in the Commercial Register if the requirements under para. 1 and Art. 7(3) are met.

3) Retrieved

Art. 22

Duty to notify

Authorities and civil servants who perceive violations within the meaning of Articles 28 to 31 or become aware of them in the course of their duties shall be obliged to report them to the public prosecutor's office.

Art. 23

Obligation to provide information and editions

Any person who, ex officio, professionally, contractually, as an organ of a legal entity or a company without legal personality, or actually participates in the pre

The person who is involved in the preparation, financing, conclusion or notarization of transactions within the meaning of Art. 2 shall, unless he is bound by professional secrecy, be obliged to provide the land transaction authority, at the latter's request, with information to the best of his knowledge and belief on all facts which may be of significance for the obligation to obtain approval or for the approval and, if necessary, to grant access to the books, correspondence or vouchers and to submit them.

Art. 24

Precautionary dispositions

The land transfer authority may order the necessary precautionary dispositions in order to maintain a legal or factual condition unchanged until the decision on the permit.

Art. 24a

Supervision of the land transfer authority

1) The Land Transaction Authority shall exercise supervision over foundations, establishments without members, and trust enterprises similar to foundations, with personality, with respect to the acquisition or holding of title to real property located in the country, with respect to compliance with this Act.

2) Insofar as the purpose or beneficiary regulation in the documents of foundations, establishments without members or foundation-like trusts with personality, which have acquired real property, is amended or such an association is dissolved or liquidated, the consent of the land transfer authority must be obtained prior to the formal amendment or prior to the sale of the real property.

VI. Conse

quences

Art. 25

Civil law consequences

1) Legal transactions requiring approval shall remain ineffective as long as the approval has not been obtained; they shall become null and void upon:

a) failure to present within the presentation period (Art. 15);

b) the legally binding denial of the permit;

c) Retrieved

d) the legally binding revocation of the permit:

e) the amendment of the constituent documents of foundations, establishments without members or foundation-like trust enterprises with personality and an ultimate change of ownership of the real property in disregard of the obligation to obtain the consent of the land transfer authority within the meaning of Art. 24a par. 2.

2) Ineffectiveness and nullity shall be observed ex officio.

Art. 26

Invalidation

If the approval of a legal transaction has been fraudulently obtained by providing incorrect or incomplete information, the land transfer authority shall declare the decision null and void ex officio.

Art. 27

Restoration of the original legal status

1) Proceedings for restoration of the original legal status shall be instituted ex officio if a person has acquired a right, the acquisition of which requires a permit, from a legal transaction that is void for lack of a permit or as a result of revocation, within a period of one year from the discovery, but no later than the expiry of the statute of limitations for prosecution.

2) Retrieved

3) Art. 627 para. 2 of the Property Law on the protection of rights in rem acquired in good faith and on the obligation to pay compensation shall apply.

VIa. Data protection44

Art. 27a

Processing of personal data

The land transaction authority may process or have processed personal data to the extent necessary for the performance of its duties under this Act, namely in order to:

a) to issue decisions and orders under land law;

b) to exercise supervision over the implementation of this Act;

c) To compile and publish statistics.

Art. 27b Information

systems

The land transaction authority may operate information systems for the performance of its duties under this Act and for statistical purposes.

Transfer of personal data Art. 27c

a) by the land transfer authority

1) The land transaction authority may transmit personal data to provincial and municipal authorities, in particular to the tax administration, insofar as this is necessary for the performance of its statutory duties.

2) Non-personal data may be transferred to the Office of Statistics and to third parties if the transfer is in the public interest.

3) As a rule, the data transmission takes place in writing.

Art. 27d

b) by other authorities

1) Courts, provincial and municipal authorities as well as public-law institutions shall provide the land transfer authority with the personal data required for the performance of its statutory duties.

2) As a rule, the data transmission takes place in writing.

VII. Penal provisions

Art. 28

Circumvention of the approval requirement

1) The district court shall punish for misdemeanor with imprisonment for a term not exceeding six months or with a fine not exceeding 360 daily penalty units who intentionally:

a) initiates the execution of a legal transaction requiring approval without having obtained the legally binding approval for the acquisition of the corresponding right; or

b) fails to comply with the obligation to obtain the consent of the land register authority pursuant to Art. 24a par. 2.

2) If the offender acts negligently, he shall be punished by the district court for the violation with a fine of up to 20,000 Swiss francs, and in case of irrecoverability with imprisonment for a term of up to three months.

Art. 29

Incorrect information

1) Any person who intentionally provides incorrect or incomplete information to a competent authority concerning facts that are relevant to the obligation to obtain a permit or to obtain a permit, or who fraudulently uses such information to deceive such authority, shall be punished by the regional court for a misdemeanor with imprisonment of up to six months or a fine of up to 360 daily penalty units.

2) If the offender acts negligently, he shall be punished by the district court for the violation with a fine of up to 20,000 Swiss francs, and in case of irrecoverability with imprisonment for a term of up to three months.

Art. 30 Non-compliance with requirements

A person who willfully fails to comply with a condition attached to a permit shall be punished by the district court for a misdemeanor by imprisonment for not more than six months or a fine of not more than 360 daily penalty units.

Art. 31

Refusal of information and edition

Any person who, without being subject to professional secrecy, refuses to comply with the duty to provide information and to disclose information incumbent upon him under Article 23 by failing to comply with a corresponding order issued to him by the competent authority with reference to the threat of punishment under this Article shall be punished by the Regional Court for a misdemeanor with a fine of up to 20,000 francs, and in the event of irrecoverability with imprisonment for up to three months.

Art. 32

Limitation

The statute of limitations for criminal prosecution is five years. The provisions of the Criminal Code shall apply to the commencement of the limitation period, its extension and expiry.

Art. 33 Infringement in the course of business

1) If an offence is committed while attending to the affairs of a legal entity, general partnership, limited partnership or sole proprietorship or otherwise in the exercise of business or official functions for another person, the penal provisions of Articles 28 to 31 shall apply to the natural persons who committed the offence.

2) The principal, employer, client or representative who intentionally or negligently, in breach of a legal duty, fails to avert or stop the effects of an infringement by a subordinate, agent or representative shall be subject to the penal provisions applicable to the offender acting accordingly.

3) If the principal, employer, client or represented party is a legal entity, general partnership, limited partnership or sole proprietorship, para. 2 shall apply to the liable governing bodies, members of governing bodies, managing partners, persons actually in charge or liquidators.

VIII. Transitional and final provisions Art. 34

Pending legal transactions

Legal transactions concluded before the entry into force of this Act shall be treated in accordance with the previous law.

Art. 35

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act, in particular on the fees in the proceedings before the Land Transaction Authority.

Art. 36

Transition periods

1) Natural persons and legal entities entitled to acquire real property in Germany on the basis of the Agreement on the European Economic Area may, as of January 1, 1999, acquire ownership of real property under the same conditions as nationals and domestic legal entities.

2) This does not apply to the acquisition of land owned by a company and forming an integral part of the company's operations (direct investments). As of January 1, 1997, these can be acquired as property under the aforementioned conditions.

Art. 37 Repeal of previous law

It is repealed:

a) Act of November 13, 1974 on the Acquisition of Real Property (Land Transfer Act), LGBl. 1975 No. 5;

b) Act of July 7, 1977, concerning the amendment of the Land Transfer Act, LGBl. 1977 No. 53;

c) Law of 26 September 1979 on the amendment of the Land Transfer Act, LGBl. 1979 No. 54;

d) Act of December 18, 1980, amending the Land Transfer Act, LGBl. 1981 No. 12;

e) Act of October 24, 1990, amending the Land Transfer Act, LGBl. 1991 No. 2;

f) Announcement of March 12, 1991, of the repeal of Article 18 (6) of the Basic Transportation Act by the decision of the F.L. State Court of November 22, 1990 (StGH 1990/10), LGBl. 1991 No. 17.

Art. 38

Entry into force

This Act shall enter into force simultaneously with the Agreement on the European Economic Area.

XIV. Therapeutic Products Act (HMG)

from December 4, 2014

on Medicinal Products and Medical Devices (Therapeutic Products Act; HMG).

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Subject matter and scope

1) This law regulates:

a) in implementation of the Swiss legislation on medicinal products applicable in Liechtenstein on the basis of the Customs Treaty, the handling of medicinal products and medical devices (therapeutic products), in particular:

1. the production of medicinal products in small quantities;

2. the retail trade with pharmaceuticals;

3. the storage of blood and blood products;

4. the responsibilities in connection with licenses for the manufacture of medicinal products, the commercial import and export of ready-to-use medicinal products for distribution or dispensing, the mail-order trade in medicinal products, the wholesale trade in medicinal products, the collection of blood for transfusions or for the manufacture of medicinal products and the individual import of blood and blood products as well as the subsequent control in the area of medical devices;

5. the name of the ethics committee responsible for clinical trials;

b) the trade in medicinal products from Liechtenstein abroad;

c) the stockpiling of medicines for disasters and the event of war, and the special approval of medicines for life-threatening diseases.

2) It does not affect the provisions of the Act on the Circulation of Medicinal Products or the handling of human tissues and cells in the European Economic Area.

3) It applies to narcotics within the meaning of the narcotics legislation, insofar as they are used as medicinal products.

Art. 2

Duty of care

Anyone who handles therapeutic products must take all measures required by the state of the art in science and technology to ensure that the health of humans and animals is not endangered.

Art. 3

Terms and designations

1) The definitions of the Swiss legislation on therapeutic products and - as far as transplant products are concerned - the Swiss legislation on transplantation apply to the terms used in this Act.

2) The personal and professional terms used in this Act shall mean members of the male and female genders.

II. Implementation of the applicable Swiss legislation on therapeutic products

A. Manufacture of medicinal products in small quantities Art. 4

Permit obligation and requirements

1) The manufacture of medicinal products in small quantities according to Formula magistralis, Formula officinalis, a proprietary formula or a formula published in the specialist literature, or Formula hospitalis requires a permit from the Office of Public Health.

2) It is issued to a retail establishment if the applicant demonstrates that:

a) the person responsible for the production has the appropriate professional qualification;

b) the persons entrusted with the production meet the professional requirements;

c) a quality system is in place that is appropriate to the nature and extent of the manufacturer's activities; and

d) the requirements of the applicable Swiss legislation on therapeutic products are met, in particular the rules of good manufacturing practice for medicinal products in small quantities are observed.

Art. 5

Notification and placing on the market

Medicinal products manufactured according to a proprietary formula or a formula published in the specialist literature or according to Formula hospitalis must be notified to the Office of Public Health before they are placed on the market. If the medicinal products comply with the provisions of the Swiss legislation on therapeutic products, the Office of Public Health issues a confirmation. The confirmation is valid for ten years and is renewed upon request. The provisions of the applicable EEA law remain reserved.

B. Dispensing of medicines

1. In general

Art. 6

Authorization to use prescription drugs

1) In addition to medical personnel, the following professionals are authorized to use necessary prescription medicines in the course of their professional practice:

a) Midwives;

b) Dental Hygienist;

c) Chiropractors; and

d) Paramedic.

2) Supervision of the use of prescription drugs by midwives, dental hygienists, and chiropractors is the responsibility of the Office of Public Health, and that of emergency medical technicians is the responsibility of the Medical Director of Emergency Medical Services.

3) The Government shall designate the prescription medicinal products that may be used by specialists in accordance with paragraph 1 by ordinance.

Art. 7

Drug Patient Information

1) Approved drugs must always be dispensed in the original packaging with the drug-patient information as package insert.

2) Medicinal products that do not have a Medicinal Product Patient Information or for which the healthcare professional who issued the prescription provides special instructions for use must be labeled accordingly.

3) If the physician or dentist separately orders the dispensing "sine confectione", the pharmacist must dispense the drug in a neutral container without drug-patient information, but with instructions for use. When dispensing, it must be ensured that the name and composition of the drug can be determined by type and quantity at the dispensing pharmacy.

2. Prescription of medicines (prescriptions)

Art. 8

Content and validity

1) Recipes must have the following content:

a) Name and first name and date of birth of the patient;

b) Date of issue;

c) Surname and first name, professional qualifications, practice address and signature of the issuing physician or other professional authorized to issue the certificate;

d) Name, dosage form, quantity, strength and dosage regimen of the drug to be dispensed.

2) Prescriptions lose their validity three years after their date of issue, unless the prescriber has indicated a shorter validity period on the prescription. Prescriptions returned for repeated use must be marked with the name of the pharmacy and the date of dispensing.

3) The government may regulate the details of the content of prescriptions by decree.

Art. 9

Execution

1) Subject to subsection 4, prescriptions may be filled only by public pharmacies.

2) In emergencies, pharmacists are authorized to dispense prescription drugs in the smallest original package available on the market, even without a prescription. If this is not in stock, the smallest available original package may be dispensed. The dispensing of a prescription drug without a prescription must be documented, stating the reason.

3) Records of the dispensing of prescription drugs prepared according to Formula magistralis, Formula officinalis, a proprietary formula or a formula published in the professional literature, or For- mula hospitalis shall be kept continuously in a clear manner. These must contain:

a) the information according to Art. 8;

b) the submission date;

c) the reference to an expiration date; and

d) if necessary, the instructions for use specified in the recipe.

4) Druggists are only allowed to fill prescriptions for the production of medicinal products if they are medicinal products that are permitted to be dispensed in drugstores.

5) If the prescription is unclear or if there seems to be an error, the person responsible must contact the person who issued the prescription before carrying it out.

6) Prescriptions for drugs in dispensing category A or for drugs that may not be repeatedly dispensed due to a notation on the prescription must be retained or voided at the pharmacy.

Art. 10

Freedom of choice in the purchase of medicines

1) Patients can obtain prescribed drugs from a pharmacy of their choice.

2) The physician, dentist or naturopath is prohibited from terminating the treatment relationship if the patient does not wish to obtain the medicines from the practice pharmacy but from another pharmacy.

Art. 11

Conspicuous or misused recipes

Conspicuous or misused prescriptions may not be filled and must be retained by the pharmacy. The Office of Public Health must be informed immediately.

3. Retail trade

Art. 12 Licensing obligation and requirements

1) The management of a public pharmacy, surgery pharmacy, hospital pharmacy or pharmacy of another health care facility or drugstore (retail business) for the storage and dispensing of medicinal products requires an operating license from the Office of Public Health.

2) No operating license is required:

a) for the storage of medicines that physicians, dentists and naturopaths need for their own use on their patients, or that physicians and dentists need to dispense in emergencies for the immediate start of treatment;

b) if medicinal products are administered by pharmacies of health care institutions only for certain patients or are procured on prescription. Paragraph 5 remains reserved.

3) The operating permit shall be issued if the applicant demonstrates that:

a) the person technically responsible for the operation is professionally qualified;

b) the company has suitable premises and facilities;

c) A quality assurance system is in place that is commensurate with the scope and complexity of the activity; and

d) only adequately trained personnel are employed.

4) Professional qualification within the meaning of Paragraph 3(a) exists if the person with technical responsibility:

a) in the case of public pharmacies, has a professional license to practice as a pharmacist;

b) in the case of practice pharmacies, has a license to practice as a physician, dentist or naturopath;

c) in the case of hospital pharmacies or pharmacies of other healthcare institutions, has a professional license to practice as a pharmacist. If medicinal products are not manufactured in-house or are not dispensed to patients on an outpatient basis, the pharmacy may be managed by a person with a professional license to practice as a physician. Paragraph 5 remains reserved;

d) in the case of drugstores, has a professional license to practice as a druggist.

5) If the hospital pharmacy or the pharmacy of another health care facility is managed by a physician, a person with a recognized pharmacist's diploma must be consulted periodically.

6) If several physicians, dentists or naturopaths jointly use a surgery pharmacy within the framework of a joint practice or as employees of a medical or health professional association, one physician, dentist or naturopath must be designated in the operating license as the person responsible for the proper handling of medicinal products.

7) The government may provide for exemptions from the licensing requirements for the management of retail pharmacies by naturopaths.

Art. 13

Management

1) The licensee shall ensure that the retail business is managed in accordance with the regulations and that the services are provided exclusively by persons who have the required professional license or the required professional qualification.

2) The technical management and supervision of the operation shall be carried out by a person with technical responsibility. During a temporary absence of the person with technical responsibility, the technical management and supervision may be delegated to a deputy who also has the required professional license or the required technical qualification. If the scope and nature of the business permit part-time work, the responsibilities must be defined in writing and the minimum period of presence in the business must be specified.

3) The person with technical responsibility is responsible for the quality of the medicinal products in the facility and ensures the proper handling of medicinal products.

4) In technical matters concerning the management of the pharmacy, the person technically responsible must be guaranteed the freedom to make decisions.

Art. 14 Premises and facilities

1) Retail establishments must have the premises and equipment necessary for the proper handling of medicinal products.

2) The premises and facilities may not be used for purposes other than those of the company. The required hygiene must be guaranteed at all times.

3) Working rooms must comply with the state of the art in science and technology. The same regulations apply to sanitary facilities as in food processing plants.

4) The relevant legal provisions concerning remedies and health care must be available in the retail outlets.

Art. 15

Storage of medicines

1) Pharmaceuticals must be stored clearly in retail stores. They must be separated from other goods and must not be accessible to unauthorized persons.

2) Narcotics must be stored separately from other goods under secure lock and key.

Art. 16

Accounting and retention requirements

1) Retail businesses must document incoming and outgoing medicines in the form of purchase and sales invoices with the following minimum information:

a) Date of acquisition or delivery;

b) Name of the drug;

c) quantity received or delivered;

d) The name and address of the supplier; and

e) Name and address of the recipient for prescription drugs.

2) Retail pharmacies must keep current records of the drugs they dispense. These records must include:

a) the name of the patient;

b) the type and quantity of the drug dispensed;

c) the date of delivery; and

d) any instructions for use.

3) Retail businesses must retain documents such as invoices, business books and delivery bills for at least ten years in their entirety and in such a way that the individual dispensing and purchasing of medicines can be identified. Prescriptions must be kept for at least five years.

Art. 17

Planning coordination

In the event of new construction, reconstruction or significant operational changes to retail establishments, the Office of Public Health shall be involved in the planning coordination process.

Art. 18

Dispensing restrictions

1) Drugs in dispensing categories A to D may not be offered for self-service.

2) Subject to Art. 12, medicinal products in dispensing categories A to D may only be dispensed in the context of home visits and in emergencies outside the retail establishment. Art. 9 Para. 2 applies accordingly.

3) The dispensing of medicinal products to persons whom the dispenser knows or must assume will misuse them is prohibited.

4) Physicians, dentists and naturopaths may only dispense medicines to patients receiving treatment from them.

5) Naturopaths may only use and dispense non-prescription medicines in dispensing categories D and E that have been approved or are not subject to approval by the government by ordinance.

6) Home deliveries of medications to patients are reserved for public pharmacies.

C. Storage of blood and blood products

Art. 19

Permit obligation and requirements

1) Establishments that only store blood or blood products require an operating permit from the Office of Public Health.

2) The operating permit shall be issued if the applicant demonstrates that:

a) a quality assurance system suitable for ensuring the proper handling of blood and blood products is applied;

b) the company has a person with technical responsibility who exercises direct supervision and has the necessary expertise and experience;

c) suitable premises and facilities are available; and

d) the safety of the products is guaranteed.

Art. 20

Obligations for the storage of blood and blood products

1) Articles 13 to 17 shall apply mutatis mutandis to the management of the business, the premises and equipment, the storage, the accounting and storage obligations and the planning coordination.

2) Records related to the storage of blood and blood products as well as all important documentation must be kept for 30 years.

D. Authorization procedure

Art. 21

Issuance and content of the permit

1) The permit is issued if:

a) the application is complete; and

b) it is established that the applicant meets all the requirements for the activities applied for.

2) The license specifies in particular the technically responsible person, the licensed activities and the operating site. It is not transferable to other persons or to other operating sites.

3) The permit is issued following a successful inspection of the operational and personnel requirements. In the event of abandonment, transfer or local relocation of the establishment, the permit shall cease to be valid. Special provisions of the health law remain reserved.

4) The permit may be subject to requirements and conditions. Art. 22

Duration and renewal of the permit

1) Subject to paragraph 3, the authorization shall be limited to a maximum of five years.

2) It is renewed upon application if the conditions for granting the permit continue to be met. An inspection may be carried out for the renewal of the permit.

3) The permit for retail establishments is issued for an unlimited period of time.

Art. 23

Amendments

1) The permit holder must submit to the Office of Public Health, without request and without delay, an application with the necessary documentation for any intended change in the content of the permit, in particular in the case of:

a) a change of the person technically responsible for the operation;

b) a relocation or new installation of operating premises.

2) He must report significant changes to facilities, equipment or processes that are used in the handling of medicinal products and that could influence quality, together with the information required for this purpose. The obligation to report also applies to the abandonment of the facility.

3) The Office of Public Health shall comment within 30 days on applications under subsection 1 and shall raise any objections to amendments under subsection 2.

Art. 24 Expiry of the permit

The authorization expires:

a) in the case of a waiver declared in writing;

b) with the expiry of the authorization period;

c) with the death of the licensee or, in the case of legal entities, with their deletion from the Commercial Register.

Art. 25

Suspension of the permit

In the event of ongoing investigations against a licensee for violations of the provisions of the legislation on therapeutic products, the Office of Public Health may suspend the licenses until a final assessment has been made.

Art. 26

Withdrawal of authorization

The permit will be revoked by the Office of Public Health if:

a) the operation is abandoned;

b) the requirements for issuance are no longer met despite a reminder and the setting of a deadline;

c) conditions and requirements are not complied with; or

d) the licensee has repeatedly or seriously violated the provisions of the legislation on therapeutic products.

Art. 27

Revocation of the permit

The permit will be revoked by the Office of Public Health if:

a) the issuance was obtained by false statements; or

b) essential requirements were not known when they were issued.

E. Handling of veterinary medicines

Art. 28

Principle

Unless otherwise specified below, Articles 7 and 9 to 18 shall apply mutatis mutandis to the handling of veterinary medicinal products, with the proviso that the Office of Food Control and Veterinary Affairs shall be responsible for issuing an operating license for veterinary practice pharmacies.

Art. 29

Dispensing of veterinary medicines

1) Veterinarians may dispense veterinary drugs to animal owners only for the animal treatments they perform.

1a) In the case of holders of a professional license pursuant to Art. 31a of the Animal Health Professions Act, the government shall determine by ordinance whether and which veterinary medicinal products they may use.

2) The dispensing and storage of veterinary medicinal products in zoo and beekeeping shops requires an operating permit from the Office of Food Control and Veterinary Affairs. The permit is granted if the applicant proves that:

a) the person with technical responsibility has completed the training required by Swiss legislation on therapeutic products; and

b) appropriate premises and facilities are available to permit the proper storage and dispensing of veterinary medicinal products.

Art. 30

Recipes

1) Prescription veterinary medicines may only be dispensed against a veterinary prescription, whereby the veterinarian prescribes the medicines taking into account the duration of treatment, the number of animals and their weight.

2) Veterinary prescriptions must have the following content:

a) Name and first name of the animal owner;

b) Animal species and number of animals to be treated;

c) Date of issue;

d) Surname and first name, practice address and signature of the issuing veterinarian;

e) The name and quantity of the veterinary drug to be dispensed; and

f) Application Instructions.

3) The veterinarian may issue prescriptions for medicated feeding stuffs and medicinal preparations only for the animals examined by him or her and for the herds under his or her care.

Art. 31

Animal keeper

The animal owner may not obtain a prescription animal drug without a veterinarian's prescription and may not store, add it to the feed or use it without a veterinarian's instructions for use.

F. Responsibilities in other areas of the Swiss legislation on therapeutic products

Art. 32

Principle

1) The Office of Public Health shall, subject to intergovernmental regulations, be permanently authorized to issue permits in connection with:

a) the manufacture of medicinal products (Art. 5 para. 1 Swiss HMG);

b) the commercial import and export of ready-to-use medicinal products for distribution or dispensing (Art. 18 para. 1 Swiss HMG);

c) the mail order trade in medicinal products (Art. 27 Swiss HMG);

d) the wholesale trade in medicinal products (Art. 28 Swiss HMG);

e) the collection of blood for transfusions or for the manufacture of medicinal products (Art. 34 para. 1 Swiss HMG); and

f) the single import of blood and blood products (Art. 35 para. 1 Swiss HMG).

2) In the area of medical devices, the Office of Public Health is responsible for post-market control, in particular:

a) in the retail trade and at the dispensing points;

b) the handcrafting of the custom-made products, systems and treatment units; and

c) the maintenance and reprocessing of medical devices by the professionals who use them.

3) The government designates the ethics committee responsible for clinical trials (Art. 57 Para. 4 Swiss HMG). It is authorized to assign this function to a cantonal ethics committee within the framework of an administrative agreement.

4) The government may declare guidelines on quality standards in the handling of medicinal products to be binding.

III. Trade abroad Art. 33

Permit obligation and requirements

1) Commercial trade in medicinal products from Liechtenstein without coming into contact with the territory of Liechtenstein requires a permit from the Office of Public Health.

2) Anyone applying for a permit to trade abroad must prove that:

a) the company has a registered office or a business establishment in Liechtenstein;

b) a functional system for ensuring the pharmaceutical quality of medicinal products is operated in the company and the management and staff of the individual areas concerned actively participate in it;

c) the company has a person with technical responsibility as defined in Art. 13 who exercises direct technical supervision and has the necessary training, expertise and experience;

d) the operational organization is appropriate;

e) a documentation system is in place that includes the documents, work instructions, procedural descriptions and protocols on the relevant processes within the scope of the mediation;

f) the due diligence obligations pursuant to Art. 34 are complied with; and

g) the application of the international rules of Good Distribution Practice for medicinal products is ensured.

3) The government may regulate the details of the licensing requirements by ordinance.

Art. 34 Due diligence

1) The person holding a license under Article 33 shall be responsible for compliance with the regulations applicable to this area, in particular for the safe conduct of trade in medicinal products and the traceability of purchases and sales of medicinal products.

2) In particular, it must keep records that contain at least the date, the quantity, the batch number and the exact designation of the medicinal product, as well as the name and address of the supplier and the recipient.

3) It must forward to the recipient or supplier all quality and authority-related information communicated to it by a supplier or a recipient.

4) In any case, it must inform the recipient of the original manufacturer and the original batch number of the delivered goods.

5) It must have an effective procedure in place for any recalls of medicines.

Art. 35 Authorization procedure

Articles 21 to 27 shall apply mutatis mutandis to the approval procedure.

Art. 36

Restrictions on trading abroad

It is unlawful to engage in trade in medicinal products abroad if:

a) they are prohibited in the country of destination; or

b) it is evident from the circumstances that they may be intended for unlawful purposes.

Art. 37 Transplant products

Articles 33 to 36 apply mutatis mutandis to trade in transplant products abroad.

IV. Stockpiling of medicinal products and special approvals

Art. 38

Supplies for disasters and the event of war

For the purpose of stockpiling medicines for disasters and war, the Government may grant exemptions from the provisions of this Law and issue special regulations.

Art. 39 Special approvals

The government may temporarily authorize the distribution or dispensing of unapproved drugs for life-threatening diseases if:

a) this is compatible with the protection of health;

b) the use of which is expected to produce a major therapeutic benefit; and

c) no comparable drug is available.

V. Organization and implementation Art. 40

Government

The Government shall exercise supreme supervision over the handling of remedies. It is responsible in particular for:

a) the designation of the ethics committee responsible for clinical trials (Art. 32, para. 3);

b) the binding declaration of guidelines on quality standards in the handling of therapeutic products (Art. 32 Para. 4);

c) the granting of exceptions to the stockpiling of medicines for catastrophes and the event of war, and the granting of special licenses (Arts. 38 and 39).

Art. 41

Health office

1) The Office of Public Health shall be responsible for the enforcement of this Act and the ordinances issued thereunder, insofar as tasks under this Act are not assigned to any other body. It is responsible in particular for:

a) the granting, withdrawal and revocation of the authorization to manufacture a medicinal product in small quantities (Art. 4, para. 1) and the issuance of a confirmation in accordance with Art. 5;

b) supervision of the use of prescription medicines by midwives, dental hygienists and chiropractors (Art. 6, para. 2);

c) the granting, withdrawal and revocation of operating licenses for retail establishments (Art. 12);

d) participation in planning coordination in the event of new construction, reconstruction or significant operational changes to retail trade establishments (Art. 17);

e) the granting, withdrawal and revocation of the operating license for the storage of blood and blood products (Art. 19);

f) the granting, withdrawal and revocation of licenses for the manufacture, mail order and wholesale of medicinal products, the commercial import and export of ready-to-use medicinal products, the collection of blood for transfusions or for the manufacture of medicinal products and the individual import of blood and blood products (Art. 32 Para. 1);

g) the retrospective control of medical devices (Art. 32 Para. 2);

h) the granting, withdrawal and revocation of authorization to trade in medicinal products abroad (Arts. 33 and 35);

i) the official market surveillance and the performance of inspections and controls (Art. 43);

k) the taking of samples (Art. 44);

l) the ordering of administrative measures (Art. 46);

m) keeping the register of licenses issued by it (Art. 48 par. 3).

2) The Office of Public Health is authorized to procure, store, and dispense medications as part of the performance of its duties.

Art. 42

Food Control and Veterinary Office

1) The Office of Food Control and Veterinary Affairs is responsible in particular for:

a) the granting, withdrawal and revocation of operating licenses for veterinary practice pharmacies as well as zoo and beekeeping stores (Art. 28 and 29);

b) the official market surveillance as well as the execution of inspections and controls in veterinary practice pharmacies as well as in zoo and beekeeping shops (Art. 43);

c) the taking of samples (Art. 44);

d) the ordering of administrative measures (Art. 46);

e) keeping the register of licenses issued by it (Art. 48 par. 3).

2) Art. 41 Para. 2 shall apply mutatis mutandis.

Art. 43

Regulatory market surveillance, inspections and controls

1) Within the scope of their competence, the enforcement bodies shall monitor the legality of the manufacture, distribution, dispensing, promotion, storage and reprocessing of therapeutic products.

2) They may carry out unannounced inspections of establishments at any time and check whether, in particular, the licensing requirements are still met; if necessary, they may carry out product-specific inspections. Retail establishments must be inspected at least every five years, veterinary practice pharmacies that exclusively supply medicinal products for pets at least every ten years. Participation in the inspections is not compensated.

3) If necessary, they may carry out unannounced inspections in the facilities and premises of persons suspected of violating this Act.

4) In the event of an immediate and serious health hazard, law enforcement agencies may take the necessary administrative measures within their jurisdiction.

Art. 44

Sampling

1) The enforcement authorities may take samples of therapeutic products without compensation and examine documents relating to the subject of the inspection and, if necessary, commission an inspection laboratory to carry out the examination.

2) If the sample proves not to be in accordance with the regulations during the inspection, the inspected company must bear the costs of the inspection.

Art. 45

Obligation to provide information and to cooperate

Upon request, the enforcement authorities shall:

a) Information to be provided;

b) to allow access to business, operating, storage and practice premises;

c) to grant access to documents, in particular invoices, business books, delivery bills, prescriptions and documentation on the dispensing of remedies, quality assurance certificates and provisions of the employment relationship relating to the management.

Art. 46

Administrative measures

1) Within the scope of their competence, the enforcement authorities may take all administrative measures required to enforce the legislation on therapeutic products.

2) In particular, they can:

a) Issue complaints and order measures to be taken to restore the lawful state of affairs within a reasonable period of time;

b) Suspend, revoke or withdraw permits;

c) Close operations or areas of operations;

d) confiscate, officially administer or destroy medicinal products that are hazardous to health or do not comply with the provisions of the Therapeutic Products Act without compensation;

e) prohibit the distribution and dispensing of medicinal products, the import and export as well as trade abroad from Liechtenstein or order the dissemination of recommendations on how to behave in order to prevent damage;

f) confiscate, officially keep, destroy and prohibit the use of unauthorized advertising materials and publish this prohibition at the expense of those responsible;

g) temporarily or permanently prohibit the advertising of a specific medicinal product in the event of a serious or repeated violation of the provisions of the legislation on medicinal products relating to advertising and publish this prohibition at the expense of the persons responsible.

Art. 47

Processing of personal data

The competent law enforcement bodies 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.

Art. 48

Confidentiality and data secrecy

1) The persons entrusted with the enforcement of the legislation on therapeutic products are subject to official secrecy.

2) The data collected on the basis of the legislation on therapeutic products, in the confidentiality of which there is an overriding interest worthy of protection, must be treated confidentially by the competent enforcement bodies and protected by appropriate technical and organizational measures.

3) The competent enforcement authorities shall publish a list of the licences they have issued in an appropriate form. The list shall contain:

a) the name and address of the permit holder;

b) the operating locations;

c) the approved activities;

d) other data designated by the government with regulation.

Art. 49

Administrati

ve

assistance

1) The domestic authorities as well as institutions and bodies under public law must provide the competent enforcement authorities with all information required to fulfill their duties under the legislation on therapeutic products.

2) The competent law enforcement authorities may request information from competent foreign authorities or international organizations.

3) They may disclose non-confidential data collected under the legislation on therapeutic products to competent foreign authorities or international organizations.

4) Confidential data collected under the legislation on medicinal products may be transmitted to competent foreign authorities or international organizations if serious health risks can be averted as a result or if there is a possibility that illegal trade or other serious violations of the legislation on medicinal products will be uncovered.

5) At their request, they may also transmit confidential data collected under the legislation on therapeutic products to competent foreign authorities if:

a) the requesting foreign authorities maintain confidentiality;

b) the requesting foreign authorities use the data received exclusively in an administrative procedure in connection with the enforcement of therapeutic products regulations;

c) only data that are necessary for the enforcement of therapeutic product regulations are communicated; and

d) no trade or business secrets are disclosed, unless the transfer of data is necessary to avert imminent danger to health.

6) The provisions on mutual legal assistance in criminal matters remain reserved.

Art. 50

Fees

1) The competent enforcement authorities charge fees for permits, inspections, controls and special services as well as for the receipt of notifications.

2) The Government shall regulate the details of the levying of fees by ordinance.

VI. Appeals and procedure Art.

51

Complaint

1) Appeals against decisions of the Office of Public Health or the Office of Food Control and Veterinary Affairs 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.

Art. 52

Procedure

The procedure shall be governed by the provisions of the Act on the General Administration of the State.

VII. Penal provisions

Art. 53

Misdemeanors

1) The district court shall punish with imprisonment for a term not exceeding three years or with a fine not exceeding 360 daily penalty units anyone who endangers the health of persons by intentionally:

a) violates duties of care when trading in medicinal products or transplant products abroad;

b) trades in medicinal products or transplant products abroad without a license or in violation of other provisions of this Act.

2) Any person who acts commercially in the cases referred to in paragraph 1 shall be liable to a custodial sentence not exceeding five years.

3) A person who negligently commits any of the acts punishable under subsection 1 shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

Art. 54

Violations

1) The district court shall impose a fine of up to 50,000 Swiss francs, or in the event of non-collection, up to six months' imprisonment, on anyone who intentionally:

a) deals with medicinal products abroad that do not comply with the requirements listed in the Pharmacopoeia;

b) exceeds the authority of a permit issued under this Act;

c) Violates reporting, identification, documentation, recordkeeping, retention, supply, cooperation, or attendance requirements of this Act;

d) violates any of the duties of this Act with respect to the procurement, procurement, storage, preparation, dispensing and prescribing of remedies or with respect to premises and facilities;

e) violates the provisions on freedom of choice in obtaining medicinal products under Art. 10;

f) fulfills the requirements of Art. 53 without endangering the health of people;

g) violates an implementing regulation, the violation of which is declared punishable, or a decree addressed to him or her with reference to the threat of punishment under this article.

2) Any person who acts commercially in the cases referred to in paragraph 1(a) or (f) shall be liable to a custodial sentence not exceeding six months or to a monetary penalty not exceeding 360 daily penalty units.

3) Any person who negligently commits one of the acts punishable under para. 1 shall be liable to a fine of up to 20,000 francs, and in the event of non-collection to a period of up to three months' imprisonment.

Art. 55

Punishment of punishable acts under the Swiss Therapeutic Products Act

The District Court is responsible for punishing criminal acts under Swiss legislation on therapeutic products, unless a Swiss criminal authority is responsible.

Art. 56

Responsibility

If the offences are committed in the business operations of a legal entity or a general or limited partnership or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, the partnership or the sole proprietorship for the fines and costs.

Art. 57

Obligation to notify the public prosecutor's office and the district

court The competent enforcement authority shall be notified:

a) by the Public Prosecutor's Office: the discontinuance of criminal proceedings (Art. 53);

b) by the regional court: the outcome of criminal proceedings (Art. 53 et seq.) with a copy of the judgment or the decision concluding the proceedings attached.

VIII. Transitional and final provisions Art. 58

Transitional provisions

1) Permits issued under previous law shall remain valid until the expiry of their term of authorization, but not more than five years after the entry into force of this Act.

2) Permit applications pending at the time of the entry into force of this Act shall be assessed in accordance with the new law.

Art. 59

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the prescription drugs that may be used by professionals according to Art. 6;

b) the content of recipes (Art. 8);

c) the non-prescription authorized or non-authorized medicinal products of dispensing categories D and E that naturopaths may use and dispense (Art. 18);

d) the licensing requirements for trade in medicinal products abroad (Art. 33);

e) the stockpiling of medicines for disasters and the event of war (Art. 38);

f) the collection of fees (Art. 50).

Art. 60 Repeal of previous law

It is repealed:

a) Therapeutic Products Act of October 24, 1990, LGBl. 1990 No. 75;

b) Act of December 18, 1997, on the Amendment of the Therapeutic Products Act, LGBl. 1998 No. 38.

Art. 61 Entry into force

This Act shall enter into force, subject to the unused expiration of the referendum, on. 1 April 2015, otherwise on the day after the announcement.

XV. Highest handwritten letter (1989)

from 13 November 1989

concerning the assumption of the government by His Serene Highness Prince Hans-Adam II.

Dear Mr. Head of Government

In accordance with Articles 3 and 13 of the Constitution, I, as Prince Hans-Adam II, take over the Government of the Principality of Liechtenstein. At the same time, I certify that I will govern the Principality in accordance with the Constitution and the other laws, maintain its integrity and observe the princely rights inseparably and in the same manner.

Vaduz, November 13, 1989

XVI. Information Act

from 19 May 1999

On the Information of the Population (Information Act)

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Purpose

1) This Act regulates the principles and procedure for informing the public about the activities of public authorities, in particular the right to information and to inspect files.

2) The activities of state authorities should be made transparent in order to promote the free formation of public opinion and trust in the activities of the authorities.

Art. 2 Scope

1) This law applies to state and municipal authorities.

2) Authorities within the meaning of the Act are:

a) Organs of the state and public-law institutions and foundations;

b) Bodies of the municipalities and their entities subordinate to the Municipal Act;

c) private persons as well as institutions and organizations under private law, insofar as they are active in the fulfillment of the public tasks assigned to them.

3) Special legal provisions remain reserved.

Art. 3

Principles

1) Within the framework of the statutory provisions, the authorities shall provide information on their activities and intentions, on measures and decisions as well as on their background and context.

2) Information to the public must be provided in accordance with the principles of timeliness, completeness, appropriateness, clarity, continuity, balance and confidence-building.

3) Government actions are disclosed unless they conflict with overriding public or private interests.

4) The principle of equal treatment applies to the media.

II. Publicity of the meetings

A. Parliament

Art. 4

Information of the state parliament

In its rules of procedure, Parliament shall regulate the publicity of its sessions and the provision of information on its activities and the activities of its commissions and committees.

B. Government

Art. 5

Government meeting

The question of the publicity of the government meetings, the confidentiality of the meetings and the information of the public is regulated by the government in its rules of procedure.

Art. 6 Commissions and working groups

1) The meetings of the commissions and working groups established by the government are usually not open to the public.

2) The government may decide that certain commissions and working groups are to be open to the public. It shall determine how and to what extent information is to be provided.

3) The commissions and working groups are responsible for maintaining personal privacy and confidentiality obligations.

C. Dishes

Art. 7 Court hearings

The hearings before the State Court, the Administrative Court and the ordinary courts shall be public, unless special statutory provisions exclude the public.

D. Municipalities

Art. 8

Municipal Assembly

1) The municipal assembly is public. The chairman may prohibit the participation of non-voting persons for important reasons.

2) The municipal assembly decides on the admissibility of visual and audio recordings as well as visual and audio transmissions.

3) The municipalities ensure access to the decision-making bases of the municipal assemblies.

Art. 9

Municipal council meetings

1) As a rule, the meetings of the municipal council are not open to the public. The municipal council may decide to hold public meetings.

2) The minutes of the resolutions of the meetings of the municipal council are generally accessible by applying Art. 3 Para. 3 mutatis mutandis.

3) The head of the municipality shall inform the public in an appropriate manner about the most important decisions.

4) The Municipal Council, with the consent of the President, shall adopt in its Rules of Procedure the more detailed provisions regarding the confidentiality of meetings and the provision of information to the public.

Art. 10

Municipal commissions

The meetings of the permanent communal commissions and the special commissions are not public. Pursuant to Art. 9 Para. 4, the Municipal Council may issue special regulations defining the framework conditions for any public access.

III. Information of the population

A. Principles

Art. 11

General

1) The authorities shall enact detailed provisions on the principles of information activity contained in Art. 3 par. 2 in their rules of procedure.

2) Information is provided ex officio or upon request.

Art. 12 Support for the media

1) Inquiries, clarifications and research by media representatives are to be supported as far as possible.

2) In choosing the time and manner of information, the authorities shall take into account the needs of the media as far as possible.

B. Information ex officio

1. General

Art. 13 Mode of information

The information can be provided ex officio:

a) in the form of media releases in writing or orally;

b) via the private printed and electronic media;

c) on the official publication organs in accordance with the Publication Act;

d) on the national channel and the municipal channels in accordance with the principles of this Act and the provisions of media law; the Government shall regulate the details in an ordinance;

e) about own publications.

Art. 14 Information to authorities

1) The authorities shall provide information on activities of general interest, unless overriding public or private interests prevent this (Art. 31).

2) The authorities shall decide on the appropriate form of information in each individual case. Art. 15

Information before votes

1) In the run-up to votes at the national level, the Government shall provide information on the proposals to be submitted to the electorate, taking into account the principles of Art. 3.

2) It comments on the proposals from its point of view and can make voting recommendations.

3) In the voting brochure to be prepared in each case, proponents and opponents of the bill shall be given adequate space to comment. The government may, after consultation with the authors, summarize these statements if they are disproportionately detailed.

4) These provisions shall apply mutatis mutandis to municipal votes.

Art. 16 Reports and expert opinions

Reports, studies and expert opinions commissioned by the authorities may be made publicly available if there are no overriding public or private interests to the contrary.

2. Head of state

Art. 17 Prince Regnant

The Reigning Prince decides on the manner of informing the public regarding the activities he carries out in the performance of his duties as Head of State.

3. State authorities

Art. 18 Governme nt

1) The government shall designate authorities and offices and their responsibilities for announcing urgent police or official alerts by radio and television, national channels, municipal channels and other means of communication.

2) The details of the nature, content, form and scope of the information shall be regulated by the Government by ordinance.

3) The government issues guidelines on the information activities of state authorities.

Art. 19 Government Chancellery

1) Information to the population is provided by the Government Chancellery. The Chancellery is at the disposal of the offices as well as the commissions and working groups of the Government for the dissemination of notices. The Government shall regulate further matters by ordinance.

2) The Government Chancellery coordinates the activities of the provincial information offices. It also assists the Reigning Prince and the Diet in the dissemination of communications.

Art. 20 Special information points

1) The government may set up special information offices for certain offices if this is deemed necessary due to the area of responsibility of an office.

2) Special information offices may, without consulting the government, inform the public only about those tasks for which they are independently active according to the law.

4. Special provisions for judicial authorities Art. 21

Principle

The courts shall provide information with particular regard to the relevant procedural confidentiality rights and confidentiality obligations, unless overriding public or private interests conflict.

Art. 22

Information points

1) The presidents of the courts or the district court board shall designate information offices or appoint information officers to provide information to the public.

2) Accredited media representatives will be informed in good time of the meeting dates and the items to be assessed, insofar as there is a public interest.

Art. 23

Pending proceedings

Information is provided about pending proceedings if there is a particular public interest in doing so, namely if:

a) the participation of the public in the investigation of a criminal act is required;

b) in a particularly serious or sensational case, immediate information is indicated;

c) this is indicated to prevent or correct false reports or to reassure the public;

d) this is required for the protection of the population.

Art. 24 Completed proceedings

After completion of the procedure, information about decisions is provided if:

a) there is a public interest in the information;

b) the decisions are of significance for the further development of the law;

c) the information serves scientific purposes.

5. Community authorities

Art. 25

Principle

The municipal authorities shall provide information on municipal matters unless there are overriding public or private interests to the contrary.

Art. 26 Information points

The municipalities organize the information system and designate their information offices according to their possibilities.

Art. 26a

Municipal sewers

1) The municipalities may operate their own information channels as municipal channels in order to fulfill their information obligations.

2) The operation of a community sewer shall be notified in writing to the government at least three months prior to its intended operation.

3) The Government shall regulate the details by ordinance, in particular concerning:

a) the permissible content and structure of the program;

b) the duties and responsibilities of the municipalities as operators;

c) The permissible forms of financing for community sewers;

d) the cessation of the operation of a community channel.

6. Public-law institutions, foundations and corporations

Art. 27

Public-law institutions and foundations as well as public-law entities

Public-law institutions and foundations of the state and the municipalities, as well as municipal corporations, provide information on their activities in the assigned area of responsibility in the same way as public authorities.

7. Private individuals as well as institutions and organizations under private law

Art. 28

Private individuals and institutions and organizations under private law

Private persons as well as institutions and organizations under private law, insofar as they are active in the fulfillment of the public tasks assigned to them, shall provide information about their activities in the assigned area of responsibility in the same way as public authorities.

C. Information on request

Art. 29

Principles

1) Any person who can claim a legitimate interest has the right to inspect official documents, provided that this does not conflict with overriding public or private interests and as long as the files are still being processed by the competent office or have not yet been delivered to the respective archives. The right to further protection of personal data in special legislation is reserved.

2) For archived documents that are created or administered on behalf of the state, the municipalities and the independent public-law institutions and foundations, the right of inspection is governed by the provisions of the Archives Act.

3) The relevant procedural provisions apply to administrative and court proceedings that have not been concluded with legal effect.

Art. 30

Special categories of personal data

File inspection of special categories of personal data requires the express consent of the data subject or his or her heirs.

Art. 31

Overriding interests

1) Overriding public interests with regard to the withholding of information exist in particular if:

a) the decision-making process would be significantly impaired by the premature disclosure of internal working papers, proposals, drafts and the like;

b) the population would be harmed in other ways, namely by endangering public safety;

c) would result in a disproportionate effort on the part of the authority.

2) Overriding private interests include, but are not limited to:

a) the protection of personal confidentiality;

b) the protection of privacy in administrative and judicial proceedings that have not been finally concluded, unless the inspection of files is justified in accordance with the provisions of Art. 21 or results from the provisions of the procedural laws;

c) the business secret or the professional secret;

d) the protection of the most personal sphere of life.

Art. 32

Procedure

1) Requests for inspection of files must be submitted in writing and must state the reasons for the request.

2) The authority may charge a fee for special expenses.

Art. 33

Informal requests

1) Information from the areas of activity of the administration can be requested from the authorities of the state and the municipalities.

2) Requests shall be answered as soon as possible.

3) Requests of this nature are free of charge subject to paragraph 4.

4) A fee covering the costs may be charged for the processing of particularly complex inquiries that lead to extraordinary expenditure.

IV. Accreditation of media representatives

Art. 34

State authorities

1) Media representatives who regularly deal with the country's affairs have the right to be accredited by the Government Chancellery.

2) The Government Chancellery may cancel the accreditation of media representatives if they obtain information or misuse it in violation of the rules of professional conduct recognized by journalistic organizations.

3) The Government may, by ordinance, regulate the details, namely the rights and formalities associated with accreditation.

Art. 35

Courts

The courts regulate the accreditation of media representatives independently.

Art. 36

Municipaliti

es

The municipalities may regulate the accreditation of media representatives.

V. Final provisions Art. 37

Administration of justice

Procedures and responsibilities shall be governed by the provisions of the State Administrative Maintenance Act.

Art. 38
Implementation

1) The Government shall issue the ordinances necessary for the implementation of this Act.

2) The principles of information by the ordinary courts and the investigating authorities shall be regulated in an ordinance of the Government. The courts and investigating authorities shall submit appropriate proposals to the government.

3) The State Court and the Administrative Court shall issue regulations on their information activities.

4) The municipalities may issue regulations on the provision of information to the public.

Art. 39
Entry into force

This Act shall enter into force on January 1, 2000.

XVII. International Covenant on Civil and Political Rights

Concluded in New York on December 16, 1966 Approval by Parliament: September 16, 1998 Entry into force for the Principality of Liechtenstein: March 10, 1999

The States Parties to this Covenant,

Considering that, according to the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity of all members of human society and of the equality and inalienability of their rights is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, according to the Universal Declaration of Human Rights, the ideal of free men enjoying civil and political liberty and living free from fear and want can only be realized if conditions are created in which everyone can enjoy his civil and political rights as well as his economic, social and cultural rights,

Considering that the Charter of the United Nations requires States to promote universal and effective respect for human rights and freedoms,

Considering that individuals have duties to their fellow men and to the community to which they belong and are bound to work for the promotion of and respect for the rights recognized in this Covenant,

agree the following articles:

Part I Art. 1

1) All peoples have the right to self-determination. By virtue of this right, they freely decide on their political status and freely shape their economic, social and cultural development.

2) All peoples may freely dispose of their natural wealth and resources for their own ends, without prejudice to any obligations arising out of international economic cooperation based on mutual welfare, as well as out of international law. In no case shall a people be deprived of its own means of subsistence.

3) States Parties, including those responsible for the administration of non-self-governing and trust territories, shall, in accordance with the provisions of the Charter of the United Nations, promote the realization of the right to self-determination and respect that right.

Part II Art. 2

1) Each State Party to the present Covenant undertakes to respect the rights recognized in the present Covenant and to ensure them to all persons within its territory and subject to its jurisdiction without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2) Each State Party to the present Covenant undertakes to take such steps as may be necessary, in accordance with its constitutional procedure and with the provisions of the present Covenant, to make such legislative or other arrangements as may be necessary to give effect to the rights recognized in the present Covenant to the extent that such arrangements have not already been made.

3) Each State Party undertakes,

a) to ensure that everyone whose rights or freedoms recognized in the present Covenant have been violated has the right to lodge an effective complaint, even if the violation has been committed by persons acting in an official capacity;

b) to ensure that anyone who raises such a complaint may have his right established by the competent judicial, administrative or legislative body or by any other body competent under the laws of the State, and to develop judicial redress;

c) ensure that the competent bodies give effect to complaints that have been upheld.

Art. 3

The States Parties to the present Covenant undertake to ensure the equality of men and women in the exercise of all civil and political rights set forth in the present Covenant.

Art. 4

1) In the event of a public emergency threatening the life of the nation and officially proclaimed, the States Parties to the present Covenant may take measures suspending their obligations under the present Covenant to the extent strictly required by the situation, provided that such measures are not inconsistent with their other obligations under international law and do not discriminate solely on the basis of race, color, sex, language, religion or social origin.

2) Based on the above provision, Art. 6, 7, 8 (par. 1 and 2),

11, 15, 16 and 18 shall not be overridden.

3) Any State Party exercising the right to suspend obligations shall promptly communicate to the other States Parties, through the intermediary of the Secretary-General of the United Nations, the provisions which it has suspended and the reasons for doing so. In the same way, a further communication shall indicate the date on which such a measure will cease.

Art. 5

1) Nothing in this Covenant shall be construed as conferring on any State, group or person any right to engage in any activity or to do any act aimed at the abolition of the rights and freedoms recognized in this Covenant or at imposing limitations on such rights and freedoms more extensive than those set forth in this Covenant.

2) The fundamental human rights recognized or existing in a State Party by law, convention, regulation or custom shall not be limited or abrogated on the pretext that the present Covenant does not recognize such rights or recognizes them only to a lesser extent.

Part

III

Art. 6

1) Every human being has an inherent right to life. This right must be protected by law. No one may be arbitrarily deprived of his life.

2) In States where the death penalty has not been abolished, a sentence of death may be imposed only for the most serious crimes under laws which were in force at the time of the commission of the offence and which are not inconsistent with the provisions of the present Covenant and the Convention on the Prevention and Punishment of the Crime of Genocide. Such punishment shall be enforced only pursuant to a final judgment rendered by a competent court.

3) If the killing constitutes genocide, this article does not authorize States Parties to evade in any way an obligation they have assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4) Anyone sentenced to death has the right to ask for pardon or commutation of sentence. Amnesty, pardon or commutation of the death penalty may be granted in all cases.

5) The death penalty may not be imposed for criminal acts committed by juveniles under the age of 18 and may not be carried out on pregnant women.

6) Nothing in this article may be invoked to delay or prevent the abolition of the death penalty by a State Party.

Art. 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one may be subjected to medical or scientific experiments without his or her voluntary consent.

Art. 8

1) No one may be held in slavery; slavery and the slave trade in all their forms are forbidden.

2) No one may be held in servitude. 3)

a) No one may be forced to perform forced or compulsory labor;

b) Subparagraph (a) shall not be construed to preclude the performance of forced labor on the basis of a conviction by a competent court in States where certain offenses may be punishable by deprivation of liberty involving the use of forced labor;

c) as "forced or compulsory labor" within the meaning of this paragraph shall not apply:

i) any work or service, other than that referred to in subparagraph (b), normally required of a person who has been deprived of liberty or conditionally released from such deprivation of liberty pursuant to a lawful court order;

ii) any service of a military nature and, in countries where conscientious objection is recognized, any national service required by law for conscientious objectors;

iii) any service in the event of an emergency or disaster that threatens the life or welfare of the community;

iv) any work or service that is part of the normal duties of citizenship.

Art. 9

1) Everyone has a right to personal liberty and security. No one may be arbitrarily arrested or detained. No one may be deprived of his liberty except on grounds specified by law and in accordance with the procedure prescribed by law.

2) Every arrested person shall be informed of the reasons for the arrest and the charges against him shall be communicated to him without delay.

3) Everyone arrested or detained on a charge of a criminal offense shall be brought promptly before a judge or other officer authorized by law to exercise judicial functions and shall be entitled to trial within a reasonable time or to release from custody. It shall not be the general rule that persons awaiting trial shall be detained, but release may be conditioned upon the provision of security for appearance at the trial or any other procedural hearing and, if necessary, for the execution of the judgment.

4) Everyone deprived of his liberty by arrest or detention shall have the right to apply for proceedings before a court to enable it to decide without delay on the lawfulness of the deprivation of liberty and to order his release if the deprivation of liberty is not lawful.

5) Anyone who has been unlawfully arrested or detained is entitled to compensation.

Art. 10

1) Anyone deprived of their liberty must be treated humanely and with respect for the inherent dignity of the human person.

2)

a) Accused persons shall, except in exceptional circumstances, be housed separately from convicted persons and treated in a manner consistent with their status as non-convicted persons;

b) juvenile defendants shall be separated from adults and judgment shall be rendered as soon as possible.

3) The penal system shall include treatment of prisoners aimed primarily at their rehabilitation and reintegration into society. Juvenile offenders shall be separated from adults and treated according to their age and legal status.

Art. 11

No person shall be imprisoned solely because he is unable to fulfill a contractual obligation.

Art. 12

1) Everyone who is lawfully within the territory of a State has the right to move freely within it and to choose his place of residence.

2) Everyone is free to leave any country including his own.

3) The above-mentioned rights may be restricted only if this is provided for by law and is necessary for the protection of national security, public order, public health, public morals or the rights and freedoms of others, and the restrictions are compatible with the other rights recognized in this Covenant.

4) No one may be arbitrarily deprived of the right to enter their own country.

Art. 13

An alien lawfully present in the territory of a Contracting State may be expelled therefrom only on the basis of a decision lawfully taken and, unless there are compelling reasons of national security to the contrary, shall be given the opportunity to present the grounds against his expulsion and to have this decision reviewed and represented by the competent authority or by one or more persons specially designated by that authority.

Art. 14

1) All persons are equal before the courts. Everyone is entitled to a fair and public hearing by a competent, independent and impartial tribunal, established by law, of any criminal charge against him or of his civil claims and obligations. For reasons of morality, public order or national security in a democratic society, or where it is necessary in the interests of the privacy of the parties, or, if in the opinion of the court it is absolutely necessary, in special circumstances where publicity of the proceedings would prejudice the interests of justice, the press and public may be excluded during the whole or part of the trial; However, any judgment in a criminal or civil case shall be pronounced in public, unless the interests of juveniles conflict therewith or the proceedings concern matrimonial disputes or guardianship of children.

2) Everyone charged with a criminal offense shall be entitled to be presumed innocent until proven guilty according to law.

3) Everyone charged with a criminal offense shall be equally entitled to the following minimum guarantees at trial:

a) he shall be informed promptly and in detail, in a language he understands, of the nature and cause of the charges against him;

b) he must have sufficient time and opportunity to prepare his defense and to communicate with defense counsel of his choice;

c) judgment must be rendered against him without unreasonable delay;

d) he shall have the right to be present at the trial and to defend himself or to be defended by counsel of his choice; if he has no counsel, he shall be informed of the right to have counsel; if he lacks the means to pay for counsel, counsel shall be appointed for him free of charge if the interests of justice so require;

e) ask or cause to be asked questions of the prosecution witnesses and obtain the appearance and examination of the exculpatory witnesses under the conditions applicable to the prosecution witnesses;

f) he/she may request the free assistance of an interpreter if he/she does not understand or speak the language of the court proceedings;

g) he may not be compelled to give evidence against himself as a witness or to plead guilty.

4) Proceedings against juveniles shall be conducted in a manner appropriate to their age and conducive to their reintegration into society.

5) Anyone convicted of a criminal offense has the right to have the sentence reviewed by a higher court in accordance with the law.

6) If a person has been convicted of a criminal offense by a final judgment and the judgment has subsequently been set aside or the convicted 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, the person who has served a sentence on the basis of such a judgment shall be compensated in accordance with the law, unless it is proved that the failure to become aware of the fact in question in time is wholly or partly attributable to him.

7) No one may be prosecuted or punished again for a criminal offense for which he has already been finally convicted or acquitted in accordance with the law and the criminal procedure law of the respective country.

Art. 15

1) No one may be convicted of an act or omission which, at the time of its commission, was not punishable under domestic or international law. Likewise, no heavier penalty may be imposed than the penalty threatened at the time of the commission of the punishable act. If, after the commission of a punishable act, a more lenient penalty is introduced by law, the more lenient law shall apply.

2) Nothing in this article shall preclude the conviction or punishment of a person for an act or omission which, at the time it was committed, was punishable under the general principles of law recognized by the international community.

Art. 16

Everyone has the right to be recognized as having legal capacity everywhere.

Art. 17

1) No one shall be subjected to arbitrary or unlawful interference with his or her private life, family, home and correspondence, or to unlawful interference with his or her honor and reputation.

2) Everyone is entitled to legal protection against such interference or impairment.

Art. 18

1) Everyone has the right to freedom of thought, conscience and religion. This right includes the freedom to have or to adopt a religion or belief of one's own choice, and the freedom, either alone or in community with others and in public or private, to manifest one's religion or belief in God, in observance of religious observances, in practice and in teaching.

2) No one shall be subjected to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3) Freedom to manifest one's religion or belief shall be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.

4) States Parties undertake to respect the freedom of parents and, where appropriate, of guardians or custodians to ensure the religious and moral education of their children in conformity with their own convictions.

Art. 19

1) Everyone has the right to unhindered freedom of expression.

2) Everyone has the right to freedom of expression; this right includes freedom to seek, receive and impart information and ideas of any kind, regardless of frontiers, either orally, in writing or in print, through the arts, or by any other means of his choice.

3) The exercise of the rights provided for in para. 2 is associated with special duties and a special responsibility. It may therefore be subject to certain restrictions provided for by law that are necessary:

a) for respecting the rights or reputations of others;

b) for the protection of national security, public order (ordre public), public health, or public morals.

Art. 20

1) Any war propaganda is prohibited by law.

2) Any advocacy of national, racial or religious hatred that incites discrimination, hostility or violence shall be prohibited by law.

Art. 21

The right to assemble peacefully is recognized. The exercise of this right shall not be subject to any restrictions other than those provided by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), for the protection of public health, public morals or for the protection of the rights and freedoms of others.

Art. 22

1) Everyone shall have the right to associate freely with others and to form and join trade unions for the protection of his interests.

2) The exercise of this right shall not be subject to any limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), for the protection of public health, public morals, or for the protection of the rights and freedoms of others. This Article shall not preclude legal restrictions on the exercise of this right by members of the armed forces or the police.

3) Nothing in this Article shall authorize any State party to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to adopt any legislative measure or to apply any law in such a manner as to impair the guarantees of the aforesaid Convention.

Art. 23

1) The family is the natural core cell of society and is entitled to protection by society and the state.

2) The right of men and women of marriageable age to enter into marriage and to found a family is recognized.

3) A marriage may be contracted only with the free and full consent of the future spouses.

4) The Contracting States shall take appropriate measures to ensure that the spouses have equal rights and obligations at the time of marriage, during marriage and in the event of dissolution of marriage. The necessary protection of children in the event of dissolution of marriage shall be ensured.

Art. 24

1) Every child, without discrimination as to race, color, sex, language, religion, national or social origin, property, or birth, shall have the right to such measures of protection by his or her family, society, and the State as his or her legal status as a minor requires.

2) Every child must be entered in a register and given a name immediately after birth.

3) Every child has the right to acquire citizenship.

Art. 25

Every citizen shall have the right and the opportunity, without distinction according to the characteristics mentioned in Art. 2 and without unreasonable restrictions:

a) participate in the shaping of public affairs directly or through freely elected representatives;

b) to vote and be elected in genuine, recurrent, general, equal and secret elections, in which the free expression of the will of the electorate is guaranteed;

c) to have access to public offices of his country under general aspects of equality.

Art. 26

All persons are equal before the law and are entitled to equal protection of the law without discrimination. In this regard, the law shall prohibit all discrimination and shall afford equal and effective protection to all persons against all discrimination on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Art. 27

In states with ethnic, religious or linguistic minorities, persons belonging to such minorities shall not be deprived of the right to cultivate their own cultural life, to profess and practice their own religion or to use their own language together with other members of their group.

Part IV Art. 28

1) There shall be established a Human Rights Committee (hereinafter referred to as the "Committee"). It shall consist of eighteen members and shall perform the duties set forth below.

2) The Committee shall be composed of nationals of States Parties who are persons of high moral standing and recognized expertise in the field of human rights, taking into account the desirability of the participation of persons with legal experience.

3) Committee members are elected and serve in their personal capacity.

Art. 29

1) The members of the Committee shall be elected by secret ballot from a list of persons who meet the requirements prescribed in article 28 and who have been nominated therefor by the States Parties.

2) Each Contracting State may propose a maximum of two persons. These must be nationals of the State proposing them.

3) A person can be proposed again.

Art. 30

1) The first election shall be held not later than six months after the entry into force of this Covenant.

2) At least four months before any election to the Committee, except in the case of an election to fill a seat declared vacant in accordance with article 34, the Secretary-General of the United Nations shall invite States Parties in writing to propose their candidates for the Committee within three months.

3) The Secretary-General of the United Nations shall prepare an alphabetical list of all persons so nominated, indicating the States Parties which have nominated them, and shall communicate it to the States Parties not later than one month before each election.

4) The election of the members of the Committee shall take place at an Assembly of States Parties convened by the Secretary-General of the United Nations at the headquarters of this Organization. At this meeting, which shall constitute a quorum when two-thirds of the States Parties are represented, the candidates who receive the highest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting shall be considered elected to the Committee.

Art. 31

1) The committee may not include more than one national of the same state.

2) In the elections to the Committee, care shall be taken to ensure an equitable geographical distribution of seats and representation of the various forms of civilization as well as the main legal systems.

Art. 32

1) The committee members are elected for four years. They may be re-elected upon renewed nomination. However, the term of office of nine of the members elected at the first election shall expire after two years; immediately after the first election, the names of these nine members shall be drawn by lot by the Chairman of the Assembly referred to in Article 30, paragraph 4.

2) The preceding articles of this Part of the Covenant shall apply to elections after the expiration of a term of office.

Art. 33

1) If, after unanimous determination by the other members, a member of the Committee ceases to perform his duties for any reason other than temporary absence, the Chairman of the Committee shall so inform the Secretary-General of the United Nations, who shall thereupon declare the seat of the member concerned vacant.

2) The Chairperson shall promptly notify the Secretary-General of the United Nations of the death or resignation of a member of the Committee, who shall declare the seat vacant from the date of death or from the effective date of resignation.

Art. 34

1) If a seat is declared vacant in accordance with article 33 and the term of office of the member to be replaced does not expire within six months of such declaration, the Secretary-General of the United Nations shall so inform all States Parties, which may within two months propose candidates to fill the vacancy in accordance with the provisions of article 29.

2) The Secretary-General of the United Nations shall prepare and transmit to the States Parties an alphabetical list of the persons so nominated. An election shall then be held to fill the vacancy in accordance with the relevant provisions of this part of the Covenant.

3) The term of office of a member of the Committee who has been elected to a seat declared vacant in accordance with Article 33 shall last until the end of the term of office of the member whose seat on the Committee has become vacant in accordance with the said Article.

Art. 35

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations funds, the details of which shall be determined by the General Assembly having regard to the importance of the functions of the Committee.

Art. 36

The Secretary-General of the United Nations shall provide the Committee with such staff and facilities as it may require to carry out effectively the functions incumbent upon it under the present Covenant.

Art. 37

1) The Secretary-General of the United Nations shall convene the first meeting of the Committee at United Nations Headquarters.

2) After its first meeting, the Committee shall meet at the times provided for in its Rules of Procedure.

3) The meetings of the Committee shall normally be held at United Nations Headquarters or at the United Nations Office at Geneva.

Art. 38

Before taking up their duties, each member of the committee shall solemnly declare in a public meeting of the committee that they will perform their duties impartially and knowledgably.

Art. 39

1) The Committee elects its Executive Board for a term of two years. Re-election of the members of the Board of Directors is permissible.

2) The committee shall adopt rules of procedure, which shall include, but not be limited to, the following provisions:

a) the committee has a quorum if twelve members are present;

b) the Committee adopts its resolutions by a majority of the members present.

Art. 40

1) The States Parties to the present Covenant undertake to submit reports on the measures they have taken to realize the rights recognized in the present Covenant and on the progress made in this regard:

a) within one year after the entry into force of this Covenant for the Contracting State concerned;

b) thereafter in each case at the request of the committee.

2) All reports shall be transmitted to the Secretary-General of the United Nations, who shall forward them to the Committee for consideration. The reports shall indicate any existing circumstances and difficulties which impede the implementation of this Covenant.

3) The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies copies of those parts of the reports within their competence.

4) The Committee shall consider the reports submitted by the States Parties. It shall transmit to the States Parties its own reports and such general comments as it deems appropriate. The Committee may also forward these comments, together with copies of the reports received from the States Parties, to the Economic and Social Council.

5) States Parties may submit comments to the Committee on comments made under paragraph 4.

Art. 41

1) A State Party may at any time declare under this article that it accepts the competence of the Committee to receive and consider communications in which a State Party alleges that another State Party is failing to fulfil its obligations under the present Covenant. Communications under this article may be received and considered only if they are submitted by a State Party which has accepted for itself the competence of the Committee by a declaration. The Committee shall not receive a communication concerning a State Party which has not made such a declaration. The following procedure shall apply to communications received under this article:

a) If a Contracting State considers that another Contracting State is not implementing the provisions of this Covenant, it may draw the attention of the other State to this fact by means of a written communication. Within three months after the receipt of the communication the receiving State shall send to the State which sent the communication a written statement or other opinion in respect of the matter, which statement or opinion shall, so far as possible and appropriate, contain a reference to the domestic proceedings and remedies which have been taken, are pending or are available in respect of the matter.

b) If the matter is not settled to the satisfaction of the two Contracting States concerned within six months from the date of receipt of the initial communication by the receiving State, either State shall have the right to refer the matter to the Committee by giving notice to the Committee and to the other State.

c) The Committee shall not consider a matter referred to it until it is satisfied that all domestic remedies available in the matter have been sought and exhausted in accordance with the generally recognized principles of international law. This shall not apply if, in applying the remedies, the proceedings have taken an unreasonably long time.

d) The Committee shall consider communications under this Article in closed session.

e) Provided that the requirements of subparagraph (c) above are met, the Committee shall place its good offices at the disposal of the States Parties concerned with a view to reaching an amicable settlement of the matter on the basis of respect for the human rights and fundamental freedoms recognized in the present Covenant. The Committee may, in any case submitted to it, request the States Parties concerned referred to in subparagraph b of this paragraph to provide any relevant information.

g) The States Parties referred to in subparagraph (b) above shall have the right to be represented and to make oral and/or written submissions when the matter is being considered by the Committee.

h) The Committee shall submit a report within twelve months of receipt of the notice provided under subsection (b):

i) if a settlement within the meaning of subparagraph (e) has been reached, the committee shall limit its report to a brief statement of the facts and the settlement reached;

ii) if a settlement within the meaning of subparagraph (e) has not been reached, the Committee shall limit its report to a brief statement of the facts; the written comments and the record of the oral comments of the Contracting Parties involved shall be attached to the report.

In any case, the report shall be transmitted to the States Parties involved.

2) The provisions of this article shall enter into force when ten States Parties have made declarations in accordance with paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification addressed to the Secretary-General. Such a withdrawal shall not affect the consideration of any matter which is the subject of a communication already made under this article, and no further communication from a State Party shall be received after the receipt by the Secretary-General of the notification of the withdrawal of the declaration unless a new declaration has been made by the State Party concerned.

Art. 42

1)

a) If a matter submitted to the Committee under article 41 is not settled to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, establish an ad hoc conciliation commission (hereinafter referred to as the "Commission"). The Commission shall place its good offices at the disposal of the States Parties concerned with a view to bringing about an amicable settlement of the matter on the basis of respect for the present Covenant.

b) The Commission shall consist of five persons appointed by agreement of the States Parties concerned. If the States Parties concerned cannot agree within three months on the full or partial composition of the Commission, the Committee shall elect from among its members, by secret ballot, by a majority of two-thirds of its members, the members of the Commission on whom no agreement has been reached.

2) The members of the Commission shall act in their personal capacity. They may not be nationals of the Contracting States concerned, of a non-Contracting State or of a Contracting State which has not made a declaration in accordance with Article 41.

3) The commission elects its chairman and adopts its rules of procedure.

4) The meetings of the Commission shall normally be held at United Nations Headquarters or at the United Nations Office at Geneva. They may, however, be held at any other suitable place determined by the Commission in consultation with the Secretary-General of the United Nations and the States Parties concerned.

5) The secretariat provided for in Article 36 shall also be available to the commissions established under this Article.

6) The information received and compiled by the Committee shall be made available to the Commission, and the Commission may request additional substantial information from the States Parties concerned.

7) The Commission shall, as soon as it has fully examined the matter, but in no case later than twelve months after the matter has been referred to it, submit a report to the Chairman of the Committee for transmission to the Contracting States concerned:

a) If the Commission is unable to complete its examination of the matter within twelve months, it shall limit its report to a brief statement of the status of its examination;

b) if the matter has been settled amicably on the basis of respect for the human rights recognized in the present Covenant, the Commission shall confine its report to a brief statement of the facts and of the settlement reached;

c) if a settlement as referred to in subparagraph (b) above has not been reached, the Commission shall include in its report its findings on all factual matters relevant to the dispute between the States Parties concerned, as well as its views on possibilities for an amicable settlement. The report shall also contain the written comments of the Contracting States concerned and a record of their oral comments;

d) when the report of the Commission is submitted in accordance with subparagraph (c) above, the States Parties concerned shall, within three months of receipt of the report, inform the Chairman of the Committee whether they agree with the contents of the report of the Commission.

8) The provisions of this Article shall be without prejudice to the functions of the Committee provided for in Article 41.

9) The participating States Parties shall bear equally all expenses of the members of the Commission on the basis of estimates prepared by the Secretary-General of the United Nations.

10) The Secretary-General of the United Nations shall have the authority to pay, if necessary, the expenses of the members of the Commission before they have been reimbursed by the Contracting States concerned in accordance with paragraph 9.

Art. 43

The members of the Committee and of ad hoc conciliation commissions that may be designated under article 42 shall be entitled to the facilities, privileges and immunities provided for in the relevant sections of the Convention on the Privileges and Immunities of the United Nations for experts acting on behalf of the United Nations.

Art. 44

The provisions relating to the implementation of the present Covenant shall be applied without prejudice to the procedures prescribed in the field of human rights by or under the statutes and conventions of the United Nations and of the specialized agencies, and shall not prevent the States Parties to the present Covenant from using other procedures for the settlement of disputes in conformity with the general or special international instruments in force between them.

Art. 45

The Committee shall submit an annual report on its activities to the General Assembly of the United Nations through the Economic and Social Council.

Part V Art. 46

Nothing in this Covenant shall be construed as limiting the provisions of the Charter of the United Nations and the Constitutions of the specialized agencies which regulate the respective functions of the various organs of the United Nations and of the specialized agencies with respect to the matters dealt with in this Covenant.

Art. 47

Nothing in this Covenant shall be construed to impair the inherent right of all peoples to the enjoyment and full and free use of their natural wealth and resources.

Part VI Art. 48

1) This Covenant shall be open for signature by all Member States of the United Nations, by all members of any of its specialized agencies, by all States parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to this Covenant.

2) This Covenant shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3) This compact shall be open for accession by any state designated in subsection 1.

4) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5) The Secretary-General of the United Nations shall inform all States which have signed or acceded to the present Covenant of the deposit of each instrument of ratification or accession.

Art. 49

1) This Covenant shall enter into force three months after the date of deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or accession.

2) For each State ratifying or acceding to the present Covenant after the deposit of the thirty-fifth instrument of ratification or accession, the present Covenant shall enter into force three months after the deposit of its own instrument of ratification or accession.

Art. 50

The provisions of this compact shall apply without limitation or exception to all parts of a state.

Art. 51

1) Any State Party may propose an amendment to the Covenant and submit its text to the Secretary-General of the United Nations. The Secretary-General shall then communicate any proposed amendment to the States Parties to the Covenant with an invitation to indicate whether they are in favor of a conference of the States Parties to consider and vote on the proposals. If at least one-third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2) The amendments shall enter into force when they have been approved by the General Assembly of the United Nations and adopted by a two-thirds majority of the States Parties in accordance with the procedures provided for in their constitutions.

3) When the amendments enter into force, they shall be binding on the States Parties which have accepted them, while the provisions of the present Covenant and any amendments previously accepted by them shall continue to apply to the other States Parties.

Art. 52

Independently of the notifications under article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of that article:

a) of the signatures, ratifications and accessions referred to in Art. 48;

b) from the date of entry into force of this Covenant in accordance with Article 49 and from the date of entry into force of amendments in accordance with Article 51.

Art. 53

1) This Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2) The Secretary-General of the United Nations shall transmit certified copies of this Covenant to all the States referred to in Article 48.

(Signatures follow)

Declarations and reservations of

the Principality of Liechtenstein

Declaration on Art. 3

"The Principality of Liechtenstein declares that it does not interpret the provisions of Art. 3 of the Covenant as an obstacle to the constitutional provisions concerning the hereditary succession to the throne of the Prince Regnant."

Declaration according to Art. 41

"The Principality of Liechtenstein declares, in accordance with article 41 of the Covenant, that it recognizes the competence of the Human Rights Committee to receive and consider communications in which a State party alleges that another State party is failing to fulfil its obligations under the present Covenant."

Reservation to Art. 14 Par. 1

"The Principality of Liechtenstein reserves the right to implement the provisions of article 14, paragraph 1, of the Covenant concerning the publicity of the proceedings and the pronouncement of the judgment only within those limits which are derived from the principles expressed in the current Liechtenstein procedural legislation."

Reservation to Art. 17 Par. 1

"The Principality of Liechtenstein reserves the right to apply the provisions of article 17, paragraph 1, of the Covenant relating to the right to respect for family life for aliens in accordance with the principles of the applicable alien police legislation."

Reservation to Art. 20

"The Principality of Liechtenstein reserves the right to take no further measures to prohibit war propaganda as prescribed by article 20, paragraph 1, of the Covenant." 1

Reservation to Art. 24 Par. 3

"Liechtenstein legislation conferring Liechtenstein citizenship under certain conditions is reserved." 2

Reservation to Art. 26

"The Principality of Liechtenstein reserves the right to guarantee the rights contained in article 26 of the Covenant concerning the equality of all persons before the law and their right to equal protection of the law without any discrimination only in conjunction with the other rights contained in the Covenant."

XVIII. International Covenant on Economic, Social and Cultural Rights

Concluded in New York on December 16, 1966 Approval by Parliament: September 16, 1998 Entry into force for the Principality of Liechtenstein: March 10, 1999

The States Parties to this Covenant,

Considering that, according to the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity of all members of human society and of the equality and inalienability of their rights is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, according to the Universal Declaration of Human Rights, the ideal of the free human being, living free from fear and want, can only be realized if conditions are created in which everyone can enjoy his economic, social and cultural rights as well as his civil and political rights,

Considering that the Charter of the United Nations requires States to promote universal and effective respect for human rights and freedoms,

Considering that individuals have duties to their fellow men and to the community to which they belong and are bound to work for the promotion of and respect for the rights recognized in this Covenant,

agree the following articles:

Part I Art. 1

1) All peoples have the right to self-determination. By virtue of this right, they freely decide on their political status and freely shape their economic, social and cultural development.

2) All peoples may freely dispose of their natural wealth and resources for their own ends, without prejudice to any obligations arising out of international economic cooperation based on mutual welfare, as well as out of international law. In no case shall a people be deprived of its own means of subsistence.

3) States Parties, including those responsible for the administration of non-self-governing and trust territories, shall, in accordance with the Charter of the United Nations, promote the realization of the right to self-determination and respect that right.

Part II Art. 2

1) Each State Party to the present Covenant undertakes to take measures, individually and through international assistance and cooperation, in particular of an economic and technical nature, to the fullest extent of its possibilities, with a view to achieving progressively, by all appropriate means, and in particular through legislative measures, the full realization of the rights recognized in the present Covenant.

2) The States Parties to the present Covenant undertake to ensure that the rights enunciated in the present Covenant shall be exercised without discrimination as to race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3) Developing countries may decide, with due regard for human rights and the needs of their national economies, the extent to which they wish to guarantee to persons who are not their nationals the economic rights recognized in this Covenant.

Art. 3

The States Parties to the present Covenant undertake to ensure the equality of men and women in the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Art. 4

The States Parties to the present Covenant recognize that a State may subject the exercise of the rights guaranteed by it in accordance with the present Covenant only to such restrictions as are provided by law and are compatible with the nature of those rights, and the exclusive purpose of which is to promote the general welfare in a democratic society.

Art. 5

1) Nothing in this Covenant shall be construed as conferring on any State, group or person any right to engage in any activity or to do any act aimed at the abolition of the rights and freedoms recognized in this Covenant or at imposing limitations on such rights and freedoms more extensive than those set forth in this Covenant.

2) The fundamental human rights recognized or existing in any country by law, convention, regulation or custom shall not be limited or abrogated on the pretext that the present Covenant does not recognize such rights or recognizes them only to a limited extent.

Part

III

Art. 6

1) States Parties recognize the right to work, which includes the right of everyone to the opportunity to earn a living through work freely chosen or accepted, and shall take appropriate steps to protect this right.

2) The steps to be taken by a State Party for the full realization of this right shall include technical and vocational guidance and training programs, and the establishment of principles and procedures for achieving steady economic, social and cultural development and full and productive employment under conditions which protect the fundamental political and economic freedoms of the individual.

Art. 7

The States Parties to the present Covenant recognize the right of everyone to just and favorable conditions of work which ensure in particular:

a) a wage that ensures all employees at least

i) adequate pay and equal remuneration for work of equal value without discrimination; in particular, it is ensured that women do not have less favorable working conditions than men and that they receive equal remuneration for equal work,

ii) adequate livelihood for them and their families in accordance with this Covenant;

b) safe and healthy working conditions;

c) equal opportunities for everyone to advance in his or her occupation, with no other considerations than length of service and ability being decisive;

d) Work breaks, time off, reasonable limitation of working hours, regular paid vacations and compensation for public holidays.

Art. 8

1) States Parties undertake to ensure the following rights:

a) the right of everyone to form trade unions or to join trade unions of his own choice, solely in accordance with their rules, for the promotion and protection of his economic and social interests. The exercise of this right shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of national security or public order, or for the protection of the rights and freedoms of others;

b) the right of trade unions to form national associations or federations and their right to form or join international trade union organizations;

c) the right of trade unions to operate freely, subject only to such restrictions as are provided by law and are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

d) the right to strike, insofar as it is exercised in accordance with national law.

2) This article does not preclude legal restrictions on the exercise of these rights by members of the armed forces, the police or the public administration.

3) Nothing in this Article shall authorize any State party to the International Labor Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to adopt any legislative measure or to apply any law in such a manner as to impair the guarantees of the aforesaid Convention.

Art. 9

The Contracting States recognize the right of everyone to social security; this includes social insurance.

Art. 10

The States Parties recognize,

1. that the family, as the natural nucleus of society, should enjoy the greatest possible protection and assistance, especially with regard to its foundation and as long as it is responsible for the care and upbringing of dependent children. Marriage may only be contracted with the free consent of the future spouses;

2. that mothers should enjoy special protection during an appropriate period before and after childbirth. During this time, working mothers should receive paid leave or leave with appropriate social security benefits;

3. that special measures shall be taken to protect and assist all children and adolescents without discrimination on the basis of descent or other grounds. Children and adolescents shall be protected from economic and social exploitation. Their employment in work harmful to their morals or health, endangering their lives, or likely to hinder their normal development shall be punishable by law. States shall

also set age limits below which the paid employment of children is prohibited by law and punishable by law.

Art. 11

1) States Parties recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. States Parties shall take appropriate steps to ensure the realization of this right and, to this end, recognize the vital importance of international cooperation based on free consent.

2) Recognizing the fundamental right of everyone to be protected from hunger, States Parties shall, individually and through international cooperation, take such measures, including special programs, as may be necessary to

a) To improve methods of producing, preserving and distributing food by making full use of technical and scientific knowledge, by disseminating the principles of nutritional science, and by developing or reforming agricultural systems with a view to the most effective development and utilization of natural auxiliary resources;

b) to ensure an equitable distribution of the world's food supplies according to need, taking into account the problems of food importing and exporting countries.

Art. 12

1) The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2) The steps to be taken by States Parties for the full realization of this right shall include the necessary measures to

a) to reduce the number of stillbirths and infant mortality, as well as the healthy development of the child;

b) to improve all aspects of environmental and industrial hygiene;

c) for the prevention, treatment and control of epidemic, endemic, occupational and other diseases;

d) to create the conditions that ensure the enjoyment of medical facilities and medical care for everyone in the event of illness.

Art. 13

1) The States Parties recognize the right of everyone to education. They agree that education must be directed to the full development of the human personality and the awareness of its dignity, and must strengthen respect for human rights and fundamental freedoms. They further agree that education must enable everyone to play a useful role in a free society, promote understanding, tolerance and friendship among all peoples and all racial, ethnic and religious groups, and support the activities of the United Nations for the maintenance of peace.

2) The States Parties recognize that, with a view to the full realization of this right.

a) primary education must be compulsory for everyone and accessible to all free of charge;

b) the various forms of higher education, including higher technical and vocational education, must be made generally available and accessible to everyone by all appropriate means, in particular by the gradual introduction of free education;

c) higher education must be made equally accessible to everyone according to his or her abilities by any appropriate means, in particular by the gradual introduction of free tuition;

d) basic education for persons who have not attended or have not completed elementary school is to be promoted or deepened as far as possible;

e) to actively promote the development of a school system at all levels, to establish an appropriate scholarship system and to continuously improve the economic situation of the teaching staff.

3) The States Parties to the present Covenant undertake to respect the freedom of parents and, where appropriate, of guardians or custodians to choose for their children schools other than public schools which conform to such minimum educational standards as may be established or approved by the State, and to ensure the religious and moral education of their children in conformity with their own convictions.

4) Nothing in this Article shall be construed to impair the freedom of natural or legal persons to establish and manage educational institutions, provided that the principles set forth in subsection 1 are observed and the education provided in such institutions meets the minimum standards established by the State, if any.

Art. 14

Each Contracting State which, at the time of becoming a Contracting Party, has not yet been able to introduce compulsory elementary education on the basis of free attendance in the parent country or in other territories under its jurisdiction, undertakes to prepare and adopt within two years a detailed plan of action providing for the progressive realization of the principle of compulsory elementary education without payment within a reasonable number of years to be specified in the plan.

Art. 15

1) The Contracting States recognize the right of each,

a) participate in cultural life;

b) to share in the achievements of scientific progress and its application;

c) to enjoy the protection of the intellectual and material interests accruing to him as the author of works of science, literature or art.

2) The steps to be taken by States Parties for the full realization of this right shall include those necessary for the preservation, development and dissemination of science and culture.

3) The Contracting States undertake to respect the freedom indispensable to scientific research and creative activity.

4) The Contracting States recognize the benefits to be derived from the promotion and development of international contacts and cooperation in the scientific and cultural fields.

Part

IV Art.

16

1) The States Parties to the present Covenant undertake to submit reports, in accordance with the provisions of this part, on the measures they have taken and on the progress made with respect to the observance of the rights recognized in the Covenant.

2)

a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of this Covenant.

b) Where States Parties are also members of specialized agencies, the Secretary-General of the United Nations shall transmit copies of their reports or relevant parts of such reports also to the specialized agencies in so far as such reports or parts relate to matters which, in accordance with the statutes of such agencies, fall within their terms of reference.

Art. 17

1) The States Parties shall submit their reports in sections in accordance with a program to be established by the Economic and Social Council within one year after the entry into force of the present Covenant, after consultation with the States Parties and the specialized agencies concerned.

2) The reports may contain indications of circumstances and difficulties affecting the extent to which the obligations under this Covenant are being met.

3) If a State Party has already provided relevant information to the United Nations or a specialized agency, such information need not be repeated; rather, a precise reference to such information shall suffice.

Art. 18

Within the scope of its functions under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may enter into agreements with the specialized agencies concerning their reporting on the progress made in complying with the provisions of the present Covenant within the scope of their activities. These reports may include details of decisions adopted by their competent organs and recommendations on measures to be taken to comply with these provisions.

Art. 19

The Economic and Social Council may transmit to the Commission on Human Rights for consideration and general recommendation or, as the case may be, for information, reports on human rights submitted by States in accordance with articles 16 and 17 and by specialized agencies in accordance with article 18.

Art. 20

States Parties and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or on any reference to such a recommendation contained in a report of the Commission on Human Rights or in a document referred to therein.

Art. 21

The Economic and Social Council may from time to time submit to the General Assembly reports containing recommendations of a general nature and a summary of the information received from States Parties and specialized agencies concerning measures taken and progress made towards universal observance of the rights recognized in the Covenant.

Art. 22

The Economic and Social Council may communicate to other organs of the United Nations, to their subsidiary organs and to those specialized agencies dealing with technical assistance, anything contained in the reports referred to in this part which may assist such bodies in deciding, within their respective spheres of competence, on the appropriateness of international measures for the effective progressive implementation of the present Covenant.

Art. 23

The States Parties to the present Covenant agree that international measures for the realization of the rights recognized in the present Covenant include, inter alia, the conclusion of conventions, the adoption of recommendations, the provision of technical assistance, and the holding of regional and specialized meetings for the purposes of consultation and study in conjunction with the governments concerned.

Art. 24

Nothing in this Covenant shall be construed as limiting the provisions of the Charter of the United Nations and the Constitutions of the specialized agencies which regulate the respective functions of the various organs of the United Nations and of the specialized agencies with respect to the matters dealt with in this Covenant.

Art. 25

Nothing in this Covenant shall be construed to impair the inherent right of all peoples to the enjoyment and full and free use of their natural wealth and resources.

Part V Art. 26

1) This Covenant shall be open for signature by all Member States of the United Nations, by all members of any of its specialized agencies, by all States parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to this Covenant.

2) This Covenant shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3) This compact shall be open for accession by any state designated in subsection 1.

4) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5) The Secretary-General of the United Nations shall inform all States which have signed or acceded to the present Covenant of the deposit of each instrument of ratification or accession.

Art. 27

1) This Covenant shall enter into force three months after the date of deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or accession.

2) For each State ratifying or acceding to the present Covenant after the deposit of the thirty-fifth instrument of ratification or accession, the present Covenant shall enter into force three months after the deposit of its own instrument of ratification or accession.

Art. 28

The provisions of this compact shall apply without limitation or exception to all parts of a state.

Art. 29

1) Any State Party may propose an amendment to the Covenant and submit its text to the Secretary-General of the United Nations. The Secretary-General shall then communicate any proposed amendment to the States Parties to the Covenant with an invitation to indicate whether they are in favor of a conference of the States Parties to consider and vote on the proposals. If at least one-third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2) The amendments shall enter into force when they have been approved by the General Assembly of the United Nations and adopted by a two-thirds majority of the States Parties in accordance with the procedures provided for in their constitutions.

3) When the amendments enter into force, they shall be binding on the States Parties which have accepted them, while the provisions of the present Covenant and any amendments previously accepted by them shall continue to apply to the other States Parties.

Art. 30

Independently of the notifications under paragraph 5 of Article 26, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of that Article:

a) of the signatures, ratifications and accessions referred to in Art. 26;

b) from the date of entry into force of this Covenant in accordance with Article 27 and from the date of entry into force of amendments in accordance with Article 29.

Art. 31

1) This Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2) The Secretary-General of the United Nations shall transmit certified copies of this Covenant to all States referred to in Article 26.

XIX. International Convention on the Elimination of Racial Discrimination

Completed in New York on December 21, 1965

Approval by the Diet: October 21, 1999.

Entry into force for the Principality of Liechtenstein: 31 March

2000 The States Parties to this Convention,

Recalling that the Charter of the United Nations is founded on the principle of the inherent dignity and equality of all human beings, and that all Member States have pledged to cooperate jointly and severally with the Organization to achieve one of the purposes of the United Nations, which is to promote and to consolidate universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion;

Recalling the solemn declaration in the Universal Declaration of Human Rights that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in that Declaration, without distinction of any kind, especially as to race, color or national origin;

Considering that all persons are equal before the law and have a right to equal protection of the law against all discrimination and incitement to discrimination;

Whereas the United Nations has condemned colonialism and all related practices of racial segregation and discrimination, in whatever form and wherever they occur, and whereas the Declaration of 14 December 1960 (General Assembly Resolution 1514 [XV]) on the Granting of Independence to Colonial Territories and Colonial Peoples affirmed and solemnly proclaimed the need for a speedy and unconditional cessation of such practices;

Recalling the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of November 20, 1963 (General Assembly Resolution 1904 [XVIII]), a declaration solemnly affirming the need to eliminate rapidly all forms and manifestations of racial discrimination throughout the world and to promote understanding and respect for the dignity of the human person;

Convinced that any doctrine of superiority based on racial differences is scientifically false, morally reprehensible, and socially unjust and dangerous, and that racial discrimination, whether in theory or in practice, is nowhere justified;

Reaffirming that discrimination between people on the basis of race, color or ethnicity is an obstacle to friendly and peaceful relations between peoples and is likely to disturb peace and security among peoples and the harmonious coexistence of people even within a State;

Convinced that the existence of racial barriers is incompatible with the ideals of any human society; disturbed by the racial discrimination still existing in some areas of the world and by the apartheid, segregation, or other racial segregation policies of some governments based on racial superiority or hatred;

Determined to take all necessary measures for the speedy elimination of all forms and manifestations of racial discrimination, and to prevent and combat racially militant doctrines and practices, in order to promote mutual understanding between the races and to create an international community free from all forms of racial segregation and discrimination;

Recalling the Employment Discrimination Convention adopted by the International Labor Organization in 1958 and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960;

Desiring to give effect to the principles set forth in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the adoption, as soon as possible, of practical measures to that effect;

have agreed as follows:

Part I Art. 1

1) In this Convention, the term "racial discrimination" means any distinction, exclusion, restriction or preference based on race, color, descent, national origin or ethnicity which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2) This Convention shall not apply to distinctions, exclusions, limitations or preferences made by a Contracting State between its own nationals and foreign nationals.

3) Nothing in this Convention shall be construed to affect the laws of the Contracting States relating to nationality, citizenship or naturalization, provided that such laws do not discriminate against nationals of any particular State.

4) Special measures taken for the sole purpose of ensuring the adequate development of certain racial groups, ethnic groups or persons in need of protection, to the extent that such protection is necessary to enable them to enjoy and exercise human rights and fundamental freedoms on an equal basis, shall not be deemed to be racial discrimination, provided that such measures do not result in the maintenance of separate rights for different racial groups and provided that they are not continued after the objectives for which they were taken have been achieved.

Art. 2

1) The States Parties condemn racial discrimination and undertake to pursue without delay, by all appropriate means, a policy of eliminating racial discrimination in all its forms and of promoting understanding among all races; to this end:

a) each State Party undertakes to refrain from acts or practices of racial discrimination against persons, groups of persons or institutions and to ensure that all State and local authorities and public institutions act in accordance with this obligation;

b) each State Party undertakes not to promote, protect or encourage racial discrimination by any person or organization;

c) each State Party shall take effective measures to review the actions of its state and local authorities and to amend, repeal or nullify all laws and regulations that have the effect of racial discrimination or, where it already exists, its continuation;

d) each State Party shall prohibit and put an end to any racial discrimination practiced by any person, group or organization by all appropriate means, including such legislation as may be required by the circumstances;

e) Each State Party undertakes, wherever appropriate, to support all multiracial organizations and movements seeking racial integration, to promote other means for the elimination of racial barriers, and to oppose anything that contributes to racial segregation.

2) States Parties shall, when circumstances so warrant, take special and concrete measures in the social, economic, cultural and other fields to ensure the adequate development and protection of certain racial groups or individuals belonging to them,

to ensure their full and equal enjoyment of human rights and fundamental freedoms. Such measures shall in no case result in the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Art. 3

States Parties specifically condemn segregation and apartheid and undertake to prevent, prohibit and eradicate all such practices within their territories.

Art. 4

The States Parties to the present Covenant condemn all propaganda and organizations based on ideas or theories concerning the superiority of any race or group of persons of a particular color or ethnicity, or which seek to justify or promote any form of racial hatred and discrimination; They undertake to take immediate and positive measures to eliminate all incitement to racial discrimination and all acts of racial discrimination; to this end, they undertake, with due regard to the principles laid down in the Universal Declaration of Human Rights and the express provisions of Art. 5 of the present Convention, they undertake, inter alia, the following obligations:

a) to declare any dissemination of ideas based on racial superiority or racial hatred, any incitement to racial discrimination, and any act of violence or incitement thereto against any race or group of persons of a different color or ethnicity, and any support for racial militancy, including its financing, to be an offense punishable under the law;

b) declare unlawful and prohibit all organizations and all propaganda activities, organized or otherwise, which promote and incite racial discrimination, and recognize participation in such organizations or activities as an offense punishable under the law;

c) Not allow state or local agencies or public entities to promote or incite racial discrimination.

Art. 5

In accordance with the fundamental obligations set forth in Article 2, States Parties shall prohibit and eliminate racial discrimination in all its forms and shall ensure the right of everyone, without distinction as to race, color, national origin or nationality, to equality before the law, in particular the following rights:

a) the right to equal treatment before the courts and all other organs of the administration of justice;

b) the right to security of the person and to protection by the state against acts of violence or bodily harm, whether committed by state officials or by any person, group or entity;

c) political rights, in particular the right to vote and to stand for election on the basis of universal and equal suffrage, the right to participate in government and in the conduct of public affairs at every level, and the right to equal access to public service;

d) other civil rights, in particular

i) the right to freedom of movement and free choice of residence within the state borders,

ii) the right to leave any country, including their own, and to return to their own country,

iii) the right to citizenship,

iv) the right to marry and to choose one's spouse freely,

v) the right to own assets as property, alone or in combination with others,

vi) the right to inherit,

vii) the right to freedom of thought, conscience and religion,

viii) the right to freedom of opinion and expression,

ix) the right to peaceful assembly and to form peaceful associations;

e) economic, social and cultural rights, in particular

i) the right to work, to free choice of employment, to just and peaceful working conditions, to protection against unemployment, to equal pay for equal work, to just and satisfactory remuneration,

ii) the right to form and join trade unions,

iii) the right to housing,

iv) the right to public health care, medical care, social security and social services,

v) the right to education and training,

vi) The right to participate in cultural activities on an equal basis;

f) the right of access to any place or service intended for use by the public, such as transportation, hotels, restaurants, cafes, theaters, and parks.

Art. 6

States Parties shall ensure to every person within their jurisdiction effective protection and remedy by the competent national courts and other State institutions against any racially discriminatory acts violating his or her human rights and fundamental freedoms contrary to the present Convention, and the right to seek from such courts just and adequate compensation or reparation for any injury suffered as a result of racial discrimination.

Art. 7

States Parties undertake to take immediate and effective measures, particularly in the fields of teaching, education, culture and information, to combat prejudice leading to racial discrimination, to promote understanding, tolerance and friendship among peoples and racial or ethnic groups, and to disseminate the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the present Convention.

Part

II Art.

8

1) There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the "Committee") consisting of eighteen experts of high moral character and recognized impartiality, acting in a personal capacity, chosen by the States Parties from among their nationals, taking care to ensure equitable geographical distribution and representation of the various forms of civilization and of the principal legal systems.

2) The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one of its own nationals.

3) The first election shall be held six months after the entry into force of this Convention. At least three months before each election, the Secretary-General of the United Nations shall invite States Parties in writing to submit their nominations within two months. He shall then draw up and submit to the States Parties an alphabetical list of all persons so nominated, indicating the States Parties nominating them.

4) The election of Committee members shall take place at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At this

At a meeting at which two-thirds of the Contracting States are represented and at which there is a quorum, the candidates who obtain the highest number of votes and an absolute majority of the votes of the representatives of the Contracting States present and voting shall be considered elected to the Committee.

5)

a) The members of the Committee shall be elected for four years. However, the term of office of nine of the members elected at the first election shall expire after two years; immediately after the first election, the names of these nine members shall be drawn by lot by the Chairman of the Committee.

b) To fill an unexpected vacancy, the State Party whose expert has ceased to be a member of the Committee shall, with the approval of the Committee, appoint another expert from among its nationals.

6) The Contracting States shall pay the expenses of the members of the Committee for as long as they perform Committee duties.

Art. 9

1) The States Parties undertake to submit to the Secretary-General of the United Nations, for the consideration of the Committee, a report on the legislative, judicial, administrative and other measures taken to implement the present Convention, as follows

a) within one year of the entry into force of the Convention for the State concerned, and

b) thereafter every two years and as often as requested by the Committee. The Committee may request further information from States Parties.

2) The Committee shall report annually to the General Assembly of the United Nations through the Secretary-General on its activities and may make proposals and general recommendations on the basis of the consideration of reports and information received from States Parties. These shall be forwarded to the General Assembly together with any comments from States Parties.

Art. 10

1) The Committee shall adopt its own rules of procedure.

2) The Committee elects its Board of Directors for a two-year term.

3) The secretariat of the Committee shall be provided by the Secretary-General of the United Natio- ns.

4) The meetings of the Committee are usually held at the headquarters of the United Natio- ns.

Art. 11

1) If a State Party considers that another State Party is not implementing the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall forward the communication to the State Party concerned. Within three months the receiving State shall submit to the Committee a written explanation or statement of the matter and of any remedial action taken by that State.

2) If the matter is not settled to the satisfaction of both parties within six months of the receipt of the first notification by the receiving State, either by bilateral negotiation or by any other procedure available to the parties, either State shall have the right to refer the matter again to the Committee by sending a notification to that State and to the other State.

3) In accordance with the generally recognized principles of international law, the Committee shall not deal with a matter referred to it under paragraph 2 of this article until it is satisfied that all domestic remedies have been sought and exhausted. This shall not apply if the proceedings are unduly protracted.

4) The Committee may, in any case referred to it, request from the Contracting States concerned any other relevant information.

5) When the Committee is considering a matter under this article, the States Parties concerned may send a representative to take part, without the right to vote, in the proceedings of the Committee during the consideration of the matter.

Art. 12

1)

a) After the Committee has received and evaluated all the information it deems necessary, the Chairman shall appoint an ad hoc conciliation commission (hereinafter referred to as the "Commission") consisting of five persons who may, but need not, be members of the Committee. The members of the commission shall be appointed by unanimous consent of the parties to the dispute; it shall offer its good offices to the States concerned with a view to bringing about an amicable settlement on the basis of respect for this Convention.

b) If the States involved in the dispute cannot agree within three months on the full or partial composition of the Commission, the Committee shall elect from among its own members by secret ballot by a two-thirds majority of its members the members of the Commission who have not yet been appointed by agreement of the States involved in the dispute.

2) The members of the Commission shall act in their personal capacity. They may not be nationals of the states involved in the dispute or of a non-contracting state.

3) The commission elects its chairperson and adopts a procedural agenda.

4) The meetings of the Commission shall normally be held at the Headquarters of the United Natio- ns or at such other convenient place as the Commission may determine.

5) The secretariat established under Art. 10 para. 3 also works for the Commission as soon as a dispute between Contracting States calls the Commission into being.

6) The States participating in the dispute shall bear equally all expenses of the members of the Commission according to estimates prepared by the Secretary-General of the United Nations.

7) The Secretary-General shall have the authority to pay the expenses of the members of the Commission, if necessary, before the reimbursement of the amounts by the States involved in the dispute under paragraph 6.

8) The information received and evaluated by the Committee shall be made available to the Commission, which may request the States concerned to provide further relevant information.

Art. 13

1) Once the Commission has discussed the matter in detail, it shall draw up a report which it shall submit to the Chairman of the Committee, containing its findings on all factual matters relating to the dispute between the parties and the recommendations which it considers appropriate with a view to an amicable settlement of the dispute.

2) The Chairman of the Committee shall forward the report of the Commission to each State party to the dispute. These States shall inform him within three months whether they accept the recommendations contained in the report of the Commission.

3) After the expiration of the time limit set in paragraph 2 of this article, the Chairman of the Committee shall transmit the report of the Commission and the statements of the States Parties involved to the other States Parties.

Art. 14

1) A State Party may at any time declare that it accepts the competence of the Committee to receive and consider communications from individual persons or groups of persons under its jurisdiction who claim to be victims of a violation by that State Party of a right provided for in this Convention. The Committee shall not receive any communication concerning a State Party which has not made such a declaration.

2) When a State Party makes a declaration under paragraph 1, it may establish or designate a body within its national jurisdiction to receive and consider petitions from individual persons or groups of persons under its jurisdiction who claim to be victims of a violation of a right provided for in this Convention and who have exhausted all other available local remedies.

3) A declaration made in accordance with paragraph 1 of this article and the name of a body established or designated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but this shall not affect communications already received by the Committee.

4) The body established or designated under subsection 2 shall keep a register of petitions; certified copies of the register shall be filed annually with the Secretary General by appropriate means; however, the contents may not be made public.

5) If the sender of the petition fails to obtain satisfaction from the body established or designated under subsection (2), he or she may report the matter to the Committee within six months.

6)

a) The Committee shall bring to the attention of the State Party alleged to have violated a provision of this Convention any communication received by it on a confidential basis, without, however, disclosing the identity of the person or group of persons concerned, unless the latter expressly consents thereto. The Committee shall not accept anonymous communications.

b) Within three months, the receiving State shall provide the Committee with a written explanation or statement of the matter and of the remedy, if any, taken by that State.

7)

a) The Committee shall consider communications in the light of all information received from the State Party concerned and from the sender of the petition. The Committee shall not consider a communication from a sender unless it is satisfied that the sender has exhausted all available domestic remedies. However, this does not apply if the procedure is unduly protracted.

b) The Committee shall communicate its proposals and recommendations, if any, to the State Party concerned and to the sender of the petition.

8) The Committee shall include in its annual report a brief account of the findings and, where appropriate, the explanations and statements of the States Parties concerned and its own proposals and recommendations.

9) The Committee shall be empowered to perform the functions provided for in this article only if at least ten States Parties have bound themselves by declarations made in accordance with paragraph 1 of this article.

Art. 15

1) Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Territories and Colonial Peoples set forth in Resolution 1514 (XV) of the General Assembly of December 14, 1960, the right of petition granted to such peoples in other international instruments or by the United Nations and its specialized agencies shall not be restricted by this Convention.

2)

a) The Committee established under paragraph 1 of Article 8 shall receive from the United Nations bodies which, in considering petitions from the inhabitants of trust territories, non-self-governing territories and all other territories covered by General Assembly resolution 1514 (XV), deal with matters directly related to the principles and purposes of this Convention, copies of petitions relating to the matters dealt with in this Convention which are before those bodies and shall address to them comments and recommendations on those petitions.

b) The Committee shall receive from the competent agencies of the United Nations copies of reports on legislative, judicial, administrative and other measures directly related to the principles and purposes of this Convention taken by the administrative power in the territories referred to in subparagraph (a) above, and shall make comments and recommendations to those agencies.

3) The Committee shall include in its report to the General Assembly a brief account of the petitions and reports submitted to it by United Nations agencies, as well as its own comments and recommendations in this regard.

4) The Committee shall request from the Secretary-General of the United Nations all information relating to the purposes of this Convention and available to the Secretary-General concerning the territories referred to in subparagraph (a) of paragraph 2 of this article.

Art. 16

The provisions of this Convention relating to the settlement of disputes or complaints shall be applied without prejudice to other procedures for the settlement of disputes or complaints in the field of discrimination provided for in the Constitutive Instruments or the Conventions of the United Nations and its specialized agencies, and shall not prevent States Parties from having recourse to other procedures for the settlement of a dispute under the general or special international instruments in force between them.

Part III Art. 17

1) This Convention shall be open for signature by all Member States of the United Nations, by all members of any of its specialized agencies, by all States parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to this Convention.

2) This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Art. 18

1) This Convention shall be open for accession by any State referred to in Article 17, paragraph 1.

2) Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Art. 19

1) This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or accession.

2) For each State ratifying or acceding to this Convention after the deposit of the twenty-seventh instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit of its own instrument of ratification or accession.

Art. 20

1) The Secretary-General of the United Nations shall receive reservations made by a State at the time of ratification or accession and shall communicate them to all States which are or may become Parties to this Convention. If a State objects to the reservation, it shall, within ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2) Reservations incompatible with the object and purpose of this Convention shall not be permitted; the same shall apply to reservations which would have the effect of hindering the work of a body established under this Convention. A reservation shall be considered incompatible or obstructive if at least two thirds of the Contracting States object thereto.

3) Reservations may be withdrawn at any time by notification to the Secretary General to that effect. Such notifications shall take effect on the date of their receipt.

Art. 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Art. 22

If a dispute arises between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled by negotiation or by the procedures expressly provided for in this Convention, it shall, at the request of any party to the dispute, be submitted to the International Court of Justice for decision, unless the parties to the dispute agree to another method of settlement.

Art. 23

1) A State Party may at any time request a revision of this Convention by written notification addressed to the Secretary-General of the United Nations.

2) The General Assembly of the United Nations shall decide on any steps to be taken with regard to such a request.

Art. 24

The Secretary-General of the United Nations shall inform all States referred to in Article 17, paragraph 1, of:

a) the signatures, ratifications and accessions referred to in Articles 17 and 18;

b) the date of entry into force of this Convention in accordance with Art. 19;

c) the notifications and declarations received in accordance with Articles 14, 20 and 23;

d) the terminations under Art. 21.

Art. 25

1) This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2) The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories referred to in Article 17, paragraph 1.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, which was opened for signature in New York on the seventh day of March in the year one thousand nine hundred and sixty-six.

Done at New York, this 21st day of December,

1965. (Signatures follow.)

Explanation

concerning the recognition of the competence of the Committee on the Elimination of Racial Discrimination (CERD) to receive and consider communications under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination

1

The Principality of Liechtenstein declares, in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965, that it recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individual persons or groups of persons under Liechtenstein jurisdiction who claim to be victims of a violation by Liechtenstein of a right provided for in this Convention.

The Principality of Liechtenstein accepts this competence on condition that the said Committee does not discuss any communication without having ascertained that the same matter is not being or has not been examined in another international investigation or arbitration procedure.

XX. Communications Act (KomG)

from 17 March 2006

on electronic communication

I. General provisions Art. 1

Purpose

1) The purpose of this law is to create a coherent and forward-looking framework for electronic communications in the interest of social and technological progress and a dynamic economy.

2) It serves in particular:

a) ensuring the provision of electronic communications networks and services to the population at a high level, including the provision of a universal service;

b) ensuring freedom of choice for users, especially consumers, by promoting effective competition in the provision of electronic communications networks and electronic communications services;

c) the protection of users, especially consumers;

d) the efficient management of electronic communication resources;

e) facilitating efficient infrastructure investment as well as innovation;

f) facilitating access to electronic communications services for disabled users.

3) It also serves to transpose or implement the following EEA

legislation:

a) Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services ("Competition Directive"; EEA Supplementary Act: Annex XI 5cg.01);

b) Directive 2002/21/EC of the European Parliament and of the Council of

March 7, 2002 on a common regulatory framework for electronic communications networks and services ("Framework Directive"; EEA Corpus Juris: Annex XI 5cl.01);

c) Directive 2002/20/EC of the European Parliament and of the Council of

March 7, 2002 on the Authorization of Electronic Communications Networks and -

services ("Authorization Directive"; EEA Compendium of Laws: Annex XI 5ck.01);

d) Directive 2002/22/EC of the European Parliament and of the Council of

March 7, 2002, on universal service and users' rights relating to electronic communications networks and services ("Universal Service Directive"; EEA Law: Annex XI 5cm.01);

e) Directive 2002/19/EC of the European Parliament and of the Council of

March 7, 2002, on access to, and interconnection of, electronic communications networks and associated facilities ("Access Directive"; EEA Collection of Laws: Annex XI 5cj.01);

f) Directive 2002/58/EC of the European Parliament and of the Council of

July 12, 2002, concerning the processing of personal data and the protection of privacy in the electronic communications sector ("ePrivacy Directive"; EEA Collection of Laws: Anh. XI 5ha.01);

g) Retrieved

h) Directive 98/84/EC of the European Parliament and of the Council of

November 20, 1998 on the legal protection of access-control

lated services and of conditional access services ("Circumvention Directive": EEA Compendium of Laws: Annex XI 5j.01).

i) Repealed

k) Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets for telecommunications terminal equipment (OJ L 162, 21 June 2008, p. 20);

l) Regulation (EU) No. 531/2012 of the European Parliament and of the Council of June 13, 2012 on roaming on public mobile networks within the Union ("Ro- aming Regulation"; EEA Collection of Laws:

Anh. XI 5cu.01);

m) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 on measures on access to the open internet and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile telephone networks within the Union (EEA Supplementary Act: Anh. XI 5cu.02).

4) Retrieved

Art. 1a

Reference to EEA legislation

1) Where reference is made in this Act to EEA legislation referred to in the EEA Agreement, such reference shall be to the version thereof in force at any given time, including amendments and additions thereto made by the EEA Agreement, and to the related implementing acts.

2) The provisions of the EEA legislation referred to in this Act are directly applicable and generally binding.

3) The valid version of the legal provisions referred to in paragraph 1 shall be derived from the promulgation of the decisions of the EEA Joint Committee in the Liech- tenstein Provincial Gazette pursuant to Art. 3(k) of the Promulgation Act.

4) The full text of the EEA legislation referred to in this Act shall be published in the EEA Compendium of Acts. Consultation of and reference to the EEA Compendium of Laws shall be governed by the provisions of Art. 5 of the Act on

the implementation and promulgation of EEA legislation and the regulations issued in this regard.

Art. 2

Scope

1) This Act shall apply to electronic communications.

2) It does not apply to content of electronic communication services, in particular to content of broadcasting services.

3) Retrieved

Art. 3

Definitions; Designations

1) For the purposes of this Act means:

1. "electronic communication" means any transmission, emission or reception of signs, signals, characters, images, sounds or messages of any kind by wire, radio, optical or electromagnetic systems, including satellite systems;

2. "Provider" means anyone who commercially offers an electronic communications service to third parties (service provider) or provides or is authorized to provide networks and/or associated facilities (operator);

3. "Significant market power enterprise" means an enterprise that either.

alone or jointly with others, occupies a position equivalent to control, i.e. a position of economic strength affording it the power to behave to an appreciable extent independently of competitors, customers and ultimately consumers;

4. "User" means anyone who uses or requests a publicly available electronic communications service or uses a communications terminal;

5. "Subscriber" means anyone who has entered into a contract with a service provider of publicly available electronic communications services for the provision of such services;

6. "End User" means a user that does not provide public communications networks or publicly available electronic communications services;

7. "Consumer" means any natural person who uses or requests a publicly available electronic communications service for other than commercial or professional purposes;

8. "electronic communications service" means a service normally provided for remuneration and consisting wholly or mainly in the transmission of signals on electronic communications networks, including telecommunications and transmission services on networks for broadcasting services. It does not include information society services as defined in the legislation on electronic commerce that do not consist wholly or mainly in the transmission of signals over electronic communications networks;

9. "Universal service" means a minimum set of services of specified quality to be determined in each EWRA Contracting State on the basis of the Universal Service Directive, available to all users regardless of their location and, measured by country-specific conditions, at an affordable price;

10. "publicly available electronic communications service" means an electronic communications service available to the general public, including a publicly available telephone service;

11. "Publicly available telephone service" means a service made available to the public which permits the making of outgoing and incoming domestic or national and international calls, directly or indirectly, through one or more numbers in a national or international telephone numbering plan;

12. "Broadcasting service" means an electronic communications service by means of which broadcast radio is distributed within the meaning of the Media Act. This includes, in particular, radio and television services within the meaning of EEA law;

13. "electronic communications network" means transmission systems and, where applicable, switching and routing equipment and other resources, including inactive network elements

- that enable the transmission of signals by cable, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including the Internet) and mobile terrestrial networks, power line systems in so far as they are used for signal transmission, networks for radio and television broadcasting, and cable television networks, irrespective of the type of information transmitted;

14. "Associated Facilities" means those associated services, physical infrastructures or other facilities or components associated with an electronic communications network and/or an electronic communications service that enable and/or support, or are capable of enabling, the provision of services over such network and/or service, including, but not limited to, buildings or building access points, building wiring, antennas, towers and other support structures, conduits, ducts, poles, manholes and junction boxes;

15. "public communications network" means an electronic communications network used wholly or mainly for the provision of publicly available electronic communications services enabling the transmission of information between network termination points;

16. "Access network" means the passive network components and associated facilities consisting of cable tray, copper cable, fiber optic cable and distributor (passive access network);

17. "Provision of an electronic communications network" means the establishment, operation, control or making available of such a network;

18. Retrieved

19. "Cable television network" means any infrastructure established primarily for the transmission and/or distribution of broadcast services to the public, which is essentially wireline;

20. "Satellite network" means a configuration of two or more satellite systems that communicate with each other via a satellite;

21. "Network termination point" means the physical point at which a subscriber is provided access to a public communications network. In networks where switching or routing is performed, the network termination point is designated by a specific network address, which may be associated with a subscriber's number or name;

22. "Local loop" means the physical connection by which the network termination point is connected to a distribution node or equivalent facility in the fixed public electronic communications network;

23. Retrieved

24. Retrieved

25. Retrieved

26. "Access" means the provision of facilities and/or services to another entity, whether or not on an exclusive basis, under specified conditions for the provision of electronic communications services, including when used for the provision of information society services or broadcast content services. This includes, but is not limited to, access to:

a) Network components and associated facilities, which may include the fixed or non-fixed connection of equipment (this includes, in particular, access to the local loop and to facilities and services required to provide services over the local loop);

b) physical infrastructures such as buildings, conduits and poles;

c) relevant software systems, including systems for operational support;

d) information technology systems or databases for pre-ordering, provisioning, placing orders, requesting maintenance and repair work, and billing;

e) of number conversion or to systems that offer an equivalent function;

f) fixed and mobile networks, especially to enable roaming;

g) conditional access systems for digital television services;

h) services for virtual networks;

27. "Interconnection" means the physical and logical linking of public communications networks used by the same or another entity to enable users of one entity to communicate with users of the same or another entity or to access services provided by another entity. Services may be provided by the parties involved or by other parties that have access to the network. Interconnection is a special case of access and is established between operators of public networks;

28. "Communications infrastructure resources" means the network components and associated facilities within the meaning of subparagraph 26(a) required for the establishment, expansion, provision and maintenance of an electronic communications network.

infrastructure within the meaning of item 26 b) as well as the real estate and corresponding easements;

29. "Frequency spectrum" means electromagnetic waves with frequencies between 0 kHz and 3 000 GHz;

30. "radio interference" means an interference effect that:

a) poses a threat to the functioning of a radionavigation service or other safety-related services; or

b) otherwise seriously interferes with, obstructs or repeatedly disrupts a radio service operated in accordance with applicable international or national regulations;

its obstruction or repeated interruption;

31. "Means of identification" means parameters used to identify providers, users, systems, functions, locations, lines, networks, services or communications equipment. Identification means are in particular numbers, names and addresses for electronic communication as well as combinations thereof;

32. "Geographic number" means a number in the national numbering plan for which a portion of the digit sequence has a geographic reference used for routing calls to the physical location of the network termination point;

33. "Non-geographic number" means a number in the national numbering plan that is not a geographic number. This may include, among others, numbers for mobile telephones, toll-free services and special services with increased tariff;

34. "scarce resources" means electronic communications resources, in particular identification means and frequencies, for which demand is greater than supply or is expected to be scarce in a given area;

35. "Communications facility" means a facility designed for electronic communications, including communications terminal equipment;

36. "Communication terminal equipment" means a communication-enabling device, or an essential component thereof, that is designed to communicate with any co

The term "terminal equipment" refers to equipment intended for direct or indirect connection to interfaces of public communications networks, including terminal equipment as defined in Art. 1 No. 1 of Directive 2008/63/EC;

37. "Radio equipment" means a product, or a major component thereof, capable of communicating in the portion of the frequency spectrum allocated for terrestrial/satellite radio communications by the emission and/or reception of radio waves;

38. "Device" means a device that is radio equipment, communications terminal equipment, or a combination of both;

39. Retrieved

40. Retrieved

41. "Protected service" means a broadcast or information society service provided for compensation and under access control, including access control for such services to the extent that they are considered an independent service;

42. "Access control (conditional access system)" means any technical measure and/or device that makes access to a protected service dependent on prior individual permission in a comprehensible form;

43. "Circumvention Device" means any device or computer program designed or adapted to provide access to a Protected Service in an intelligible form without the permission of the Service Provider;

44. "Transnational Markets" means the markets defined in accordance with Article 15(4) of the Framework Directive, which comprise the EEA or a substantial part thereof located in more than one EWRA Contracting State;

45. "Call" means a connection established through a publicly available electronic communica- tion service that enables two-way voice communica- tion;

45a. "unsuccessful call attempt": a call for which the connection was successfully established but which remains unanswered or for which the network management has intervened;

46. "Traffic Data": Data processed for the purpose of forwarding a message to an electronic communications network or for the purpose of billing for that transaction;

47. "Location Data": Data processed in an electronic communications network or by an electronic communications service that identifies the geographic location of the terminal equipment of a user of a publicly available

Specify electronic communication service;

48. "Subscriber Data": all personal data required for the establishment, processing, amendment or termination of the contractual relationship between the User and the Provider or for the creation and issuance of subscriber subscriptions, in particular the name or company and delivery address of the Subscriber as well as corresponding means of identification;

48a. "Data retention" means traffic, location and subscriber data generated or processed when a subscriber accesses a public communications network or for the purpose of billing for this process, including data on unsuccessful call attempts, insofar as this data is stored on the occasion of the provision of telephone services or logged on the occasion of the provision of Internet services;

49. "Content Data": the contents of transmitted messages;

50. "Message" means any information exchanged or transmitted between a limited number of parties through a publicly available electronic communications service. It does not include information that is transmitted to the public as part of a broadcasting service over an electronic communications network, provided that the information cannot be linked to the identifiable subscriber or user receiving it;

51. "value-added service" means any service that requires the processing of traffic data to an extent beyond that required for the transmission of a message or the billing of that transaction;

52. "electronic mail" means any text, voice, sound or image message sent over a public communications network that can be stored on the network or on the recipient's terminal equipment until it is retrieved by the recipient.

53. "Abbreviated Dialing Services": Services that have the characteristics of a value-added service but use a special category of numbers with short numbers;

54. "Abbreviated dialing data services" means abbreviated dialing services that are used to transmit non-voice content by means of electronic communications and that are not information society services within the meaning of the E-Commerce Act;

55. "Value-added services": Services in which a further service is provided in addition to the communications service, which is billed to the caller together with the communications service and which cannot be assigned to another number category;

56. "Mobile services": Radio services between mobile and fixed radio stations;

57. "Numbers": strings of characters used for addressing purposes in electronic communications networks;

58. "Numbering category" means the set of all numbers in a numbering space for a particular service or technical addressing;

59. "Number space" means the set of all numbers used for a particular type of addressing;

60. "Number range" means a subset of the number space provided for a number category;

61. "Calling number" means a number by dialing which a connection can be established in the public telephone service to a specific destination;

62. "Number range" means a subset of the numbering space for the public communications network provided for a category of numbers;

63. "Call number block": a closed range of call numbers, where all comprehensive call numbers begin with a certain identical sequence of digits;

64. "Right of use" means the right granted by the regulatory authority to a provider to use certain means of identification;

65. "Authorized user" means a person who has a right to use certain means of identification or frequencies;

66. "Allocation holder" means a service provider that has been allocated a right to use certain means of identification by the regulatory authority;

67. "individual spectrum usage right" means the right granted to an individual for the exclusive use of specific frequencies;

68. "collective spectrum usage right" means the right granted to several persons to jointly use certain frequencies;

69. "Frequency assignment" means the designation of a specific frequency band or number range for use by a service or types of radio services, where appropriate, under specified conditions;

70. "Personal Data Breach" means a breach of security that results in the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, Personal Data transmitted, stored or otherwise processed in connection with the provision of publicly available electronic communications services in the EEA;

71. "eCall": an emergency call originating from an in-vehicle system to the number

112, which is triggered either automatically by sensors installed in the vehicle or manually, and which transmits a standardized minimum set of data via mobile networks and establishes an audio connection between the vehicle occupants and the most suitable emergency call center;

72. "eCall identifier" means the "emergency service category value" assigned to an eCall according to the ETSI TS 124.008 standard (i.e. "6-manual eCall" and "7-automatic eCall"), which allows to distinguish between 112 calls originating from mobile devices or in-vehicle devices and between manually or automatically triggered eCalls;

73. "regulated intra-EEA communication" means a number-based interpersonal communications service involving communications from the consumer's domestic provider's EWRA contracting state to a fixed or mobile number in the national numbering plan of another EWRA contracting state, billed in whole or in part on an actual-use basis.

2) For the interpretation of the definitions, state treaty law, in particular EEA law, shall be consulted mutatis mutandis.

3) The personal terms used in this Act shall mean members of the male and female genders.

II. Electronic communications networks and services

Art. 4

Principle

Everyone is free, within the limits of the law:

a) provide electronic communications networks;

b) to offer electronic communications services;

c) to use electronic communications networks and services.

Art. 5

Regulation

1) The provision of electronic communications networks and the provision of electronic communications services shall be subject to regulation in accordance with this Act and the ordinances issued thereunder.

2) The following principles must be observed in the regulation process:

a) Create favorable competitive conditions, protect competition for the benefit of consumers, and promote infrastructure-based competition;

b) Transparency, objectivity, non-discrimination and proportionality;

c) technology neutrality to the greatest possible extent;

d) Promote interoperability of electronic communications services;

e) Maintaining public health and environmental protection;

f) Maintaining public safety, order and morals;

g) Preservation of data privacy;

h) Consideration of the benefits of self-regulation;

i) Maintaining Liechtenstein's international accessibility;

k) ensuring the greatest possible benefit in terms of choice, prices and quality for users, including disabled users, the elderly and persons with special social needs.

3) Regulation may, where possible, take into account the free flow of information, plurality of me- dia, cultural diversity, and the protection of consumers and minders.

Art. 6

Providing electronic communications networks and offering electronic communications services

1) The Government shall regulate the provision of electronic communications networks and the provision of electronic communications services by ordinance, after consulting the regulatory authority and taking into account the principles set out in Article 3 (1) of the Authorization Directive.

2) In accordance with Art. 6 of the Approval Directive, the ordinance pursuant to Par. 1 shall specify in particular:

a) the rights and obligations relating to universal service under Chapter III;

b) the rights and obligations in relation to regulation under Chapter IV;

c) the application of standards under Chapter VIII;

d) the rights and obligations regarding transparency under Chapter X;

e) the rights and obligations with regard to the secrecy of communications, the protection of data and the obligations to cooperate in accordance with Chapter XI;

f) ensuring the interoperability of digital interactive television services in accordance with Art. 18 of the Framework Directive and the usability of conditional access systems and other terminal equipment for digital broadcasting services in accordance with Art. 6 of the Access Directive.

III. Basic supply

A. General

Art. 7

Principle

1) The state shall ensure a reliable and sustainable supply of electronic communications services and networks that are necessary for the

The aim is to meet the communication needs of the population and the economy (basic service).

2) Basic services are provided by:

a) guaranteeing the universal service (Arts. 9 to 13) and any additional services (Art. 14); and

b) the provision of the necessary infrastructure (Art. 15).

Art. 8

Freedom of choice for the end user

Every end user is free to use electronic communications services of any provider without having to make use of the universal service or any additional services.

B. Universal service Art. 9

Principle

1) The universal service shall ensure that every end-user is provided with the following services in accordance with Art. 3 of the Universal Service Directive:

a) a minimum range of services of defined quality is permanently available to which he has access at an affordable price under fair and reasonable market conditions; and

b) as a subscriber, comparable framework conditions are available to universal service subscribers in the other EMR member states.

2) Without prejudice to the provisions on special regulation measures (Art. 23) and in accordance with Art. 9 of the Universal Service Directive, the Government may, by means of an ordinance, determine the provision of special tariff options, uniform tariffs and compliance with price ceilings for services included in the minimum set under Art. 10, to the extent necessary to ensure the affordability of such services.

Art. 10

Minimum range of services

1) The government shall determine by ordinance the content of the minimum set of services pursuant to Art. 9(a).

2) The minimum range of services includes in particular:

a) the provision of a subscriber line at any reasonable fixed location to enable the provision of electronic communications services pursuant to subparagraphs (b) and (c);

b) publicly available telephone service and publicly available broadband services with a guaranteed transmission rate to be determined by the government, to be offered as a single service and in combination;

c) a telephone information service;

d) the inclusion, free of charge, of every subscriber to a publicly available telephone service in a comprehensive subscriber directory covering all providers;

e) Retrieved

3) The Government shall regulate the details of the obligation to prepare and publish a list of participants by ordinance.

Art. 11

Company designation

1) Taking into account the country-specific circumstances, in particular the coverage needs of the entire national territory, the government shall designate, by order, one or more undertakings to provide the universal services (universal service providers).

2) Before the government designates one or more companies, it:

a) to define an efficient and cost-effective concept, in particular with regard to the division of tasks to ensure universal services, and to publish a presentation of this concept in an appropriate manner. The concrete design of the division of tasks is intended in particular to promote effective competition, taking into account the country-specific circumstances;

b) to give all eligible companies the opportunity to participate in the procedure.

3) The name or business name of a designated company shall be published by the government in an appropriate manner.

4) The Government shall regulate the details by ordinance.

Art. 12

Nature and scope of the provision

The Government shall regulate by ordinance the nature and scope of the provision of universal service in accordance with Articles 3 to 14 of the Universal Service Directive, in particular with regard to:

a) the application of characteristics, parameters, definitions and performance targets, as well as methods of measurement of their quality, established by the regulatory authority with respect to the services;

b) the ordering by the regulatory authority of subsequent reviews of the service data with regard to the quality of service, in particular by calling in independent experts at the expense of the provider;

c) ensuring access to and use of public telephone services at affordable subscriber prices. This is done, in particular, by the regulatory authority's supervision of tariff design and, in justified cases, by the imposition of price caps, tariff options or tariff bundles in favor of low-income persons or persons with special social needs;

d) the regulatory authority's supervision of the permissibility of provisions in the provider's contracts with subscribers, in particular contractual provisions concerning the subscriber's control of expenditures;

e) ensuring the provision of facilities and the offering of services in accordance with Art. 10 Par. 2 of the Universal Service Directive by the providers concerned in order to control the subscriber's expenditure. Such facilities shall, in particular, enable the subscriber to monitor and control its expenditure and thus avoid unjustified disconnection of service;

f) Retrieved

g) ensuring facilitated access on affordable terms for persons with disabilities to electronic communications services;

h) approval by the regulatory authority of the design of the subscriber directory pursuant to Art. 10 Par. 2 Let. d and the modalities regarding the inclusion and non-inclusion of subscriber information in accordance with Art. 12 of the Directive on Privacy and Electronic Communications;

i) the creation of transparency in favor of the end user, in particular through the imposition by the regulatory authority of publication obligations for universal service providers with regard to measures pursuant to letters a to g;

k) the establishment of a fair and transparent apportionment procedure for the imposition of contributions in accordance with Art. 13 para. 2 let. a;

l) the protection of the rights of the end-users within the framework of the provision of the universal service.

Art. 13

Funding

1) The provision of universal service must comply in particular with the principles of efficiency and cost recovery.

2) If the regulatory authority determines, on the basis of sufficient information to be disclosed by the universal service provider concerned and verified by one or more experts, that the provision of universal service represents an unreasonable financial burden for one of the providers, it may:

a) impose on other universal service providers or providers of publicly available electronic communications networks or services a contribution to the net uncovered costs of providing the universal service. The imposition of contributions shall be made in accordance with the apportionment procedure set out in Art. 12(k);

b) Recommend that the government reimburse the net uncovered costs through government grants.

3) The Government may, on the basis of a recommendation under subsection 2(b), apply to Parliament for the granting of the necessary funds.

4) The Government shall regulate the details in accordance with Articles 12 to 14 of the Union Services Directive and Article 6 of the Competition Directive by decree.

Art. 14

Additional services

1) After conducting a public consultation, the government may extend the minimum range of universal service services to include additional publicly available electronic communications services (supplementary services) by ordinance.

2) Ancillary services are intended to provide the user with access to a recognized service that is widely used internationally by end users and whose:

a) is not or not sufficiently ensured under normal competitive conditions; and

b) Lack of reasonable permanent sites is or would be a significant economic or social burden.

3) The government shall designate one or more providers by order for the provision of each additional service and shall publish their names or companies in an appropriate manner. In all other respects, Art. 11 para. 2, Art. 13 paras. 1 and 2 letter b and Art. 15 shall apply mutatis mutandis.

4) The Government shall regulate the details, in particular the scope, characteristics, parameters, definitions and performance targets as well as measurement methods to ensure the quality of the supplementary services, by ordinance.

C. Infrastructure for the provision of universal service Art. 15

Provision of the necessary infrastructure

1) The government shall make available to universal service providers and other providers the network components owned or controlled by the government that are necessary for the provision of universal service. The conditions for the use of the necessary infrastructure shall be published in an appropriate manner. The regulatory authority shall impose corresponding obligations on other owners of network components necessary for the provision of universal service.

2) The use of the infrastructure required to provide electronic communications networks and to offer electronic communications services is subject to regulation.

3) The Government may delegate to third parties, in whole or in part, the management of network components owned or controlled by the State that are necessary for the provision of universal service.

4) Ownership and control of the state's network components may be transferred to third parties, provided that the provision of universal service remains ensured. Such a transfer requires the consent of the Landtag.

IV. Regulation

A. General

Art. 16

Minimum requirements for public communications networks and services

1) Operators of public communications networks must ensure that the networks are suitable for the provision of electronic communications services in terms of structure, functionality, associated facilities and organization of network operation:

a) comply with the recognized rules of technology, in particular with regard to the security of electronic communications services, secure network operation, network integrity and the avoidance of electromagnetic interference with other networks, service interoperability and the limitation of exposure of the public to electromagnetic fields; and

b) comply with the interface descriptions published by the regulatory authority and the technical requirements imposed by it, including those relating to interconnection and interoperability.

2) Providers have to ensure:

a) access to emergency and directory assistance services;

b) number portability in accordance with the Liechtenstein numbering plan pursuant to Art. 29 (3);

c) for emergency calls, the transmission of caller location information to the emergency services;

c) the implementation of the mechanism for the use of the eCall identifier in their networks;

c) equal treatment of eCalls with other calls to the single European emergency number 112;

d) the possibility to suppress the display of the calling party's and the called party's phone number during calls;

e) the option to disable automatic call forwarding to the subscriber's terminal initiated by a third party;

f) the use of European harmonized numbers and other internationally harmonized numbers, provided the latter are included in the Liechtenstein numbering plan;

g) access to non-geographically bound numbers in other EMRA contracting states and Switzerland, insofar as this is technically possible and economically reasonable.

3) The Government shall regulate the details in accordance with Art. 7 Par. 3 and Art. 17 and 18 of the Framework Directive, Art. 5 and 6 of the Access Directive, Art. 24 to 30

of the Universal Service Directive and Articles 3, 4, 8 to 11 and 15 of the ePrivacy Directive.

Art. 17

Integrity and availability of public communications networks and publicly available electronic communications services

1) Providers shall take all reasonable measures to maintain network integrity, the availability of public communications networks or publicly available electronic communications services, and to ensure uninterrupted access to emergency services. The government may regulate further details by ordinance.

2) The regulatory authority may require any provider to provide any information necessary to assess the security or integrity of its services and networks, including documentation on security measures. It may also require any provider to undergo a security audit conducted by a qualified, independent body and to submit the results thereof. The costs of the security audit shall be borne by the inspected provider if the audit reveals any significant objections with regard to the security measures.

security or integrity of the services and networks. In all other cases, the costs are borne by the state.

3) In the event of a complete failure of the public communications network or in the event of a disaster, the government shall take all measures to ensure the availability of this communications network and of publicly accessible electronic communica- tions services.

4) Providers shall immediately notify the regulatory authority of any breach of security or loss of network integrity with a significant impact on the operation of the networks. The regulatory authority may inform the regulatory authorities of other EEA member states and the European Network and Information Security Agency (ENISA). It may also inform the public or require companies to provide such information if disclosure of the breach is in the public interest. The government can regulate the details by ordinance.

Art. 18

Negotiation and confidentiality

1) Each provider is obliged, at the request of other providers, to report honestly on

to negotiate access and interconnection for the purpose of providing publicly available electronic communications services in order to ensure electronic communications among users and the provision of electronic communications services and their interoperability. The Government shall regulate further matters by ordinance.

1a) If, despite negotiations, no agreement is reached between a provider on whom the regulatory authority has imposed obligations pursuant to Art. 23 Par. 1 Let. d and another provider within a period of six weeks from receipt of the request pursuant to Par. 1, either party may refer the matter to the regulatory authority. In justified cases, the regulatory authority may also initiate proceedings ex officio.

2) An undertaking which receives information from or about other undertakings before, during or after negotiations on the basis of a request pursuant to paragraph 1 or an obligation pursuant to Art. 23 par. 1 letter d to grant interconnection or other network access may use this information only for the purpose for which it was provided to it. This information must be treated confidentially. It may not be passed on to third parties,

in particular to subsidiaries or business partners. This does not apply to cases in which the disclosure is necessary to fulfill the access or interconnection request. In these cases, the company must ensure that the recipient cannot gain a competitive advantage from the information received.

3) The Government shall regulate the details in accordance with Articles 4 to 8 of the Access Directive and Article 30 (2) of the Universal Service Directive by ordinance.

Art. 19

Minimum protection obligations of the providers

1) providers of publicly available electronic communications services have:

a) publish information on the quality of its services based on the criteria, parameters, definitions and measurement methods established by the regulatory authority and keep them up to date;

b) To offer participants the option of receiving invoices with or without itemized billing, subject to compliance with data protection regulations;

c) provide appropriate technical means to ensure the interests of end users worthy of protection, especially with regard to data protection and control of spending. These include in particular:

1. the use of access controls;

2. the use of advertising restrictions;

3. the use of time limits for connections to special services as defined in Recommendation E.164 of the International Telecommunication Union;

4. the prevention of automatic dial-up programs (dialers), which are subject to the prohibition under Art. 30f Par. 1; and

5. the provision of charge information to the user or subscriber.

d) Consumers:

1. offer the conclusion of a written subscriber contract for the service or services in question when registering for such services;

2. To offer subscriber contracts that do not exceed the minimum initial contract term of 24 months and do not provide for conditions and procedures for contract termination that act as a disincentive for consumers to switch providers, in particular, no notice period for contract termination that exceeds one month or costs associated with the termination of the contractual relationship;

3. to offer the possibility of concluding one subscriber contract per communications service with a maximum term of twelve months;

4. the right to dissolve the participant contract within one month without payment of contractual penalties in the event of notification of intended, significant changes to the contractual conditions to their disadvantage;

5. other information on the provision of services, in particular standard price and tariff information, as well as on the fulfillment of their obligations regarding the secrecy of communications, data protection and the obligations to cooperate (chapter

XI);

e) to record subscriber data for the purpose of offering publicly available directory assistance services and subscriber directories and to make this data available to providers of publicly available directory assistance services and publishers of subscriber directories;

f) End Users:

1. Provide access to attendants and directory assistance services;

2. to offer services and benefits on the basis of Art. 16 Para. 2, whereby in particular the services on the basis of Art. 16 Para. 2 letters a, c, d and e are free of charge.

must be

2) Retrieved

3) The rights of a subscriber under Art. 12 of the Directive on Privacy and Electronic Communications to refuse free of charge in writing the inclusion of his or her personal data in a subscriber directory and to have such data reviewed, corrected and deleted shall remain unaffected by subsection 1(e).

4) The government shall regulate the details, in particular the type of publications and the protection of users' rights, by ordinance. It

may, in particular, specify precise requirements regarding access and choice for disabled end users.

B. Special regulation

Art. 20

Principle

1) If and as long as there is no effective competition, the regulatory authority shall take measures in accordance with Articles 7, 8 and 14 to 16 of the Framework Directive to eliminate or reduce the negative consequences of the lack of competition for providers and users in the markets for public communications networks and publicly available electronic communications services (special regulation). In doing so, the regulatory authority shall observe the decisions of the EFTA Surveillance Authority pursuant to Art. 7 Par. 4 of the Framework Directive and shall take the utmost account of its relevant recommendations and guidelines.

2) Special regulation shall be carried out in accordance with the provisions of this section in that obligations pursuant to Art. 23 may be imposed on companies identified as having significant market power on the basis of a market analysis. Measures of special regulation shall in any case be limited to the circumstances described in Articles 6 and 8 to 13 of the Access Directive or Articles 17 to 19 of the Universal Service Directive which lead to a lack of competition.

3) The Government shall regulate the details of the special regulation, in particular the protection of the associated rights of the providers or users vis-à-vis a company on which obligations under Art. 23 have been imposed, by ordinance.

Art. 21

Market definition and market analysis

1) The regulatory authority shall define the relevant product and geographic communications markets (market definition) in accordance with competition law and Art. 15 Par. 3 of the Framework Directive and taking into account, to the greatest extent possible, the EFTA Surveillance Authority's recommendation on relevant product and service markets. Before the regulatory authority defines markets which are not covered by the EFTA Surveillance

Authority, it shall ensure that the following criteria are met:

a) There are significant persistent barriers to entry of a structural, legal or regulatory nature.

b) The market does not tend to be effectively competitive within the relevant period. In applying this criterion, the state of competition behind the barriers to entry must be examined.

c) Competition law alone is not sufficient to adequately counteract the market versa- gen in question.

2) The regulatory authority shall regularly review ex officio the competitive conditions in the defined markets (market analysis), taking the utmost account of the EFTA Surveillance Authority's guidelines on market analysis and the assessment of significant market power.

3) In the case of transnational markets within the EEA defined in accordance with Art. 15(4) of the Framework Directive, the regulatory authority shall carry out the market analysis jointly with the relevant national regulatory authorities of the other EEA member states. It shall determine by mutual agreement with these authorities whether measures are to be taken as a result of the market analysis and whether it, either alone or in cooperation with one or more of the authorities concerned, is to take such measures of special regulation.

4) The regulatory authority publishes the final results of the market definition and market analysis in electronic form.

Art. 22

Requirements

1) An enterprise may be subject to special regulation only if the regulatory authority, on the basis of the market analysis pursuant to Art. 21, concludes that:

a) there is no effective competition in one or more of the defined markets;

b) the undertaking concerned, alone or together with others, has a position equivalent to control in one or more of the defined markets; and

c) the identified lack of competition can probably be eliminated by measures of special regulation pursuant to Art. 23.

2) An undertaking for which the conditions for special regulation under paragraph 1 are met with respect to one delineated market may also be subject to special regulation with respect to the neighboring delineated market if the market analysis shows that the links between the two markets allow the position equivalent to dominance in one market to be transferred to the other market, thereby strengthening the undertaking's overall market power.

Art. 23

Measures

1) Special regulation is carried out by imposing obligations with an order (measures of special regulation). The regulatory authority may in particular oblige a company subject to special regulation:

a) apply fair, reasonable and transparent terms and conditions in accordance with Art. 17 of the Universal Service Directive with regard to the electronic communications service concerned. In addition, the obligation may be imposed on the company concerned in particular:

1. establish objectively verifiable cost-oriented prices based on separate accounting and cost accounting;

2. Limit tariffs and prices;

3. Unbundling tariffs;

b) Retrieved

c) Retrieved

d) to grant other operators of public communications networks interconnection and access to the extent necessary in accordance with Articles 8 to 13 of the Access Directive, provided that the company operates a public communications network. Information obtained in this way from or about other companies is subject to the obligation of confidentiality pursuant to Art. 18 Par. 2;

e) as an extraordinary measure, to place its activities relating to the wholesale provision of the access products in question in an independently operating business unit, provided that it is an

vertically integrated company.

2) Before imposing any obligations under subsection 1(a), the regulatory authority shall examine whether the objectives of the special regulation cannot also be achieved by measures under subsection 1(d).

3) If, on the basis of a new market analysis, the regulatory authority determines that the prerequisites pursuant to Art. 22 Par. 1 are no longer met in one or more of the defined markets (Art. 21), it shall revoke the relevant order to the corresponding extent and grant an appropriate transitional period.

4) The regulatory authority shall publish rulings pursuant to paras. 1 and 3 in an appropriate manner.

5) The Government shall regulate the details by ordinance.

Art. 24

Consultation

1) If the regulatory authority intends to take special regulatory measures which are likely to have a significant impact on the market concerned, it shall give notice to interested parties and give them the opportunity to comment within a reasonable period. For this purpose, a public consultation (Art. 46 f.) may be held.

2) If the regulatory authority intends to adopt measures of special regulation which are likely to have an effect on trade between EEA Contracting States, it must first consult the EFTA Surveillance Authority and other national regulatory authorities in accordance with Art. 7 of the Framework Directive.

Art. 24a

Voluntary separation by a vertically integrated company

If an enterprise with significant market power intends to transfer all or a substantial part of the facilities of its local access network to a separate legal entity with a different owner or to establish a separate business area, it shall inform the regulatory authority in advance and in good time. Likewise, the regulatory authority shall be informed of any changes in this intention and the final outcome of the separation process.

V. Access to communication infrastructure resources Art. 25

Principle

1) Operators who have not already been subject to corresponding obligations under Art. 23 Par. 1 Let. d shall grant other operators access to communications infrastructure resources in accordance with the provisions of this chapter.

2) The Government shall regulate the details of access to communications infrastructure resources pursuant to Articles 26 and 27 in accordance with Article 12 of the Framework Directive and Articles 5 and 8 of the Access Directive by ordinance.

Art. 26

Access granting obligation

1) Operators shall grant access to Communication Infrastructure resources to other operators upon reasonable request, provided that:

a) granting access is reasonable, in particular:

1. no significant impairment of the affected rights of use of the requested operator or third parties is caused and no equivalent alternative exists;

2. the requesting operator makes an appropriate contribution to the associated costs or provides other assurances, in particular with regard to appropriate cooperation in the operation and maintenance of the facilities concerned;

b) network integrity and security remains guaranteed.

2) Access shall be granted in particular through the joint use of real property, rights of way and corresponding facilities, including the physical co-location of the same.

3) Art. 18 Par. 2 shall apply mutatis mutandis to information which an operator obtains from another operator or via another company in connection with the granting of access.

4) The requesting operator shall substantiate the existence of the prerequisites pursuant to Par. 1 in the written justification and, if necessary, shall make a binding declaration.

Art. 27

Order of the regulatory authority

1) To the extent that and for as long as access to resources of the communications infrastructure has not been granted despite the existence of the prerequisites under Art. 26, the regulatory authority shall, upon request or in justified cases ex officio, issue an order granting access. In doing so, it shall take into account whether the granting of access would serve the interests of environmental protection, the limitation of ex-

position of the population with respect to electromagnetic fields or spatial planning are significantly favored.

2) Art. 24 shall apply mutatis mutandis.

Art. 28

Expropriation

1) For the construction or expansion of public communications networks, expropriation may take place in justified cases in the form of transfer of ownership or the granting of an easement, in particular a right of way, in accordance with the Law on Procedure in Expropriation Cases.

2) Art. 24 shall apply mutatis mutandis.

VI. Means of identification

Art. 29

Sovereignty and responsibilities

1) The state has sovereignty over the means of identification, irrespective of any rights of use. The assignment of means of identification to specific purposes of use shall be made by the government by ordinance.

2) The regulatory authority is responsible for managing the means of identification. In doing so, it must observe the following principles in particular:

a) Ensure sufficient availability of means of identification for providers and users;

b) Ensuring efficient use of identification means, taking into account the demand for certain electronic communication services;

c) Consideration of harmonized means of identification and harmonized conditions for their use.

d) Protection of users of means of identification.

3) The Government shall issue plans and accompanying reference documents for the use of means of identification, including a Liechtenstein num- bering plan, by ordinance.

Art. 30

Rights of use

1) Unless otherwise stipulated, rights of use to means of identification shall be allocated and registered by the regulatory authority by means of an order upon application or, in the case of scarce resources, also on the basis of an award procedure.

The allotment entitles the holder to use the means of identification covered by it in accordance with the applicable law and the allotment order together with the ancillary provisions (right to use means of identification).

2) The regulatory authority may attach ancillary provisions to the allocation order. In particular, ancillary provisions may govern requirements and conditions of use, amendment, transfer, revocation and expiry of the right to use identification media, as well as obligations under Parts A and C of the Annex to the Licensing Directive.

3) The regulatory authority may grant an allocation holder the right to manage subordinate means of identification independently, provided that:

a) behaves in a non-discriminatory manner with respect to other providers regarding access to its services; and

b) informs the regulatory authority in writing on a monthly basis who is using the means of identification administered by it and for what purpose.

4) Fees are charged for the use of means of identification.

5) The allocation, registration, amendment, transfer, revocation or expiry of an identification means usage right shall not give rise to any claim to compensation.

6) Identification means usage rights allocated by the authorities may only be transferred to another notified provider by the regulatory authority at the request of the allocation holder in accordance with Par. 1.

7) The Government shall, in accordance with Article 10 of the Framework Directive, Articles 5 and 6 of the Authorization Directive and other relevant international regulations and recommendations, regulate the details of the use of means of identification, in particular the allocation, registration, amendment, transfer, revocation and redemption of rights to use means of identification, the independent management of subordinate means of identification and the levying of fees.

8) The government may determine exemptions from the obligation to pay fees pursuant to paragraph 4 for certain means of identification.

Art. 30a

Price quote

1) Any party offering or advertising value-added services to end users shall indicate the price to be paid for the use of the service on a time-dependent per-minute or time-independent per-use basis, including applicable taxes and other price components.

2) The details of the obligation to disclose prices, in particular the relevant price thresholds, the presentation and content of the information as well as supplementary information, shall be regulated by the government by ordinance.

3) The government may extend the price disclosure requirement to other services by regulation if necessary to protect end users.

Art. 30b

Price announcement

1) For voice-based value-added services, the party determining the price to be paid by the end user for the use of this service shall announce to the end user the price to be paid for the use of this service, either time-dependent per minute or time-independent per use, including applicable taxes and other price components, before the start of the obligation to pay.

2) The Government shall regulate the details of the price announcement obligation, in particular the relevant price thresholds, the time, duration and content of the announcement as well as supplementary information, by ordinance.

3) The government can with regulation:

a) define different modalities for the announcement of prices for certain services, if technical developments make this necessary;

b) extend the price announcement requirement to other voice services where necessary to protect end users.

Art. 30c

Price display

1) For abbreviated dialing data services, the party determining the price to be paid by the end user for the use of this service shall, prior to the commencement of the charge obligation, display the price to be paid for the use of this service, including applicable taxes and other price components, in a clearly visible and legible manner and shall have the end user confirm receipt of the information.

2) The Government shall regulate the details of the obligation to display prices, in particular the relevant price thresholds, the presentation and content of the display and supplementary information, by ordinance.

3) The government can with regulation:

a) provide for exemptions from the obligation to display prices, provided there is no risk of abuse or the obligated party takes appropriate measures to protect the end users;

b) extend the price display obligation to other data services, provided that this is necessary for the

protection of end users is required.

Art. 30d

Price ceilings and billing modalities

1) Notwithstanding the provisions on special regulation measures (Art. 23), the Government may, by ordinance, set maximum price limits and billing arrangements for certain number ranges if this is necessary to protect end users. The price caps and billing arrangements shall be based on the general development of the market.

2) The government may provide for exceptions to the price ceilings and billing modalities specified under subsection 1, provided there is no risk of abuse or the obligated party takes appropriate measures to protect end users.

3) Notwithstanding the provisions on special regulation measures (Art. 23), the government may, by ordinance, set price limits for interconnection charges if this is necessary for structuring the numbering space.

Art. 30d

Retail charges for regulated intra-EEA communications

Retail prices charged to consumers for regulated intra-EEA communications may not exceed the price caps set by regulation.

Art. 30e

Connection disconnection

1) For certain number ranges, the government may stipulate by ordinance that each operator with which such a number is implemented must disconnect each time-based billed connection to that number after a certain duration.

2) The government may provide for exceptions to the obligation to disconnect specified in Paragraph 1, provided there is no risk of abuse or the obligated party takes appropriate measures to protect the end users.

Art. 30f

Dial-up programs (dialers)

1) Dialing programs that establish connections to a number where

The use of dialers, which are used to charge for content in addition to electronic communications services, is prohibited.

2) The government may, by ordinance, provide for exceptions to the prohibition set forth in subsection 1, provided there is no risk of abuse or the obligated party takes appropriate measures to protect the end users.

Art. 30g

Collect calls

1) No payments may be made to the caller on the basis of telephone connections where the called party is charged for the connection (collect calls).

2) The Government shall regulate the details of collect call services, including the maintenance of a list of numbers to be blocked by providers for collect call services, by ordinance.

Art. 30h

Right to information

1) Any user may request information in writing about the name and delivery address from the assignment holder who is entitled to use a particular telephone number or from the billing company:

a) any provider that offers or has offered electronic communications services over the relevant telephone number; and

b) of each operator with which the relevant telephone number or the relevant electronic communications service is or was implemented.

2) The Government shall regulate the details of the right to information pursuant to paragraph 1, in particular the processing of the necessary data as well as the form and time limit of the request for information and the provision of information, by ordinance.

Art. 30i

Cessation of the entitlement to remuneration

1) The End User is not obliged to pay a fee if the Obligor has violated:

a) the price announcement obligation established pursuant to Art. 30b;

b) the price display obligation established under Art. 30c;

c) the price ceilings and settlement modalities established in accordance with Art. 30d;

d) the obligation to disconnect established under Art. 30e;

e) the prohibition of dialers established under Art. 30f;

f) the prohibition of certain collect call services established under Art. 30g;

g) the obligation to provide information established under Art. 30h.

2) The details of the assertion of the rights under subsection 1 shall be regulated by the Government by ordinance.

Art. 30k

Call number transmission

1) Providers of electronic communications services that enable subscribers to set up outgoing calls must ensure that a complete nationally significant telephone number is transmitted as the caller's telephone number when the call is set up and identified as such. Liechtenstein telephone numbers that are not assigned to fixed-link or mobile services in the numbering plan may not be transmitted as the calling party's telephone number.

2) The government shall regulate the details of telephone number transmission, in particular the type and scope of permissible transmission, by ordinance.

Art. 30l

International free telephone service

Calls to 00800 numbers must be free of charge for the caller. The charging of a fee for the use of a terminal remains unaffected.

Art. 30m

Combating the misuse of telephone numbers

1) Anyone who implements telephone numbers in their electronic communications network is obliged to:

a) inform the assignment holder in writing that the unlawful or improper use of telephone numbers and the transmission of certain information or other services is prohibited by law;

b) to take appropriate technical and organizational measures to obtain indications of illegal or improper use of telephone numbers by means of the traffic data.

2) If an operator has indications that a telephone number implemented in its electronic communications network is being used illegally or improperly, it is obligated to report this to the assignment holder without delay.

3) The assignment holder is obligated to immediately clarify any suspicion of illegal or improper use of a telephone number and, if necessary, to take appropriate measures to prevent the illegal or improper use and to prevent its recurrence. In the event of repeated or serious violations, the provider shall be obligated to take the telephone number out of service.

4) The Government shall regulate the details of combating the misuse of telephone numbers, in particular the type and scope of measures pursuant to paragraphs 1 and 3, by ordinance.

Art. 30n

Ban on circumvention

The provisions of Articles 30a to 30m shall also apply if they are circumvented by other arrangements.

Art. 30o

Right to removal, injunction and compensation

1) Anyone who uses telephone numbers unlawfully or improperly is obligated to remedy the situation and to cease and desist. The person affected is anyone who is adversely affected by the illegal or improper use of a telephone number.

2) If the affected party has suffered damage as a result of the unlawful or improper use of a telephone number, the parties shall be jointly and severally liable for such damage:

a) the assignment holder who has the right to use the telephone number in question;

b) any provider who offers or has offered electronic communications services via the telephone number in question; and

c) any operator with which the telephone number or electronic communications service in question is or was implemented.

3) The persons referred to in paragraph 2 shall be exempt from liability if they prove that the damage was caused by a judicially punishable act of a third party or at least by gross negligence of the person concerned, without any fault on their part or on the part of a person for whom they are responsible.

4) A limitation of the present claims to removal, omission and compensation is excluded.

Art. 30p

Jurisdiction

The Princely Regional Court shall have jurisdiction over actions for removal, injunction and damages under Art. 30o.

VII. Frequencies

Art. 31

Sovereignty and responsibilities

1) The sovereignty over the frequency spectrum belongs to the state, irrespective of any rights of use. The government shall ensure that the use of the entire frequency spectrum serves the interests of the population and the economy. In particular, it shall ensure that sufficient frequencies are available for emergency services and for broadcasting services.

2) The allocation of certain frequency ranges for use for one or more purposes (service categories) or by one or more systems under precisely defined conditions is carried out by the government.

with regulation. The frequencies are allocated on the basis of the current state of the art and the relevant international regulations and recommendations.

3) The regulatory authority is responsible for the administration of frequency usage rights and the technical monitoring of radio equipment.

4) Further details on the management and use of the frequency spectrum, the allocation of frequencies, the management of frequency usage rights and the technical supervision of radio equipment shall be regulated by the Government in accordance with Article 9 of the Framework Directive, Articles 5 to 8 of the Licensing Directive and other relevant international regulations and recommendations by ordinance.

Art. 32

Principles of frequency management

1) In managing the frequency spectrum, the government must observe the following principles in particular:

a) Ensure open and effective access to spectrum, taking into account the promotion of competition;

b) Ensure efficient use of the frequency spectrum;

c) Consideration of harmonized frequencies and harmonized conditions for their use;

d) Avoidance of radio-technical disturbances;

e) Protection of public health and the environment.

f) the coordination of spectrum management and use with third countries (spectrum coordination);

g) ensuring appropriate planning and legal certainty with regard to the use of frequencies;

h) the promotion of spectrum sharing to the extent technically possible and economically reasonable;

i) ensuring the technical quality of service;

(k) the achievement of other objectives of general interest established by the EWRA Contracting States in accordance with EEA law.

2) The Government shall issue plans and accompanying reference documents for the use of frequencies, including a Liechtenstein frequency allocation plan, by ordinance. Such plans and accompanying reference documents shall in particular define the conditions for the use of frequencies.

frequency use, taking into account the respective state of the art and the relevant international regulations and recommendations.

Art. 33

Rights of use

1) Individual rights of use for frequencies are allocated and registered by the regulatory authority by means of an order upon application or, in the case of scarce resources, on the basis of an allocation procedure. The assignment entitles the holder to exclusive use of the frequencies covered by the assignment in accordance with the applicable law and the assignment order including ancillary provisions (individual frequency usage right).

2) Collective rights of use for frequencies are allocated and registered by the regulatory authority by general decree. The assignment entitles the holder to joint use of the frequencies covered by the assignment in accordance with the applicable law and the assignment order, including ancillary provisions (collective frequency usage right).

3) The regulatory authority may attach ancillary provisions to the allocation order. In particular, ancillary provisions may govern requirements and conditions of frequency use, operation of radio equipment, as well as modification, transfer, revocation and expiration of the right to use frequencies and obligations under Parts A and B of the Annex to the Licensing Directive.

4) Fees are charged for the use of frequencies.

5) The assignment, registration, modification, transfer, revocation or expiration of a frequency usage right shall not give rise to any claim for compensation.

6) Further details on the use of frequencies, in particular on the assignment, registration, modification, transfer, revocation and expiry of rights to use frequencies and the levying of fees, shall be regulated by the Government by ordinance in accordance with Art. 9 of the Framework Directive, Arts. 5 to 8 of the Authorization Directive and other relevant international regulations and recommendations.

7) The Government may, by ordinance, determine exceptions to the obligation to pay fees under subsection 4.

VIII. Technical regulations and norms (standards) Art.

34

Standards

1) To the extent technically necessary, the regulatory authority shall promote the use of standards published in the Official Journal of the European Union on the basis of Art. 17 of the Framework Directive. This can be done in particular by publishing reference documents, including interface specifications, and by making information available to providers. These standards are intended in particular to serve the provision of electronic communications services and the definition of technical interfaces and/or network functions in order to ensure the interoperability of electronic com- munications services and to offer users greater choice.

2) Pending the publication of standards pursuant to Art. 17 of the Framework Directive, the regulatory authority shall promote, to the extent technically necessary, the application of national standards or recommendations of the International Telecommunication Union (ITU), the European Conference of Postal and Telecommunications Administrations (CEPT), the International Organization for Standardization (ISO) and the International Electrotechnical Commission (IEC).

3) The Government shall regulate by ordinance the European standards or specifications required to be mandatory in the EEA pursuant to Article 17(3) of the Framework Directive and, with regard to the interoperability of digital television equipment intended for consumers, pursuant to Article 24 of the Universal Service Directive.

IX. Devices and bypasses

A. Device

s Art. 35

Repealed Art. 36

Repealed

Art. 37

Repealed

Art. 38

Repealed

B. Bypass devices Art. 39

Prohibited activities

1) The manufacture, distribution, sale, rental or lease and holding of bypass devices, as well as their installation, maintenance, repair or replacement, insofar as commercial purposes are pursued thereby, are prohibited.

2) Likewise, insofar as commercial purposes are pursued, advertising and other measures to promote the marketing of circumvention devices, in particular direct marketing, sponsorship or public relations work, are prohibited.

3) The prohibitions under subsections (1) and (2) shall apply to all acts committed or committed in Austria, irrespective of the place of establishment of the person acting in violation of the prohibitions.

4) The provisions of customs treaty law on the import, export and transit of circumvention devices remain reserved.

X. Transparency

A. Information activities of the regulatory authority

Art. 40

Announcement of measures with significant impact

Measures taken by the regulatory authority that are likely to have a significant impact on the market in question or on specific user groups.

shall be published in electronic form, unless there are overriding public or private interests to the contrary.

Art. 41

Publication of other information

1) The regulatory authority may publish information on regulation and market supervision in an appropriate manner, in compliance with data protection legislation, official secrecy and professional, business and company secrecy.

a) Information submitted to the regulatory authority on the basis of Art. 44;

b) Market analysis;

c) technical and administrative information.

2) The regulatory authority shall determine a uniform source of information pursuant to paragraph 1 and publish it in an appropriate manner.

Art. 42

Promoting the provision of information

1) The regulatory authority promotes the provision of information to enable end users to make an independent assessment of the rates and prices of alternative offerings.

2) The Government shall regulate the details in accordance with Art. 21 of the Universal Service Directive by ordinance.

B. Reporting and information obligations of providers Art. 43

Reporting obligation

1) The Government may, by ordinance, designate electronic communications networks and services, the provision, operation, offering and discontinuation of which are subject to notification to the Regulatory Authority. In justified cases, it may prohibit the provision, operation, offering and discontinuation of such networks or services until the time of receipt of the notification by the regulatory authority.

2) The obligation to report under para. 1 includes:

a) a statement by the legal or natural person concerned that it intends to commence or cease the designated activity; and

b) the notification of the minimum information necessary for the regulatory authority to establish a register or a list of reporting entities. This notification shall contain:

1. the information for the identification of the declarant;

2. the designation of at least one contact person of the person required to report;

3. the address for service of the declarant and the contact person, or

-persons;

4. A brief description of the network or service in question; and

5. the date of expected provision, commissioning, offering or discontinuation of the network or service concerned.

c) any change in reportable information under subparagraphs (a) and (b).

3) Retrieved

4) The Government shall regulate the details of the reporting obligation by ordinance.

Art. 44

Duty to provide information to the regulatory authority

1) Providers shall disclose information to the regulatory authority, in particular financial, technical and statistical data, data for statistical purposes and information on future network or service developments, in the form and within the period specified in the order. In addition, companies with significant market power in wholesale markets may be required to disclose accounting data on the end-user markets associated with these wholesale markets. Such disclosures must be made free of charge.

2) Providers may not refuse to disclose information on the grounds of professional, trade or business secrets.

3) The regulatory authority may publish the information disclosed to it pursuant to Par. 1 in an appropriate manner and in compliance with the Information and Data Protection Act.

4) The details on the disclosure of information and its use, in particular in the context of the cooperation of the regula

authority with other national regulatory authorities and with the EFTA Surveillance Authority, the Government shall, in accordance with Art. 5 of the Framework Directive and Art. 10 and 11 of the Authorization Directive, regulate by decree.

Art. 45

Duty to inform other providers and users

1) In justified cases, the regulatory authority may require providers to disclose certain information to other providers and/or users, while observing professional, business and trade secrecy.

2) The Government shall regulate the details in accordance with Art. 5 of the Framework Directive, Art. 11 of the Authorization Directive and Art. 21 and 22 of the Universal Service Directive by ordinance.

C. Public consultation Art. 46

Principle

1) Where the regulatory authority intends to take measures or make recommendations which are likely to have a significant impact on the market concerned, it may allow the interested parties concerned or the general public to comment on the content of the envisaged measures or recommendations within the framework of a public consultation.

2) Pursuant to Art. 41 Par. 2, the regulatory authority shall publish essential information on public consultations.

3) In justified cases, in particular in the event of willfulness or the absence of a legitimate interest, the regulatory authority may refuse to accept comments and to participate in public hearings.

4) The Government shall regulate the details, in particular with regard to the mandatory holding of a public consultation, by ordinance.

Art. 47

Participation

1) Participation in a public consultation does not give rise to any legal claims over and above this.

2) Participation in a public consultation requires residence or domicile in an EWRA Contracting State or in Switzerland.

XI. Secrecy of communications; data protection; duties to cooperate

Art. 48

Communication secret

1) All traffic, location and content data of an electronic communication, in particular of calls, including connection attempts, as well as electronic mail are subject to the secrecy of communication.

2) Providers and all persons involved in the activities of a provider are obligated to maintain the secrecy of communications, insofar as no legal exceptions exist.

Art. 49

Privacy

1) Unless otherwise provided by this Act, the Data Protection Act shall apply, in particular with regard to legal remedies.

2) The processing of traffic, location, content or subscriber data by

a provider is permitted only to the extent strictly necessary in the case of:

a) the fulfillment of the obligations under Articles 30a to 30o, 44, 45 and 51 to 53 and the provisions of the ordinances based thereon;

b) the existence of an explicit consent of the user concerned;

c) the temporary cancellation of caller ID suppression in connection with the receipt of emergency calls or for tracing malicious or nuisance calls;

d) the transmission of a message or the provision of an information society service expressly requested by the subscriber or user;

e) the settlement of charges and interconnection fees.

3) Data recorded or stored in accordance with paragraph 2 shall in any case be deleted or made anonymous as soon as it is no longer absolutely necessary for the relevant purposes.

4) Each provider is obligated to adequately inform its participants or users in a suitable form about which data it will process, on what legal basis and for what purposes this will take place, for how long the data will be recorded or stored, and for what possible uses it will be made accessible. This information must be provided at the latest at the beginning of the contractual relationship.

5) Further details shall be regulated by the Government in accordance with Articles 3 to 6, 9, 10, 12, 14 and 15 of the Directive on Privacy and Electronic Communications with Regulation.

Art. 49a

Data security

1) Providers shall ensure the following when processing personal data in connection with the provision of publicly available electronic communications services in public communications networks:

a) ensuring that only authorized persons have access to personal data for legally permissible purposes;

b) the protection of stored or transmitted personal data against accidental or unlawful destruction, accidental loss or alteration and against unauthorized or unlawful storage, processing, access or disclosure; and

c) the implementation of a security concept for the processing of personal data.

2) The data protection authority is responsible for reviewing the measures taken by the providers and can make recommendations on best practices in connection with the level of security to be achieved with the help of these measures.

3) In the event of a personal data breach, the Provider shall notify the Data Protection Agency of the breach without undue delay. If the breach is likely to adversely affect subscribers or individuals with respect to their personal data or privacy, the provider shall also notify the affected subscribers or individuals of the breach without undue delay.

Art. 50

Unsolicited messages

1) The sending of messages for the purpose of direct marketing by means of automated calling systems without human intervention (automatic calling machines), facsimile machines or electronic mail is not permitted unless:

a) the recipient has given his or her prior express consent to the shipment; or

b) the recipient, as the sender's customer, has provided the sender with his or her electronic contact information within the meaning of Art. 13(2) of the Directive on Privacy and Electronic Communications and has not objected a priori or subsequently to its use for this purpose.

2) In order to obtain consent within the meaning of paragraph 1(a), the sender of direct marketing may send a one-time request by electronic mail. The request must state in an explicit, clear and conspicuous manner that the recipient is authorized:

a) refuse to receive any further messages; and

b) revoke any consent given at any time.

3) Providers must take suitable technical and organizational measures to protect users from unsolicited messages as best as possible and free of charge.

4) Notwithstanding paragraph 1, the sending of messages for the purpose of direct marketing is inadmissible in any case if:

a) the contact information was determined by means of random sampling;

b) the sender was or should have been informed of the refusal of the recipient in question due to:

1. of a filter or similar system;

2. a refusal notice associated with the contact information;

3. a notification by the regulatory authority as a result of a notification pursuant to Art. 66; or

c) the shipment otherwise violates Liechtenstein legal provisions.

5) Permitted messages sent for the purpose of direct marketing must contain:

a) the identity of the sender in a simple and unambiguous manner;

b) the valid e-mail address of the sender to which the recipient may send a request to stop sending such messages;

c) the valid delivery address of the sender; and

d) a header that clearly describes the content of the message and, in the case of indecent content, prevents access to such content without the prior consent of the recipient.

6) The Government shall regulate the details in accordance with Art. 4, 13 and 15 of the ePrivacy Directive by Regulation.

Art. 51

Participation in a site survey

1) In the event of an immediate threat to the physical integrity of a person, the state police are authorized to determine the location of a specific mobile network connection for the purpose of deploying assistance, rescue or security forces. Mobile network operators are obligated to cooperate in such a location determination without delay.

2) The state police shall immediately notify the owner of the mobile network connection of the fact of attempted or completed location detection.

3) Any data obtained as a result of the attempted or completed location determination may not be used for any other purpose.

3a) Operators shall be entitled to compensation for services rendered under subsection 1 to be determined by the Government by ordinance.

4) In the event of an unlawful location determination, the owner of the mobile network connection is entitled to appropriate compensation. The procedure is governed by the provisions of the Public Liability Act.

Art. 52

Participation in a monitoring

1) Providers are obligated:

a) provide appropriate technical means to enable competent authorities to intercept an electronic communication in accordance with the provisions of the Code of Criminal Procedure;

b) cooperate to the extent necessary in the interception of electronic communications in accordance with the provisions of the Code of Criminal Procedure.

c) Retrieved

2) Retrieved

3) Providers shall be entitled to reasonable compensation for the services rendered pursuant to subparagraph 1(b).

4) The Government shall regulate by ordinance the details, in particular concerning:

a) providing, designing and testing the technical means for monitoring an electronic communication;

b) the protection of the transmitted data against unlawful disclosure by third parties;

c) the amount of compensation for the services rendered.

5) The data protection authority shall monitor the application of the provisions on data protection and data security with regard to data processed for the purpose of participating in monitoring.

Art. 52a

Data retention

1) Providers shall store retained data, insofar as it is generated or processed in the course of providing the communications service, for a period of six months from the time of termination of the communications process for the purpose of investigating a felony or misdemeanor pursuant to Section 102a of the Code of Criminal Procedure. The stored data may not be used for other purposes. Subject to a measure pursuant to Section 102a of the Code of Criminal Procedure, this data shall be deleted within seven days of the expiry of this period.

2) Data retention data shall be stored in such a way that it can be transferred to a data carrier and disclosed to law enforcement authorities without delay.

3) Providers are entitled to reasonable compensation for services rendered in connection with the disclosure of inventory data.

4) The government shall regulate the details of data retention, in particular the categories of data to be retained and the disclosure of retained data, by ordinance.

Art. 52b

Data protection and data protection control

1) Providers shall ensure that retained data is processed in a manner that ensures appropriate security of personal data, including protection against unlawful processing and against accidental loss, destruction or damage by technical and organizational measures. Such measures include in particular:

a) the use of a particularly secure encryption method;

b) storage in separate storage facilities from those used for normal operational tasks;

c) storage, taking into account the increased need for protection and the state of the art, from access from the Internet;

d) restricting access to data processing equipment to persons specifically authorized by the provider;

e) storage in the home country, in another EEA member state or in Switzerland; and

f) the necessary participation of at least two persons in accessing the data, who have been specifically authorized to do so by the provider.

2) Providers shall ensure that every processing of data pursuant to Art. 52a is logged for data protection control purposes. The log data shall be communicated to the data protection agency without delay upon request. Log data may only be used for the purposes of data protection monitoring by the data protection authority and to ensure data security. The log data may not be used for other purposes. The log data must be deleted within seven days after one year. The following must be logged:

a) the time of the data processing;

b) the persons processing the data; and

c) Purpose and nature of data processing.

3) Providers must, with regard to data processing pursuant to Art. 52a according to Mass-

The data protection officer must be certified in accordance with data protection legislation or be able to present a certificate recognized as equivalent by the data protection authority.

4) The providers shall inform the data protection authority without being asked about the certification or recertification with regard to data processing pursuant to Art. 52a. The data protection authority may request the documents relevant to certification or recertification from the provider or the certification body at any time.

5) The data protection authority shall monitor the application of the provisions concerning data protection and data security with regard to data processed in accordance with Art. 52a.

6) The Government shall regulate the details of data protection, in particular the technical and organizational measures and the control of data protection, by ordinance.

Art. 52c

Statistical recording of the collection of retained data

1) The courts must compile annual statistics on the collection of retained data pursuant to Section 102a of the Code of Criminal Procedure. These statistics shall state:

a) differentiated according to the type of offense and the type of services involved:

1. the total number of surveys;

2. The number of elevations that resulted in a conviction; and

3. the number of surveys that did not result in a conviction;

b) the number of surveys, some of which were inconclusive because the data requested were not available in some cases;

c) the number of surveys that were inconclusive because no data were available.

2) The statistics shall be included in the report on the administration of justice.

Art. 53

Recording of and information about subscriber data

1) Providers of publicly available communications services shall record all subscriber data within the meaning of Art. 3 Par. 1 No. 48 regardless of the nature of the contractual relationship and shall retain such data for the entire duration of the contractual relationship with the subscriber concerned and for six months after its termination.

2) With regard to the recorded subscriber data, service providers are obligated to provide the state police with information without delay upon written request if the data is absolutely necessary for the fulfillment of their legal duties.

3) Retrieved

4) The Government shall regulate the details, in particular the method of collecting subscriber data, by ordinance.

XII. Organization and implementation

A. Responsibility

1. Government

Art. 54

Tasks

1) The Government shall be responsible for the execution of this Act unless other authorities are expressly entrusted with it.

2) The government is responsible in particular for:

a) the designation of universal service providers (Art. 11);

b) the application to Parliament for reimbursement of the net uncovered costs of the universal service provider (Art. 13);

c) the designation of providers of additional services (Art. 14);

d) the provision of the necessary infrastructure (Art. 15);

e) taking measures in the event of a complete breakdown of the public communications network or in the event of a disaster (Art. 17);

f) the assignment of means of identification to specific purposes of use (Art. 29);

g) the disposal of the frequency spectrum (Art. 31).

2. Regulator

Art. 55

Organization

1) The Government shall designate or establish an office or a commission as a regulatory authority. It shall be provided with the human, financial and material resources necessary for the performance of its duties.

2) The regulatory authority is not bound by any instructions in the performance of its regulatory duties. It shall exercise its powers impartially, transparently and

within a reasonable period of time.

Art. 56

Tasks

1) The Regulatory Authority is responsible for fulfilling all regulatory tasks assigned to it under EEA law as the national regulatory authority in the field of electronic communications, in particular under Articles 7 and 8 of the Framework Directive, and under this Act. These include in particular:

a) the promotion and monitoring of effective competition in the electronic communications sector;

b) supervising compliance with the provisions of this Act and the regulations issued thereunder;

c) ordering measures and supervising compliance with them;

d) the issuance of confirmations under this Act and the regulations issued thereunder;

e) advising the government on all matters relating to electronic communications;

f) the preparation and enactment of plans, reference documents and interface descriptions;

g) keeping registers of notifications, allocations, authorizations and orders;

h) the special regulation according to chapter IV;

i) the order of granting access under Chapter V;

k) the management of means of identification in accordance with Chapter VI;

l) the management of frequencies under Chapter VII;

m) The promotion of standards under Chapter VIII;

n) Retrieved

o) the creation of transparency in accordance with Chapter X;

p) the levying of usage and administrative fees in accordance with Art. 60;

q) market surveillance in accordance with Chapter XIII;

r) the notification of measures in accordance with EEA law;

s) supervision and enforcement in accordance with Regulation (EU) No. 531/2012 and Regulation (EU) 2015/2120.

2) The regulatory authority may, to the extent necessary for the performance of its duties under this Act:

a) consult domestic and foreign expert organizations, in particular for the assessment of technical issues;

b) Cooperate with other national regulatory authorities and international organizations; and

c) process personal data within the meaning of data protection legislation.

Art. 57

Reporting

1) The regulatory authority prepares an annual report on its activities for the attention of the government.

2) Upon reasoned request by the EFTA Surveillance Authority, it shall submit a report containing information on the general content, number and duration of the redress procedures.

B. Legal protection

Art. 58

Complaint

1) Appeals against decisions and rulings of the regulatory authority may be lodged with the Complaints Commission for Administrative Matters within 14 days of notification.

2) Appeals against decisions and orders of the Government or the Complaints Commission for Administrative Matters may be lodged with the Administrative Court within 14 days of service.

3) The power of review of the Complaints Commission for Administrative Matters and the Administrative Court is limited to questions of law and fact. The exercise of discretion is reviewed exclusively on a legal basis.

4) Unless otherwise ordered, an appeal against decisions and orders under this Act shall not have a suspensive effect. At the request of the appellant, the chairman of the appellate authority may grant suspensive effect to an appeal unless there are compelling public interests to the contrary.

and the immediate execution would result in an irreparable disadvantage for the complainant.

5) In all other respects, the procedure shall be governed by the provisions of the Act on the

general country administrative maintenance application.

Art. 59

Settlement of disputes

1) Disputes between companies are settled by the regulatory authority in the form of mediation between the parties. The parties are obliged to cooperate in this procedure and to provide all information necessary to assess the facts of the case and to submit the required documents. If no amicable solution is reached within four months of the mediation, the regulatory authority may continue the proceedings and conclude them with a ruling, unless the ordinary courts have jurisdiction.

2) Decisions and orders of the regulatory authority regarding costs and fees in conciliation proceedings are not subject to appeal. Settlements as well as decisions and orders of the regulatory authority regarding costs and fees in conciliation proceedings shall constitute execution titles within the meaning of Art. 1 of the Execution Code.

3) In the event of cross-border disputes, the regulatory authority may cooperate with other national regulatory authorities.

4) The Government shall regulate the details by ordinance in accordance with Articles 20 and 21 of the Framework Directive and Article 5 (4) of the Access Directive.

C. Fees

Art. 60

Levying of usage and administrative fees

1) The regulatory authority charges fees for:

a) the use of means of identification and frequencies (user fees); and

b) their activities (administrative fees), especially in connection with:

1. the regulation of electronic communications networks and services;

2. of regulation in the provision of universal service;

3. of the special regulation;

4. the management of frequencies and means of identification;

5. granting access to communication infrastructure resources;

6. ensuring the interoperability of digital television equipment;

7. the use of conditional access systems;

8. Retrieved

9. the implementation of mediation.

2) In justified cases, the assessment of user fees shall promote the opti- mum use of scarce resources.

3) The total revenue from administrative fees shall not exceed the total costs of the regulatory authority in perpetuity.

4) The regulatory authority shall publish annually, in an appropriate manner, a breakdown of its total costs and the total user and administrative fees collected.

5) The Government shall regulate the details in accordance with Art. 12 and 13 of the Licensing Directive by ordinance.

XIII. Market surveillance

Art. 61

Principle

1) Market supervision shall be exercised by the Regulatory Authority in accordance with the provisions of this Chapter.

2) Unless otherwise provided in this Chapter, the Act on the General Administration of the Land, in particular its provisions on administrative coercion, shall apply to the exercise of market supervision.

3) Within the scope of market supervision, the regulatory authority may require providers to disclose all required information, including

to provide information on personal data that is required for the implementation of this law, the ordinances issued in connection with it and the decisions or orders based on it. It may request all necessary information required for the case-by-case review of obligations if a report (Art. 66) has been made or if it suspects a breach of obligations for other reasons or carries out investigations on its own initiative. Other provisions shall remain unaffected by the duty to provide information pursuant to sentence 2.

Art. 62

Arrangements

1) If the regulatory authority has indications that a provider is in breach of the provisions of this Act, the ordinances issued thereunder or decisions or orders based thereon, it shall notify the provider thereof and set a reasonable deadline for the provider to comply:

a) comment on the communication; or

b) to restore the lawful condition.

2) In justified cases, the regulatory authority may, upon request, reasonably extend the time limit pursuant to Par. 1 if the provider is likely to restore the lawful state of affairs as a result.

3) Orders pursuant to para. 1 shall be issued with an administrative enforcement order. The order shall expressly state the legal consequences of failure to comply with the order.

4) Within the framework of the administration of identification means and frequencies, the regulatory authority may, in particular, order that certain identification means or frequencies be temporarily or permanently taken out of operation.

Art. 63

Establishment of the lawful state

1) If the regulatory authority establishes that the lawful situation has not been restored by the provider concerned after expiry of the deadline set in accordance with Art. 62, it shall take all necessary measures to restore the lawful situation by means of an administrative enforcement order.

2) Measures within the meaning of para. 1 are:

a) ordering substitute performance at the expense of the provider concerned;

b) the imposition of a disobedience penalty.

3) If the measures pursuant to Par. 2 have been unsuccessful, the regulatory authority may impose a penalty on the provider who grossly or repeatedly violates its obligations:

a) prohibit the provision of electronic communications networks or the provision of electronic communications services in whole or in part;

b) withdraw rights of use or suspend them for a period specified by the regulatory authority.

4) If there is a credible threat of immediate and serious impairment of the rights or legally protected interests of other providers or users, or if there is an immediate and serious threat to public interests, the regulatory authority may issue temporary orders to restore the lawful situation. In particular, economic or operational disadvantages to third parties constitute an impairment of rights or legally protected interests.

Art. 64

Disobedience penalty

Disobedience penalties are imposed by the regulatory authority in the form of fines of up to 10,000 Swiss francs for each day of non-compliance with the relevant order.

Art. 65

Search and seizure

1) To prevent public danger to life, limb, health, safety, or property, the regulatory authority may search public or private property, whether movable or immovable, or cause it to be searched by authorized third parties for the purpose of inspection:

a) compliance with the provisions of communications law and measures of the regulatory authority with regard to the provision of electronic communications networks or the provision of electronic communications services; or

b) compliance with the recognized rules of technology with regard to the installation or operation of communications equipment or their conformity with the essential requirements relating to the circulation of communications equipment.

2) The procedure is governed by the Act on General State Administration Care.

3) The regulatory authority may seize or temporarily deactivate communications equipment which is being operated unlawfully by applying direct administrative coercion and subject to criminal prosecution by the authorities responsible for this.

Art. 66

View

Any person may report to the regulatory authority any alleged irregularities falling within the scope of this Act. Notifications shall not give rise to any rights or obligations. The regulatory authority shall take the necessary measures if required.

XIV. Penal provisions

Art. 67

Violation of users' rights

1) The district court shall, unless the act is punishable by a more severe penalty under another provision, punish for a misdemeanor with imprisonment for a term not exceeding three months or with a fine not exceeding 180 daily rates any person who, as a provider or

Contributor (Art. 48 par. 2):

a) unauthorizedly informs an unauthorized person about the fact or the content of an electronic communication of certain persons or gives him/her the opportunity to perceive for him/herself facts to which the duty of confidentiality extends;

b) falsifies, misrepresents, alters, suppresses, improperly conveys or unauthorizedly withholds a message from the authorized recipient.

2) The offender shall be prosecuted only with the authorization of the injured person.

Art. 68

Disruption of public communication networks

Unless the act is punishable by a more severe penalty under another provision, a person who interferes with the operation of public communications networks or associated facilities shall be punished by the Regional Court for a misdemeanor with imprisonment of up to six months or a fine of up to 360 daily penalty units.

Art. 69

Interference with the right to control access

1) Unless the act is punishable by a more severe penalty under another provision, a person who distributes, sells, rents or leases circumvention devices on a commercial basis (Section 70 of the Criminal Code) shall be punished by the regional court for a misdemeanor with imprisonment of up to two years or a fine of up to 360 daily rates.

2) Similarly, anyone who commercially manufactures circumvention devices or acquires or holds such devices with the intent that they be placed on the market in the manner described in paragraph 1 or that they be used to enable others to access a protected service shall be punished.

3) Anyone who imports, acquires or otherwise obtains circumvention devices exclusively for private use is not to be punished as a participant (Section 12 StGB).

4) The offender shall be prosecuted only with the authorization of the injured person.

Art. 70

Administrative Violations

1) The regulatory authority shall impose a fine of up to 20,000 francs on anyone who:

a) as an operator of a public communications network, violates the obligation to negotiate or maintain secrecy under Art. 18;

b) as operator in disregard of the order of the regulatory authority under

Art. 27 does not grant access to communication infrastructure resources;

c) uses means of identification or frequencies in violation of the allocation order (Articles 30 and 33);

c) as a provider, violates the information obligations pursuant to Articles 44 and 61 vis-à-vis the regulatory authority;

d) as a provider, violates the duty to inform other providers and/or users pursuant to Art. 45;

e) violates the data protection provisions under Art. 49;

f) sends an unsolicited message in violation of Art. 50;

g) Violates ordinance provisions, the violation of which is declared punishable by law.

2) The regulatory authority shall impose a fine of up to 50,000 francs on anyone who:

a) provides, operates or offers an electronic communications network or service in violation of the provisions of this Act;

b) by providing incorrect or misleading information or by concealing material facts, causes a decision or order to be made by the regulatory authority, or otherwise causes the regulatory authority to act or refrain from acting;

c) as a provider, violates the obligations regarding the integrity and availability of public communications networks and publicly available electronic communications services pursuant to Art. 17;

d) violates the duties imposed on him by Art. 23 par. 1;

e) uses means of identification or frequencies without allocation (Articles 30 and 33);

e) manages subordinate means of identification contrary to the allocation order (Art. 30 par. 3);

e) transfers officially allocated means of identification usage rights in violation of Art. 30 par. 6;

f) Retrieved

g) Retrieved

h) as a mobile network operator, breached the obligation under Art. 51 Par. 1;

i) as a provider, violates the obligation under Art. 52 par. 1 or 2;

k) as a provider of publicly available communications services, violates the obligation under Art. 53 Par. 1 or 2.

l) does not provide price information, or does not provide it correctly, completely or in a timely manner, contrary to Art. 30a;

m) fails to announce the price, or does so incorrectly, incompletely or late, contrary to Art. 30b;

n) fails to display the price, or does not display it correctly, in full or in a timely manner, contrary to Art. 30c;

o) fails to comply with the established price ceilings and billing modalities in violation of Art. 30d;

o) as a provider, contrary to Art. 30, fails to comply with the specified retail charges for intra-EEA communications;

p) fails to disconnect a connection in time or at all, contrary to Art. 30e;

q) uses a dialer in violation of Art. 30f;

r) offers collect call services in violation of Art. 30g;

s) transmits a telephone number in violation of Art. 30k;

t) as allocation holder fails to take appropriate measures in contravention of Art. 30m par. 3;

u) fails to store retained data in contravention of Art. 52a, fails to delete it in good time or uses it for an improper purpose;

u) as a provider, violates the obligations in connection with data protection pursuant to Art. 52b;

v) violates the provisions of the Roaming Regulation by:

1. contrary to Art. 3 Para. 5 Sentence 2, does not submit a contract or does not submit it in time;

2. contrary to Art. 5 Para. 1 Sentence 2, fails to comply or fails to comply promptly with a request referred to therein;

3. contrary to Art. 6a, charges a fee specified therein;

4. imposes a surcharge contrary to the first sentence of the second subparagraph of Art. 6e par. 1;

5. contrary to Art. 6e par. 1 subpara. 3 sentence 1 or 3, fails to account for a charge correctly;

6. contrary to Art. 6e par. 1 subpar. 3 sentence 2, uses a different minimum billing period as a basis;

7. modifies a technical feature contrary to Art. 11;

8. contrary to Art. 15 Para. 2a Sentence 1 in conjunction with Sentence 2, does not send a notification or does not send it in time;

9. contrary to the first sentence of the sixth subparagraph of Article 15(3), fails to ensure that a report referred to therein is transmitted;

10. contrary to Art. 15 par. 3 subpara. 7 sentence 3, does not or not timely cease the provision or invoicing of a service mentioned therein;

11. contrary to Art. 15, para. 3, subpara. 8, fails to make an amendment referred to therein or fails to do so in a timely manner; or

12. contrary to Art. 16 Para. 4 Sentence 2, does not provide information, does not provide it correctly, does not provide it completely or does not provide it in time;

w) violates the provisions of Regulation (EU) 2015/2120 by:

1. contrary to the first half of the third subparagraph of Article 3(3), applies a traffic management measure referred to therein;

2. contrary to the first sentence of the first subparagraph of Article 4(1), fails to ensure that a contract referred to therein contains the information specified therein;

3. violates an enforceable order pursuant to Art. 5 par. 1 subpara. 1 sentence 2; or

4. contrary to Art. 5 Para. 2, fails to submit information referred to therein, or fails to submit such information correctly, in full or in time, or fails to submit such information correctly, in full or in time.

3) The regulatory authority shall impose a fine of up to 50,000 Swiss francs on anyone who, knowingly and on a commercial basis:

a) Installs, maintains, repairs, or replaces bypass devices;

b) encourages the purchase, rental or lease of bypass devices through advertising.

4) In the case of negligent commission of the administrative offenses under paras. 1 and 2, the upper limit of the penalty shall be reduced to half.

5) In assessing the fines under paras. 1 and 2, consideration shall also be given to whether the offence was committed commercially or repeatedly. If the offence was committed on a commercial basis, the unlawful advantage obtained as a result shall be taken into account in the assessment in accordance with the results of the preliminary investigation.

6) An administrative offense under paras. 1 to 3 shall not be deemed to have been committed if the act constitutes a criminal offense falling within the jurisdiction of the courts or is punishable by a more severe penalty under other administrative criminal provisions.

7) The objects with which the criminal act was committed may be confiscated.

Art. 71

Responsibility

If criminal acts are committed in the business operations of a legal entity, a partnership or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, partnership or sole proprietorship for the fines and costs.

Art. 72

Benefit skimming

1) If an enterprise has disregarded an order under Art. 62 or committed an administrative violation under Art. 70 and thereby gained an economic advantage, the regulatory authority shall order the levying of the economic advantage and order the enterprise to pay a corresponding amount of money.

2) Paragraph 1 shall not apply if the economic advantage has been compensated by damages or other services. If the company provides such services only after the benefit has been levied, the amount of money transferred shall be refunded to the company in the amount of the proven payments.

3) If the implementation of an advantage levy would be an undue hardship, the order shall be limited to a reasonable amount of money or shall not be issued at all. It must also be omitted if the economic advantage is small.

4) The amount of the economic benefit may be estimated. The amount of money to be paid shall be determined numerically.

5) The levy of benefits may be ordered only within a period of five years from the termination of the infringement and for a maximum period of five years.

6) The procedure shall be governed by the provisions of the Act on the General Administration of the State.

XV. Transitional and final provisions Art. 73

Transitional provisions

1) The regulations issued under the previous law and other legal

The provisions of this Act shall remain in force until they are repealed by corresponding legislation adopted on the basis of this Act.

2) The allocation and registration of means of identification and frequencies existing at the time of the entry into force of this Act shall remain in force.

3) The concessions existing at the time of the entry into force of this Act shall remain in force until the publication of the final results of the market analysis.

4) Individual licensees are exempt from the reporting obligation under Art. 43 with regard to the licensed activity for the duration of the continued existence of the individual license.

5) The new law shall apply to proceedings pending when this Act enters into force.

Art. 74

Change of designations

1) In the heading of Section IX and before Section 103, in Sections 103(1) to (3), 104(1), (2) and (4), and in Section 286 of the Code of Criminal Procedure of

October 18, 1988, LGBl. 1988 No. 62, shall be replaced in the respective grammatically correct form:

a) the term "telecommunications" by the term "electronic communications";

b) the designation "telecommunications installation" by the designation "communications installation";

c) the designation "telecommunications authorities" by the designation "providers within the meaning of the Communications Act".

2) In Article 53(2) of the Act of 16 June 2000 on Value Added Tax, LGBl. 2000 No 163, the term "telecommunications secrecy" shall be replaced by the term "communications secrecy".

3) In Article 10(3) of the Act of 29 November 1967 on Railways, LGBl. 1968 No. 3, the term "telecommunications installation" shall be replaced by the term "communications installation".

Art. 75

Repeal of previous law

It is repealed:

a) Telecommunications Act (TelG) of June 20, 1996, LGBl. 1996 No. 132;

b) Announcement of 25 February 1997 on the correction of the Provincial Law Gazette 1996 No. 132, LGBl. 1997 No. 68;

c) Act of October 21, 1998 on the Amendment of the Telecommunications Act (TelG), LGBl. 1998 No. 214;

d) Act of October 25, 2000 on the Amendment of the Telecommunications Act (TelG), LGBl. 2000 No. 253;

e) Act of October 25, 2000 on the Amendment of the Telecommunications Act (TelG), LGBl. 2000 No. 261;

f) Act of October 20, 2004 on the Amendment of the Telecommunications Act (TelG), LGBl. 2004 No. 269;

g) Act of November 15, 1978 on Radio and Television, LGBl. 1978 No. 42;

h) Act of November 24, 1999, on the Amendment of the Act on Radio and Television, LGBl. 2000 No. 13.

Art. 76

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the provision of electronic communications networks and the provision of electronic communications services (Art. 6);

b) the minimum set of universal service services and the designation of universal service providers (Arts. 10 and 11);

c) the provision of universal service (Art. 12);

d) the financing of the universal service (Art. 13);

e) services additional to the universal service (Art. 14);

f) the minimum requirements for public communications networks (Art. 16);

g) the obligation to negotiate and maintain secrecy (Art. 18);

h) the minimum protection obligations of providers (Art. 19);

i) the special regulation (art. 20);

k) access to communication infrastructure resources (Art. 25);

l) the means of identification (Art. 29 to 30p);

m) the frequencies (Art. 31 to 33);

n) the mandatory standards (Art. 34);

o) the devices (Art. 35 to 37);

p) promoting the provision of information (Art. 42);

q) the obligation to notify (Art. 43);

r) the information and disclosure obligations of the providers (Art. 44 and 45);

s) the public consultation (Art. 46);

t) the secrecy of communications, data protection and the duty to cooperate (Arts. 49 to 53);

u) conciliation (Art. 59);

v) the levying of user and administrative fees (Art. 60).

Art. 77

Entry into force

This Act shall enter into force on the day of its promulgation.

XXI. War Material Act (KMG)

om December 10, 2008

on the Brokering of and Trade in War Material (War Material Act; KMG)

I give my consent to the following resolution adopted by the Diet: 1.

I. General provisions Art. 1

Purpose

The purpose of this law is to fulfill the international obligations of the Principality of Liechtenstein, in particular by controlling the brokering of war material and the corresponding technologies.

Art. 2

Scope

1) Subject to this law:

a) the brokering of war material, in particular nuclear, biological or chemical weapons (ABC weapons) as well as anti-personnel mines to natural and legal persons domiciled or headquartered abroad (consignees);

b) the conclusion of contracts concerning the transfer of intangible property, including know-how, and the granting of rights thereto, provided that they relate to war material and are made to natural and legal persons domiciled or headquartered abroad (recipients);

c) trade in war material from Liechtenstein outside the Liechtenstein-Swiss customs territory.

2) Insofar as the manufacture, trade or import, export and transit of war material is concerned, the Swiss legal provisions applicable in Liechtenstein on the basis of the customs treaty, in particular the Swiss war material and goods control legislation, shall apply.

Art. 3

Principle

1) The transactions listed in Art. 2 para. 1 are subject to approval.

2) Permits under this Act are not transferable.

Art. 4

Concept of war material

1) War material is considered to be:

a) Weapons, weapons systems, ammunition, and military explosives;

b) Equipment that has been specifically designed or modified for combat or battlefield use and that is not normally used for ci- vile purposes.

2) War material also includes individual parts and assemblies, including partially machined parts, provided it is evident that these parts cannot also be used for civilian purposes in the same design.

3) The government designates the war material with regulation.

Art. 5

Other terms and designations

1) As mediation applies:

a) the creation of the essential preconditions for the conclusion of contracts relating to the manufacture, offer, acquisition or transfer of war material, the transfer of intangible property, including know-how, or the granting of rights thereto, insofar as these relate to war material;

b) the conclusion of such contracts if the service is to be provided by third parties.

2) Any commercial offering, acquisition or passing on of war material is deemed to be trade.

3) The personal designations used in this Act apply to persons of both male and female gender.

II. Prohibited war material

Art. 6

Nuclear, biological and chemical weapons

1) It is forbidden:

a) nuclear, biological or chemical weapons (NBC weapons) or to dispose of them in accordance with Art. 2 para. 1 let. b or c;

b) to induce someone to commit an act under subparagraph (a);

c) to promote an act under subparagraph (a).

2) Not covered by the prohibition are actions that are intended:

a) for the destruction of NBC weapons by the agencies responsible for this purpose;

b) for protection against or defense against the effects of NBC weapons.

3) The prohibition applies, regardless of the law of the place of the offense, also to acts committed abroad if:

a) they violate agreements under international law to which Liechtenstein is bound; and

b) the perpetrator has Liechtenstein citizenship or resides in Liechtenstein.

Art. 7 Anti-personnel mines

1) It is forbidden:

a) anti-personnel mines or to dispose of them in accordance with Art. 2 para. 1 let. b or c;

b) to induce someone to commit an act under subparagraph (a);

c) to promote an act under subparagraph (a).

2) A limited number of anti-personnel mines may be retained or transferred for the development of procedures for the search, clearance or destruction of anti-personnel mines and for training in such procedures. However, the minimum number strictly necessary for these purposes may not be exceeded.

3) Anti-personnel mines are explosive devices placed under, on, or near the ground or other surface that have been designed or modified to explode in the presence of, near, or by contact with a person and are intended to incapacitate, injure, or kill one or more persons. Mines designed to be detonated by the presence, proximity, or contact of a vehicle, but not a person, and equipped with a resumption barrier are not considered antipersonnel mines if they are equipped with this device.

4) Re-entry barrier means a device designed to protect a mine that is part of, connected to, attached to, or placed under the mine and that is activated when an attempt is made to tamper with or otherwise purposefully disturb the mine.

Art. 7a Cluster munitions

1) It is forbidden:

a) to broker cluster munitions or to dispose of them in accordance with Art. 2 para. 1 let. b or c;

b) to induce someone to commit an act under subparagraph (a);

c) to promote an act under subparagraph (a).

2) Para. 1 is also applicable to explosive bomblets specifically designed to be dispersed or released from aircraft-mounted dispensers.

3) A limited quantity may be retained, acquired or transferred for the development of procedures for the search for, clearance or destruction of cluster munitions, for training in such procedures and for the development of measures against cluster munitions. However, the minimum quantity absolutely necessary for these purposes may not be exceeded.

Art. 7b

Prohibition of direct financing

1) Direct financing of the development, production, or acquisition of prohibited war materiel is prohibited.

2) For the purposes of this Act, direct financing means the direct granting of credits, loans, and gifts or comparable financial benefits to pay for or advance costs and expenses associated with the development, production, or acquisition of prohibited war materiel.

Art. 7c

Prohibition of indirect financing

1) Indirect financing of the development, production, or acquisition of prohibited war material is prohibited if it is intended to circumvent the prohibition on direct financing.

2) For the purposes of this Act, indirect funding means:

a) participation in companies that develop, manufacture or acquire prohibited war material;

b) the acquisition of bonds or other investment products issued by such companies.

III. Permits for mediation

A. Basic permit Art.

8

Subject

1) A basic license is required for anyone who wishes to broker war material from Liechtenstein to recipients abroad on his own account or on behalf of a third party, regardless of where the war material is located.

2) No basic permit is required for anyone who uses handguns and handguns in accordance with weapons legislation, their components or accessories, or their ammunition or

brokers ammunition components abroad on a commercial basis and has a firearms trading license for this purpose in accordance with the firearms legislation.

Art. 9

Prerequisites

The basic permit is granted to natural or legal persons if:

a) the applicant offers the necessary guarantee for the proper conduct of business; and

b) the intended activity is not contrary to the interests of the country.

Art. 10

Validity

1) The basic licence is valid only for the war material listed therein. It may be limited in time and subject to conditions and requirements.

2) It may be revoked in whole or in part if the conditions for its issue are no longer met.

3) It does not replace the permits to be obtained on the basis of other regulations.

B. Individual permit

Art. 11

Subject

1) Anyone wishing to transfer war material from Liechtenstein to a recipient abroad without maintaining his own production facility for the manufacture of war material in the Liechtenstein-Swiss customs territory requires, subject to paragraph 2, in addition to a basic license within the meaning of Art. 8, an individual license for each individual case.

2) The government may provide for exemptions for certain countries by ordinance.

3) Anyone who commercially brokers handguns and handguns in accordance with the weapons legislation, their components or accessories or their ammunition or ammunition components to recipients outside the Liechtenstein-Swiss customs territory will only be granted an individual license if he can prove that he has a corresponding weapons trading license in accordance with the weapons legislation.

Art. 12

Validity

1) The individual licence is valid only for the war material listed therein. It may be limited in time and subject to conditions and requirements.

2) If exceptional circumstances so require, the individual permit may be suspended or revoked.

IV. Authorization for the transfer of intangible assets, including know-how, or the granting of rights thereto

Art. 13

Subject matter

1) Each conclusion of a contract in which intangible assets, including know-how, are transferred from Liechtenstein to recipients abroad that are of significant importance for the development, production or use of war material requires an individual license.

2) The same applies to the conclusion of a contract granting rights to such intangible assets and know-how.

Art. 14

Exceptions from the permit requirement

1) In particular, intellectual property, including know-how, is not subject to the licensing requirement:

a) necessary for the routine performance of installation, maintenance, inspection, and repair of war material whose export has been authorized;

b) which are generally accessible;

c) which must be disclosed for the purpose of filing a patent application in another state; or

d) which serve basic scientific research.

2) The government may provide for exemptions for certain countries by ordinance.

Art. 15 Licensing requirements

The license shall not be granted if the acquirer is domiciled or resident in a country to which the export of the war material in question would not be authorized.

V. Permits for trade Art. 16

Subject

1) Whoever, from Liechtenstein, for his own account or for the account of a third party, with war material outside the Liechtenstein-Swiss customs territory

trades without maintaining its own production facility for the manufacture of war material in the Liechtenstein-Swiss customs territory shall, subject to paragraph 2, require an individual license for each individual case in addition to a basic license within the meaning of Art. 8.

2) The government may provide for exemptions for certain countries by ordinance.

3) Anyone who commercially trades in handguns and handguns in accordance with the weapons legislation, their components or accessories or their ammunition or ammunition components outside the Liechtenstein-Swiss customs territory will only be granted an individual permit if they can prove that they have a corresponding weapons trading permit in accordance with the weapons legislation.

4) In all other respects, the provisions on authorizations for brokering (Articles 9 to 12) shall apply mutatis mutandis.

VI. Licensing requirements for foreign transactions

Art. 17

Mediation

The procurement of war material for recipients abroad is approved if this does not contradict international law, international obligations and the principles of Liechtenstein foreign policy.

Art. 18

International sanctions

The issuance of permits is excluded if corresponding coercive measures have been issued in accordance with the Law on the Enforcement of International Sanctions.

VII. Organization and implementation

Art. 19

Enforcement Agency

1) The execution of this law, in particular the issuance of permits, is the responsibility of the Government.

2) It may, by ordinance, delegate the execution of this Act to an official agency, subject to legal recourse to the collegial government.

3) It issues regulations on:

a) the approval procedure;

b) to control the brokering and trading of war material as well as the transfer of intangible assets, including know-how, or the transfer of rights thereto, insofar as these relate to war material. For this purpose, it may, in particular, lay down accounting and due diligence requirements.

Art. 20

Duty to provide information

The holders of a permit under this Act or the owners and personnel of the relevant companies are obliged to provide the competent enforcement bodies with the information and submit the documents required for a comprehensive assessment and control.

Art. 21

Powers of the competent enforcement bodies

1) The competent law enforcement agencies are authorized to enter and inspect the business premises of the persons obliged to provide information without prior notice and to inspect the relevant documents. They shall seize incriminating material. They may involve the national police.

2) In order to enforce the powers referred to in subsection 1, the competent enforcement bodies shall file an application with the regional court. The Code of Criminal Procedure shall apply by analogy.

3) The competent enforcement bodies and third parties called in by them are subject to official secrecy.

Art. 22

Processing of personal data

1) The competent law enforcement authorities may process personal data to the extent necessary for the enforcement of this Act and the ordinances issued thereunder.

2) They may process special categories of personal data and personal data relating to criminal convictions and criminal offenses only if they relate to administrative or criminal prosecutions and sanctions or are indispensable for the handling of the individual case.

Art. 23

Fees

1) Fees shall be charged for official acts under this Act, in particular for the issuance of permits.

2) The government sets the amount of the fees by decree.

VIII. Legal protection

Art. 24

Complaint

1) Appeals against decisions and orders of the Government may be lodged with the Administrative Court within 14 days of service.

2) In all other respects, the provisions of the Act on the General Administration of the State shall apply to the procedure.

IX. Cooperation Art. 25

Domestic cooperation

The Liechtenstein authorities, in particular the courts, the Office of the Public Prosecutor, the FMA, the FIU Unit and the National Police, are obliged to disclose to one another all data necessary for the enforcement of this Act and the ordinances issued in connection therewith, including special categories of personal data as well as personal data on criminal convictions and criminal offenses, and to transmit documents.

Art. 26

Cooperation with foreign authorities and the United Nations

1) The competent law enforcement bodies may cooperate with the competent foreign authorities and with the United Nations and coordinate the surveys to the extent:

a) this is necessary for the enforcement of this Act and the ordinances issued thereunder, corresponding foreign regulations or those of the United Nations; and

b) the foreign authorities or the United Nations are bound by official secrecy or a corresponding duty of confidentiality and guarantee protection against industrial espionage in their area.

2) They may request foreign authorities and the United Nations, in particular, to provide them with the necessary data. In order to obtain them, they may provide them with data, including special categories of personal data and personal data relating to criminal convictions and offences, namely on:

a) quality, quantity, place of destination and use, purpose of use as well as recipient of goods, components, intangible assets, including know-how, or rights thereto;

b) Persons involved in the manufacture, supply, brokering or financing of goods or components, in the transfer of intangible assets, including know-how, or in the granting of rights thereto;

c) the financial management of the transaction and persons involved in it.

3) The competent law enforcement bodies may transmit the data referred to in paragraph 2 on their own initiative or at the request of the foreign state if the state concerned:

a) Counter right holds;

b) assures that the data will be processed only for the purposes under this Act; and

c) assures that the data will only be used in criminal proceedings if these data have been subsequently created in accordance with the provisions of the Legal Assistance Act.

4) The competent law enforcement agencies may also transmit the data to the United Nations under the conditions set out in paragraph 3. In doing so, they may waive the requirement of a reciprocal right.

5) The provisions of the Mutual Assistance Act remain reserved. Criminal acts under this Act shall not be deemed to be violations of tax, monopoly, customs or foreign exchange regulations or of regulations on the management of goods or on foreign trade within the meaning of Article 15 of the Mutual Assistance Act.

X. Penal provisions

Art. 27

Violations of the licensing and reporting requirements

1) The district court shall punish with imprisonment for a term of up to three years or with a fine of up to 360 daily penalty units who intentionally:

a) brokers war material without a corresponding licence or contrary to the conditions or requirements stipulated in a licence, or deals in war material within the meaning of Art. 2, para. 1, subpara. c, or concludes contracts concerning the transfer of material goods, including know-how, relating to war material, or the granting of rights thereto;

b) provides incorrect or incomplete information in an application that is essential for the granting of a permit, or uses a request of this type written by a third party;

c) supplies, transfers or brokers war material to a recipient or destination other than that specified in the authorization;

d) transfers or grants rights to intellectual property, including know-how, to a recipient or place of destination other than that specified in the authorization;

e) assists in the financial management of an illegal war material transaction or arranges its financing.

2) Any person who commits the acts specified in subsection 1 on a commercial basis or as a member of a criminal organization shall be punished by the regional court with imprisonment for a term of one to ten years.

3) In the case of negligent commission, the upper limit of the penalty shall be reduced to half.

Art. 28

Violations of the prohibition of nuclear, biological and chemical weapons

1) The district court shall punish with imprisonment for a term of one to ten years anyone who intentionally and without being entitled to an exception under Art. 6, para. 2:

a) procures nuclear, biological or chemical weapons (NBC weapons) or possesses them in accordance with Art. 2 para. 1 let. b or c;

b) induces someone to commit any of the acts described in subparagraph (a); or

c) promotes an act referred to in subparagraph (a).

2) A person who commits the acts referred to in subsection 1 negligently shall be punished by the regional court with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily penalty units.

3) The act committed abroad is punishable under these provisions, regardless of the law of the place where the act was committed, if:

a) it violates agreements under international law to which Liechtenstein is bound; and

b) the perpetrator has Liechtenstein citizenship or resides in Liechtenstein.

Art. 29

Violations of the ban on anti-personnel mines

1) The district court shall punish with imprisonment for a term of one to ten years any person who intentionally and without being entitled to an exception under Art. 7, para. 2:

a) brokers anti-personnel mines or disposes of them in accordance with Art. 2 para. 1 let. b or c;

b) induces someone to commit any of the acts described in subparagraph (a); or

c) promotes any of the acts referred to in subparagraph (a).

2) A person who commits the acts referred to in subsection 1 negligently shall be punished by the regional court with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily penalty units.

Art. 29a

Violations of the ban on cluster munitions

1) The district court shall punish with imprisonment for a term of one to ten years any person who intentionally and without being entitled to an exception under Article 7a(3):

a) brokers cluster munitions or disposes of them in accordance with Art. 2 para. 1 let. b or c;

b) induces someone to commit any of the acts described in subparagraph (a); or

c) promotes any of the acts referred to in subparagraph (a).

2) A person who commits the acts referred to in subsection 1 negligently shall be punished by the regional court with imprisonment for a term not exceeding one year or with a fine not exceeding 360 daily penalty units.

Art. 29b

Violations of the ban on financing

The regional court shall punish with imprisonment for a term of up to five years anyone who intentionally, and without being able to claim an exemption under Article 6(2), Article 7(2) or Article 7a(3), violates the prohibition on financing under Articles 7b or 7c.

Art. 30

Violations

1) The district court shall impose a fine of up to 100,000 Swiss francs, and in the event of non-collection, a custodial sentence of up to six months, on anyone who intentionally:

a) refuses to provide information, to submit documents or to grant access to the business premises in accordance with Articles 20 and 21 paragraph 1 or makes false statements in this connection;

b) otherwise violates a provision of this Act or an implementing regulation, the violation of which is declared punishable, or an order issued with reference to the threat of punishment under this Article, without engaging in punishable conduct under any other criminal offense.

2) In the case of negligent commission, the upper limit of the penalty shall be reduced to half.

3) The statute of limitations for the violations under paragraph 1 shall be five years.

Art. 31

Responsibility

If the offences are committed in the business operations of a legal entity, a general or limited partnership or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, the partnership or the sole proprietorship for the fines, penalties and costs.

Art. 32

Confiscation

1) Objects to which an offence relates and objects that have been used or intended for its commission may be confiscated. § Section 26 of the Criminal Code shall apply.

2) The proceedings shall be governed by the provisions of Sections 353 to 357 of the Code of Criminal Procedure.

Art. 33

Expiry

1) Unlawfully obtained pecuniary advantages from offences may be declared forfeited in accordance with the General Part of the Criminal Code.

2) The proceedings shall be governed by the provisions of Sections 353 to 357 of the Code of Criminal Procedure.

XI. Final provisions Art. 34

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the detailed requirements, content and procedure for issuing permits;

b) the fees.

Art. 35

Entry into force

This Act shall enter into force simultaneously with the Act of December 10, 2008 on the Enforcement of International Sanctions.

XXII. Nature Conservation Act (NSchG)

from 23 May 1996

on the Protection of Nature and Landscape (Nature Conservation Act; NSchG)1

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Purpose

This law is intended to apply to the entire land area:

a) Preserve all native plant and animal species;

b) Preserve, promote and create habitats for them;

c) Ensure a functional landscape balance;

d) Support natural types of use that are suitable for preserving endangered habitats;

e) Protect near-natural landscapes from further pressures and mitigate existing impacts;

f) preserve the native landscape.

Art. 2

Principle

Nature and landscape conservation are obligatory tasks for the state and society. As essential parts of the natural basis of life, nature and landscape are to be protected, maintained and developed in such a way that

a) their dynamism, diversity, uniqueness and beauty,

b) the performance of the natural balance,

c) the usability of the natural assets and

d) the plant and animal

world are sustainably

secured.

Art. 3

Obligations for state and municipalities

The state and municipalities shall promote efforts to protect nature and the landscape and create incentives for nature-friendly uses. They shall coordinate their spatial activities with the objectives and tasks of this Act, in particular in the preparation of spatial planning instruments, in the granting of concessions and permits, in the construction of buildings and facilities, and in the development of nature conservation projects.

the granting of compensation payments or management contributions in the sense of nature and landscape protection.

Art. 4

Duties for the individual

1) Every individual is obliged to take care of nature, landscape and environment.

2) Each individual has to contribute by his or her behavior to the preservation and, if necessary, the restoration of natural resources and the basis of life for free-living flora and fauna.

II. Protected objects Art. 5

Objects worthy of protection To be protected and promoted are:

a) all native plant and animal species, their populations and sufficiently large, interconnected habitats that are suitable for the long-term preservation of their living organisms;

b) near-natural or distinctive natural and cultural landscapes;

c) Landscape structures and connecting elements that contribute to habitat connectivity;

d) Landscape elements that are part of the natural character of an area, such as geologically significant surface forms, geological outcrops, rocky areas and parts of the landscape that are characterized by glaciers and rivers;

e) Viewpoints, ridges and their surroundings.

Art. 6

Habitats worthy of special protection

1) Habitats particularly worthy of protection are:

a) Lean sites;

b) Small water bodies and ponds, near-natural standing and flowing water bodies, pools and tuff formations, including their banks and vegetation, reed beds, bogs including reed meadows, floodplain forests;

c) Natural forests with old-growth stands, rare forest communities, forest stands with rare forest structures, forest edges;

d) Field and riparian woods, hedges and shrubs;

e) Habitats of rare or endangered plant and animal species.

2) The undiminished preservation of the objects mentioned in para. 1 may only be deviated from in exceptional cases if an overriding interest requires this and no other solutions are possible. In such cases, compensatory measures or equivalent replacement measures shall be taken.

III. Protective measures

A. Fundament

als Art. 7

Networking of ecologically significant habitats

1) The state and municipalities are striving to ensure that ecologically significant habitats with appropriate connecting elements are distributed like a network over the entire state area.

2) Where there is a need, they create the conditions for appropriate new habitats to emerge.

3) The state and local governments take care to ensure that ecologically significant habitats are not isolated from one another by artificial barriers.

Art. 8

Ecological compensation areas and settlement green spaces

1) In intensively used areas within the building zones and in favorable agricultural locations, the state and municipalities ensure appropriate ecological compensation and permanently defined settlement green spaces within their own sphere of responsibility.

2) Ecological compensation areas are protected areas, buffer zones, extensively used areas with trees, hedges, riparian plantations, structured and graded forest edges, high-trunk orchards, natural gardens and green roofs as well as other near-natural and site-appropriate vegetation.

3) Settlement green spaces are natural open spaces that serve to separate and structure building areas as well as for local recreation.

Art. 9

Inventory of nature priority areas

1) The government draws up an inventory of the protected parts of the countryside worthy of protection. This forms the scientific basis for the future expansion of areas and objects worthy of protection.

2) The inventory contains a precise description of the areas and objects worthy of protection within and outside protected areas according to national and local importance, the reasons for their worthiness of protection, the possible threats and the necessary protection measures. It is to be reviewed periodically for any changes and additions.

3) The Government shall immediately notify the municipalities and property owners concerned, as well as the beneficial owners registered in the land register, of the inclusion of parts of the landscape in the inventory, with reference to the legal consequences referred to in Articles 12, 13, 14, 15, 16, 43, 50, 51 and 52.

Art. 10

Nature and landscape protection concept

1) The government is developing a nature and landscape conservation concept in cooperation with the municipalities.

2) The nature and landscape protection concept contains both an analysis of the situation of nature and landscape protection and an evaluation of the success of the measures taken so far. It also specifies which measures are necessary for the future in order to fulfill the tasks and objectives of this law.

3) The nature and landscape protection concept is to be revised periodically.

4) The nature and landscape protection concept must be taken into account in all activities with spatial impact.

Art. 11

Maintenance and care

1) The state and municipalities ensure that ecologically significant habitats and objects worthy of protection are maintained or cared for in an appropriate manner.

2) Care plans shall be drawn up for legally designated protected areas in accordance with Art. 17.

3) Management contributions may be paid to third parties, especially in agriculture and forestry, on the basis of maintenance agreements.

B. Interventions in nature and landscape

Art. 12

Interventions

1) Interventions in nature and the landscape are changes in the form or use of land that can significantly or permanently impair the performance of the natural balance or the landscape.

2) The following measures outside the building area in particular are considered as interventions in nature and landscape:

a) the mining or extraction of mineral resources or components thereof;

b) Excavations, backfilling of material depots, filling up or washing down, backfilling;

c) the erection or substantial alteration of buildings and structures, roads and paths, and advertising installations;

d) the construction of temporary landfills and the establishment or substantial alteration of storage, parking, exhibition or tent areas;

e) the storage or deposit of waste, scrap materials and machinery;

f) the construction or modification of overhead power lines;

g) the drainage and cultivation of bogs, marshes and swamps.

3) As interventions in nature and landscape are also considered:

a) Changes in the use of land that affect the preservation of objects worthy of protection under Art. 5 or of habitats worthy of special protection under Art. 6, such as, in particular, by dividing the land into a development zone;

b) Uses of inventory objects that go beyond their previous use and may lead to their destruction, damage, lasting disturbance and alteration of their characteristic condition.

Art. 13 Authorization of interventions

1) Interventions in nature and the landscape pursuant to Art. 12 shall only be approved if impairments can be avoided or compensated for to the extent necessary and the interests of nature and landscape protection do not outweigh the interests of nature and the landscape when all requirements relating to nature and the landscape are weighed up.

1a) If interventions cannot be compensated and the interests of nature and landscape conservation do not take precedence, the polluter may be required to take compensatory measures that are capable of compensating for the loss of natural value in qualitative and quantitative terms.

2) Interventions according to Art. 12 Par. 2 require the approval of the municipality after consultation with the government.

3) Interventions in accordance with Art. 12 Par. 3 require the mutual consent of the government and the municipality.

4) The permit may be issued for a limited period of time or subject to conditions and requirements.

Art. 14

Retrieved

Art. 15

Landscape conservation plans for interventions

1) If a project interferes with nature and the landscape, the responsible authority can make the granting of the permit dependent on the submission of a landscape conservation plan. Whether or not an accompanying plan is to be submitted depends on the type and extent of the intervention.

2) In the accompanying plan, the measures required for compensation are to be presented in detail in text and map.

3) The accompanying landscape conservation plan is an integral part of the project.

Art. 16

Interventions in lean sites

Interventions that go beyond the previous agricultural use of ecologically particularly valuable lean sites and may lead to their destruction, damage, lasting disturbance or alteration of their characteristic state require government approval.

C. Protection of areas and natural monuments worthy of special protection Art. 17

Protected

1) The government may, with the participation of the municipality, issue an ordinance to protect land and parts of the landscape of national importance which are listed in the inventory as being worthy of protection. It must specify the necessary requirements and prohibitions with regard to future use and the avoidance of damaging effects.

2) The nature of the participation of the municipality shall be governed by the provisions of the following articles relating to the protection.

Art. 18

Protected landscape areas

1) Landscapes and parts of landscapes in which special protection of nature and landscape or special maintenance measures are required can be designated as landscape protection areas:

a) to maintain or restore the efficiency of the natural balance or the usability of the natural assets;

b) because of the diversity, uniqueness or beauty of the landscape;

c) because of its cultural and historical value; or

d) because of their special importance for the well-being of humans and animals.

2) Interventions that change the traditional character and peculiarity of the area, have a permanent unfavorable influence on the natural balance or impair the enjoyment of nature are prohibited. The appropriate use of the area for agriculture and forestry as well as hunting and fishing are permitted.

3) The designation of protected areas as well as the determination of protection, care, maintenance and promotion measures for landscape protection areas of national importance are to be carried out by the government in agreement with the municipality by ordinance.

Art. 19 Nature reserves

1) Parts of the landscape where special protection is required may be designated as nature reserves:

a) for the conservation of communities or habitats of wild plant species or wild animal species whose existence is threatened;

b) for scientific, natural or cultural historical reasons;

c) due to their ecological function;

d) because of their rarity, special character or outstanding beauty.

2) Interventions that may lead to the destruction or damage of the nature reserve or its components or to a lasting disturbance are prohibited, without prejudice to the special provisions established in individual cases.

3) The government, in cooperation with the municipality, shall issue ordinances on the designation of protected areas and the determination of protection, maintenance and upkeep measures for nature reserves of nationwide importance. The extent of agricultural and forestry land use as well as the practice of hunting and fishing shall also be regulated.

4) To the extent necessary, nature reserves are to be shielded from external influences by ecologically sufficient buffer zones to be defined for each reserve. These buffer zones are an integral part of the protected area. Buffer zones are defined as areas that are intended to protect habitats of special conservation value from being endangered by surrounding uses and the loads they impose. Buffer zones are to be created and managed outside the habitats worthy of protection in such a way that compliance with the protection objectives in the protected areas is ensured.

Art. 20 Natural monuments

1) Certain small-scale parts of the landscape may be designated as natural monuments, the preservation of which is in the public interest due to their outstanding beauty or ecology or their ecological, scientific, natural-historical, folkloric or local significance. These include in particular characteristic soil forms, rock formations, geological outcrops, erratic blocks, springs, ponds, watercourses, old or rare trees and animal habitats.

2) Natural monuments of national importance are protected by the government in cooperation with the municipality by ordinance.

3) It is prohibited to remove, destroy or alter a natural monument of nationwide importance or any part thereof without the permission of the government.

Art. 21 Plant protection areas

The government, in cooperation with the municipality, may declare by ordinance precisely delimited areas as plant protection areas and prohibit uprooting, digging and picking as well as other damage to wild plants of all or certain species. Plant protection areas shall be marked.

Art. 22 Grassland

1) The government ensures the preservation of the rough pastures designated in the inventory of rough pastures within and outside protected areas. The term "rough pasture" refers to extensively used agricultural land on dry and semi-dry sites or alternately moist reed meadows (litter meadows), slope or fen bogs and spring swamps.

2) The state pays annual management subsidies to promote rough pastures.

3) The detailed provisions on the inventory of rough pastures, the personal and material requirements for the receipt of contributions, the amount of contributions and the procedure shall be regulated by the Government by ordinance.

4) The amount of the contribution depends on the suitability for cultivation and the difficulties of cultivation.

Art. 23 Quiet zones

1) The government, in cooperation with the municipality, may declare precisely delimited areas as quiet zones by ordinance.

2) In this context, quiet zones are large-scale wildlife habitats that are characterized by extensive tranquility and are to be kept largely free from disturbance by recreational and leisure activities.

3) In quiet zones, agricultural and forestry use, in particular the implementation of development projects, must be carried out with consideration for the quality of the living space.

D. Protection of plants and animals Art. 24

Species protection

The purpose of species protection is to protect and care for wild plants and wildlife in their natural and historically evolved diversity. It includes in particular:

a) the protection of plants and animals and their biocoenoses from human interference;

b) the protection, maintenance, development and restoration of the habitats of plant and animal species and the guarantee of their other living conditions;

c) the establishment or reintroduction of plants and animals of displaced wild species in suitable habitats of their natural range. The establishment or reintroduction of species requires a permit from the government.

Art. 25 Terms

For the purposes of this section:

a) Plants: wild plants, plants obtained by cultivation and dead plants of wild species, as well as seeds, fruits and other developmental forms of plants of wild species, and other readily recognizable parts of wild species and products obtained from them. For the purposes of this section, plants also include fungi and lichens;

b) Animals: wild, captured or bred and not abandoned or dead animals of wild species and eggs, larvae, pupae and other developing forms of animals of wild species as well as readily recognizable other parts of wild species and products derived from them.

Art. 26

General protection provisions for plant and animal species

1) It is forbidden:

a) to take wild plants from nature for economic purposes or in large quantities, to devastate their stands or to damage them without cause;

b) unnecessarily trap, kill, or wantonly disturb or harass wildlife.

2) Non-native plants and animals may not be released or established in the wild.

3) The provisions of the hunting, fishing and animal protection legislation as well as the Swiss legal provisions applicable in Liechtenstein on the basis of the customs treaty shall remain reserved.

4) The control of non-native plant and animal species is governed by the provisions of the legislation on organisms.

Art. 27

Protection of plant and animal species

1) The Government shall, by regulation, place certain plants and non-huntable animals and populations of such species under specific protection as necessary because of:

a) the endangerment of the population of native species due to human impact; or

b) the endangerment of non-native species or populations through international trade.

2) A distinction is made between protected and strictly protected plant and animal species.

3) Specifically protected plant and animal species are also those classified as endangered in international species protection conventions applicable to Liechtenstein.

Art. 28

Special provisions for handling specifically protected plant and animal species

1) It is prohibited subject to Art. 28a and 28b:

a) Cut off, pluck, tear out, dig up, remove or otherwise damage plants of specifically protected species or individual parts thereof;

b) To pursue, capture, injure, kill, or take away, destroy, or damage the eggs, larvae, pupae, or other developmental forms of the specifically protected species;

c) Disturb animals of specifically protected species at their nesting, breeding, living or refuge sites by searching, photographing, filming or similar actions;

d) to take possession of, to acquire, to exercise actual control over, to handle, or to sell fresh or dried plants of specifically protected species or parts of such plants, as well as products derived therefrom, and live or dead animals of specifically protected species or parts of such animals, their eggs, larvae, pupae, other developmental forms or nests, as well as products derived therefrom.

and process, dispense, offer, sell or otherwise place on the market.

2) The provisions of hunting, fishing and animal protection legislation remain reserved.

Exceptions

Art. 28a

a) for protected plant and animal species

1) In the case of protected plant and animal species, the Office for the Environment may order or permit exceptions to the prohibitions under Art. 28, provided that the population of a plant or animal species is not endangered. The exceptions may be limited in time and location.

2) Exceptions may be ordered or granted for the following purposes in particular:

a) for research, teaching and instructional purposes;

b) for the implementation of species conservation measures;

c) to avert hazards.

3) Exceptions shall take into account economic and recreational needs and the needs of locally threatened subspecies or forms.

4) The keeping and care of captive wild animals is governed by the provisions of animal welfare legislation.

Art. 28b

b) for strictly protected plant and animal species

1) In the case of strictly protected plant and animal species, the Office for the Environment may order or permit temporary and localized exemptions from the prohibitions under Art. 28 for the following purposes:

a) for the protection of plants and animals;

b) to prevent a significant risk to people;

c) to prevent major damage to livestock, crops, forests, fishing grounds, waters and other property;

d) in the interest of public health and safety;

e) for research, teaching and instructional purposes;

f) for the implementation of species conservation measures.

2) Exceptions according to para. 1 are only permissible if:

a) the population of a plant or animal species concerned is not endangered; and

b) there is no other satisfactory solution.

3) The Office for the Environment may commission expert third parties to carry out measures in accordance with para. 1. These shall be appropriately compensated.

4) The keeping and care of captive wild animals is governed by the provisions of animal welfare legislation.

Art. 28c

Prevention and compensation of damage caused by specifically protected animal species

1) Reasonable measures shall be taken to prevent damage by specifically protected species. Such measures include in particular:

a) technical measures;

b) Herd protection measures.

2) The state may provide financial support for measures under subsection 1.

3) Damage caused by certain specifically protected species may be compensated by the state provided that:

a) the damage is not minor; and

b) measures have been taken to prevent damage in accordance with paragraph 1.

4) The allowances are subsidiary to insurance benefits.

5) The Government shall regulate the details by ordinance. It shall determine in particular:

a) the measures taken to prevent damage;

b) financial participation in loss prevention measures;

c) the specifically protected species for which compensation for damage is paid;

d) the damages for which compensation is paid;

e) the amount of compensation for damages.

Art. 28d

Management concepts

1) If necessary, the Office for the Environment, with the involvement of the circles concerned, develops management concepts for specifically protected animal species that reconcile conservation concerns with the aim of keeping damage and conflicts within limits.

2) Management plans are subject to government approval.

Art. 29 Duty to provide information and proof of origin

1) Everyone is obliged to provide the competent authorities with the information required for the enforcement of this Act.

2) Whoever possesses or has actual control over living plants or animals of specifically protected species shall be obliged to prove their origin. This also applies to the developmental forms of these species, to the dead plants or animals of these species which are essentially completely preserved, as well as to the readily recognizable parts of plants or animals of these species and the products obtained from them.

3) The competent authorities and the investigating bodies dispatched by them may, on reasonable suspicion, enter the land, buildings, rooms and means of transport of the person obliged to provide information and inspect the containers and the necessary documents in execution of paras. 1 and 2. The person obliged to provide information must tolerate these measures, support the persons commissioned as far as necessary and submit the relevant documents.

IV. Organization and implementation

Art. 30 Government

1) The government is responsible in particular for:

a) supervising the enforcement of this Act and the ordinances issued thereunder;

b) the compilation of an inventory of protected landscapes and landscapes worthy of protection (Art. 9);

c) the development of a nature and landscape conservation concept in cooperation with the municipalities (Art. 10);

d) the granting of a permit for interventions in agreement with the municipality (Art. 13);

e) the authorization of interventions that go beyond the previous agricultural use of ecologically particularly valuable meager sites (Art. 16);

f) the protection of landscapes and parts of landscapes of national importance with the participation of the community (Art. 17, 18, 19, 20 and 21);

g) the issuance of a permit for the removal, destruction or alteration of a natural monument of statewide significance (Art. 20);

h) the preservation of the rough pastures identified in the inventory as well as the alignment of the management contributions (Art. 22);

i) the declaration of precisely delimited areas as quiet zones in cooperation with the municipality (Art. 23);

k) the authorization of the establishment or reintroduction of plant and animal species (Art. 24);

l) the protection of plant and animal species (Art. 27);

m) the approval of management concepts (Art. 28d para. 2);

n) the appointment of the Commission for Nature and Landscape Protection (Art. 32);

o) the appointment and supervision of the nature guard (Art. 34);

p) the issuance of special regulations on the maintenance of land (Art. 35);

q) the establishment, operation and maintenance of the natural history collection (Art. 38);

r) the promotion of nature and environmental education (Art. 39);

s) supporting education and training, research and perio- dal surveys of the state of nature and the landscape (Art. 40);

t) informing and advising the public on the objectives and measures of nature and landscape protection (Art. 41);

u) the ordering of precautionary measures and of functionally equivalent substitute measures (Art. 43);

v) filing applications for registration or cancellation of public law restrictions on ownership in the land register (Art. 45);

w) the issuance of orders in the event of violations of the provisions of this Act and the ordinances issued in connection therewith (Art. 46);

x) the designation of associations entitled to file complaints (Art. 47);

y) Retrieved

2) The Government may, by ordinance, delegate matters referred to in subsection 1(d), (e), (h), (p), (q), (r), (s), (t), (u), (v) and (w) to the Office for the Environment for independent execution.

Art. 31

Municipalities

1) The municipalities shall cooperate in the implementation of this Act. They shall ensure that the objectives of nature and landscape protection are met on their territory.

2) The municipalities cooperate with the state, in particular, in the protection of areas and objects that are particularly worthy of protection and in the definition of protection, care, maintenance and promotion measures for areas and objects of national importance.

3) In cooperation with the state, the municipalities are responsible for the protection of areas and objects of local importance and the definition of measures for their protection, maintenance, upkeep and promotion.

4) The municipalities shall include the protected areas and natural monuments of nationwide importance legally designated by ordinance in their zoning plans.

5) The municipalities appoint a commission to be consulted on all fundamental issues of nature and landscape protection in the municipality.

Art. 32

Commission for Nature and Landscape Protection

1) The government appoints a commission for nature and landscape protection for a period of four years. This consists of a representative of the Office for the Environment as chairman, one representative each of the municipalities and the citizens' cooperatives, three representatives of private nature conservation organizations, one representative of the agricultural sector and a landscape planner.

2) The commission advises the government on fundamental issues of nature and landscape protection, in particular on the drafting of implementing ordinances and the development of concepts.

Art. 33

Office for the Environment

1) Unless other bodies are entrusted with the implementation of this Act, the Office for the Environment shall be responsible for its implementation. The Office for the Environment shall perform the tasks assigned to it by the Government.

2) The Office for the Environment handles the administrative work of the Commission for Nature and Landscape Protection.

3) The Office for the Environment comments on all spatially effective activities and permits of the state, municipalities, corporations and institutions under public law, as well as private individuals who perform public tasks that affect nature and landscape protection, and forwards important agendas to the Commission for Nature and Landscape Protection for consideration.

4) The Office for the Environment provides information and advice to municipalities and private individuals on all matters relating to nature and landscape conservation.

Art. 34

Nature guard

1) The Government shall appoint a nature guard to assist in monitoring the provisions of this Law and the ordinances issued thereunder. The nature guards shall carry the identification card issued by the Government when exercising their

duties.

The government is obliged to carry the documents of the public security service in a visible manner. They enjoy the protection of a public security organ and are under the supervision of the government.

2) The nature guards are entitled and obliged to stop persons who violate the provisions of this Act and the ordinances issued in connection therewith, to establish their personal data, and to seize and deliver to the Office for the Environment the objects used for the crime and the unlawfully appropriated objects or living beings.

3) The nature guards are obliged to notify the Office for the Environment of all transgressions of this Act and the ordinances issued in connection therewith that come to their attention.

4) The Government shall regulate the details of the nature guard, in particular with regard to further tasks, the place of deployment, the organization and the compensation, by ordinance.

V. Special implementing provisions Art. 35

Duty of care and acquiescence

1) The government may, for reasons of nature and landscape protection and conservation, issue special regulations on the maintenance of land in certain areas.

2) Landowners and other entitled persons shall, insofar as the existing use of the land is not substantially impaired, tolerate landscape conservation and landscape design measures that serve the objectives of this Act.

a) in nature and landscape conservation areas and for natural monuments and

b) in other cases, if the natural balance or the landscape is impaired or endangered by the condition of the property, in particular if proper management is not carried out.

Art. 36

Cooperation with private nature conservation organizations

1) The state and municipalities may cooperate with private organizations active in nature and landscape conservation in the performance of their duties under this Act.

2) For services in the field of nature and landscape protection that are in the interest of the public, the state may pay an appropriate contribution to these private organizations.

Art. 36a Cooperation

with neighboring states

In the execution of this law, the competent bodies shall cooperate, as necessary, with the authorities and institutions of the surrounding states.

Art. 37

Expenses for nature conservation and landscape protection

1) The state and municipalities shall provide the financial resources for the enforcement of this Act.

2) The state and municipalities may compensate third parties for services rendered in the interest of this Act.

3) The financing key between the state and the municipalities is defined as follows:

a) The state contributes 50 % to protection, care, maintenance and promotion measures with the ordinance of legally designated landscape protection areas of nationwide importance;

b) for protection, care and maintenance measures with ordinance of legally designated nature reserves and natural monuments of nationwide importance, the state bears 100% of the costs;

c) The state makes contributions of 30% to protection, care and maintenance measures for nature reserves of local importance.

4) In all other respects, the Subsidies Act and the ordinances issued in connection therewith shall apply.

Art. 38 Natural

history collection

1) The government is responsible for the establishment, operation and maintenance of the natural history collection. This is looked after by the Office for the Environment.

2) Tasks of this collection are in particular:

a) the collection and storage of continuously accumulating natural history objects;

b) the ongoing addition of native plant and animal species to the collection;

c) the provision of collection holdings for research, education and information purposes;

d) orientation of the public about nature and landscape.

Art. 39

Nature and environmental education

1) The government promotes nature and environmental education in cooperation with the communities in schools and in continuing education. It involves hunters and fishermen, farmers and forestry personnel, and nature and environmental protection organizations.

2) This can be done in particular by including nature and environmental education in the timetable, by organizing special events or by supporting further education events.

Art. 40

Education and training; research and surveys

1) The Government shall support the education and training of persons entrusted with tasks under this Act.

2) It may commission, support or participate in research.

Art. 41

Information and advice

1) The government informs the public about the goals of nature and land protection, the results of related studies and the measures necessary to achieve these goals.

2) The government may participate in private advisory bodies or support activities of relevant organizations.

VI. Procedure and legal remedies Art. 42

Marking

1) Nature and landscape conservation areas, natural monuments as well as plant protection areas and quiet zones must always be marked on site in a suitable manner.

2) The government shall provide uniform signage, which shall, as necessary, indicate the significance of the protected object and the most important protective provisions.

3) Landowners and other entitled persons must tolerate the erection of the signs.

Art. 43

Precautionary measures

1) If there is reasonable suspicion that an object listed in the inventory is suffering damage or that its existence is endangered, the government shall take precautionary measures. These consist in particular of:

a) in the imposition of a restraint on disposal;

b) in the prohibition of alteration or destruction;

c) in the arrangement of area and functionally equivalent replacement measures in the same area at the expense of the polluter.

2) Appeals against such measures do not have a suspensive effect. The measures lapse if the procedure for protection is not initiated within three months.

Art. 43a

Establishment of the lawful state

1) If violations of the provisions of this Act or of the ordinances issued in connection therewith are detected, the competent authority shall issue the appropriate order to restore the lawful state of affairs.

2) The government, the municipalities and the Office for the Environment shall order the compulsory enforcement of the orders or decisions issued by them and, if necessary, the substitute execution instead of and at the risk and expense of the obligated party.

Art. 44

Expropriation

1) The state has the right to expropriate the protected parts of the landscape, if the objectives of this law cannot be achieved in any other way. The procedure is governed by the relevant legal provisions.

2) Owners of protected landscape areas may at any time demand that they be acquired by the state, if the protection affects them like an expropriation. Compensation is determined in accordance with the relevant statutory provisions.

Art. 45 Note in the land register

1) The protection must be recorded in the land register for all affected properties as a restriction on ownership under public law.

2) The registration and deletion of such annotations shall be made at the request of the government.

3) The Office of Justice shall notify the Government of transfers of land for which such a note is registered.

Art. 46

Legal remedies

1) Appeals against decisions of the municipalities and the Office for the Environment may be lodged with the Appeals Commission for Administrative Matters within 14 days of notification.

2) Appeals against decisions of the Appeals Commission for Administrative Matters and the Government may be lodged with the Administrative Court within 14 days of service.

3) Mere inadequacy cannot be asserted in the appeal proceedings.

Art. 47 Right of appeal

1) Private associations with their registered office in Switzerland, which have been dedicated to nature and landscape conservation or related objectives for at least ten years in accordance with their articles of association, have the right of appeal within the scope of their statutory purpose, insofar as nature and landscape conservation interests are affected.

2) Upon request, the Government shall designate the associations entitled to appeal.

Art. 48

Duty to notify

Official bodies and persons entrusted with duties under this Act who are aware of an offence under this Act or who become aware of it in the course of their duties shall be obliged to report it to the public prosecutor's office.

VII. Penal provisions

Art. 49

Misdemeanors

1) Whoever intentionally commits an act that is capable of:

a) to destroy a nature reserve, in particular to impair its natural balance;

b) Change the character of a protected landscape area or have an unfavorable effect on its natural balance;

c) Remove, destroy or alter a natural monument without government permission;

d) clearing, overflowing or otherwise destroying the riparian vegetation of water bodies,

shall be punished by the district court for misdemeanor by imprisonment for a term not exceeding one year or by a fine not exceeding 360 daily penalty units.

2) In the case of negligence, the upper penalty limits are reduced by half.

3) The right to punishment under Section 7 of the Criminal Code is reserved, provided that an offense punishable by a more severe penalty has been committed.

Art. 50

Violations

1) The Office for the Environment shall impose a fine of up to 50,000 Swiss francs or, in the event of non-collection, a custodial sentence of up to six months on anyone who intentionally:

a) interferes with nature and the landscape without a permit (Art. 13);

b) fails to take compensatory measures ordered by the authorities (Art. 13 para. 1a);

c) interferes with lean sites without a permit (Art. 16);

d) establishes or reestablishes plants and animals of displaced wild species without a permit (Art. 24 let. c);

e) violates the protection regulations of wild plants and wild animals (Art. 26);

f) violates the prohibitions for specifically protected plant and animal species (Art. 28);

g) fails to comply with the obligation to provide information to the competent authorities (Art. 29 Par. 1);

h) fails to provide proof of origin for live plants and animals of specifically protected species (Art. 29 para. 2);

i) does not support the measures required by the competent authority or does not submit the relevant documentation (Art. 29 Par. 3);

k) fails to comply with the obligation to maintain and tolerate (Art. 35);

l) does not tolerate the marking of nature and landscape protection areas, natural monuments, as well as plant protection areas and quiet zones (Art. 42 par. 3);

m) violates the provisions of the regulations issued on the basis of this Act.

2) In the case of negligent commission, the upper penalty limits are reduced to half.

3) The statute of limitations for prosecution is three years.

4) If, in addition to an offense under subsection 1, an element of the Criminal Code or an element of an offense that falls within the jurisdiction of the ordinary courts by virtue of this or another law is also fulfilled, the ordinary courts shall also be the criminal authority for offenses under subsection 1.

Art. 51

Confiscation

1) Living beings and objects to which an offence relates or which have been used for the preparation or commission of an offence shall be confiscated by the competent criminal authorities.

2) Live animals that have been confiscated shall be released immediately by a competent person, provided that this does not expose them to destruction or their release could cause adverse consequential damage to the natural environment.

3) For the rest, the confiscated living beings and objects shall become the property of the state.

Art. 51a

Criminal proceedings

1) Criminal proceedings shall be conducted before the ordinary courts in accordance with the provisions of the Code of Criminal Procedure, and otherwise in accordance with the provisions on administrative criminal proceedings of the Act on General Provincial Administrative Care.

2) The Appeals Commission for Administrative Matters is responsible for handling appeals against administrative penalty bans or administrative penalty decisions of the Office for the Environment.

Art. 52

Responsibility

If offences are committed in the business operations of a legal entity or a general or limited partnership or a sole proprietorship, the penal provisions shall apply to the persons who acted or should have acted on their behalf, but with joint and several liability of the legal entity, partnership or sole proprietorship for the fines, penalties and costs.

VIII. Transitional and final provisions

Art. 53

Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the protection of landscapes and parts of landscapes listed in the inventory as worthy of protection (Art. 17);

b) Protection, care, maintenance and promotion measures in landscape protection areas (Art. 18 Par. 3);

c) Protection, care and maintenance measures in nature reserves (Art. 19 Par. 3);

d) the protection of natural monuments (Art. 20 par. 2);

e) the designation of plant protection areas (Art. 21);

f) the inventory of rough pastures as well as the conditions for receiving rough pasture contributions, the amount of the contribution and the procedure (Art. 22 Para. 3);

g) the designation of quiet zones (Art. 23 par. 1);

h) the protection of plants, animals and populations (Art. 27 Para. 1); hbis) the prevention of damage and compensation for damage (Art. 28c);

i) the nature guard (Art. 34 par. 4).

Art. 54 Continued application of previous law

The ordinances and individual decrees issued on the basis of the previously applicable Nature Conservation Act shall remain in force until they are repealed, provided that they do not contradict the content of the present Act.

Art. 55 Repeal of previous law

It is repealed:

a) the Act of July 3, 1933 on the Protection of Nature (Nature Protection Act), LGBl. 1933 No. 11, as amended by the Act of December 21, 1966, LGBl. 1967 No. 5, of the Act of July 7, 1977, LGBl. 1977 No. 56, and the Act of May 20. 1987, LGBl. 1988 No. 38;

b) the Act of 15 November 1988 on the payment of area contributions for the preservation of rough pastures, LGBl. 1988 No. 59.

Art. 56 Entry into force

This Act shall enter into force on the day of its promulgation.

XXIII. Patent Attorneys Act (PAG)

of December 9, 1992

on patent attorneys

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Subject and purpose

1) This law regulates the admission to the profession of patent attorney and the practice of the profession of patent attorney in Liechtenstein.

2) In particular, it serves to implement Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (EEA Law Series: Annex VII - 1.).

Art. 1a Definitions and designations

1) The terms used in this Act in connection with the recognition of professional qualifications shall be governed by Article 5 of the Act on the Recognition of Professional Qualifications.

2) The designations of persons and functions used in this Act shall apply to persons of the female and male genders.

Ia. Authorization requirement Art. 1b Prerequisites

1) The practice of the profession of patent attorney requires a license from the Financial Market Authority (FMA).

2) The permit is issued if the applicant8

a) is capable of acting,

b) is trustworthy,

c) has Liechtenstein citizenship or the citizenship of a Contracting Party to the Agreement on the European Economic Area or is treated as such on the basis of an international treaty,

d) Retrieved

e) has successfully completed at least three years of technical or scientific studies at a university or college recognized by the government,

f) has successfully passed the qualifying examination for professional representatives before the European Patent Office (Art. 2) and

g) has successfully passed the patent attorney examination (Art. 3).

3) The proofs of fulfillment of the requirements pursuant to Paragraph 2 a) and b) must not be older than three months at the time of their presentation.

4) The documents according to Annex VII of Directive 2005/36/EC are equivalent to the proofs according to paragraph 2.

5) The permit is highly personal and non-transferable.

Art. 2

Qualifying examination of the European Patent Office

The qualifying examination for professional representatives before the European Patent Office is an examination concerning, in particular, knowledge of European patent law under the European Patent Convention and the Agreement on Community Patents, the Paris Convention, the Patent Cooperation Treaty, all decisions of the Enlarged Board of Appeal and the landmark decisions of the case law of the European Patent Office, as well as their practical application.

Art. 3 Patent

attorney examination

The patent attorney examination is a state examination exclusively concerning the professional knowledge of the applicant with regard to the legislation and jurisdiction applicable in Liechtenstein in the field of industrial property protection, which is intended to assess his ability to exercise activities within the meaning of Art. 8 in the Principality of Liechtenstein.

Art. 4

Admission to the patent attorney examination

1) An applicant is admitted to the patent attorney examination if he or she

a) Retrieved

b) fulfills the requirements according to Art. 1b Para. 2 Letters a to c, e as well as f.

2) The FMA decides on the admission to the patent attorney examination.

3) Patent attorney examinations are usually held once a year.

4) If the patent attorney examination is not passed, it can be repeated at the earliest after one year. If the second examination is also failed, a second and final repetition can take place at the earliest three years after the second examination.

5) Retrieved

Art. 5

Scope of the patent attorney examination

1) The patent attorney examination consists of a written and an oral examination.

2) The written exam includes two papers:

a) Patent, trademark, design and model law;

b) Competition law, in particular unfair competition law, insofar as it relates to intellectual property issues, in particular industrial property rights, and copyright law.

3) The written examination must be taken by the candidate under the supervision of a member of the examination board.

4) The oral examination takes place at the earliest one month and at the latest two months after the last written paper has been submitted. It is to be taken before the examination board and comprises:

a) the professional law of patent attorneys;

b) the fundamentals of civil law and civil procedure law, insofar as they are relevant to the patent attorney's activities; and

c) the examination subjects according to par. 2.

5) The government shall establish examination regulations by means of an ordinance on the proposal of the examination commission.

Art. 6

Examination board

1) The patent attorney examination must be taken before the examination board for patent attorneys.

2) The Board of Examiners for Patent Attorneys is appointed by the government for four years at a time. It consists of three members and the same number of substitute members. It shall be chaired by a district judge, composed of one attorney-at-law and one patent attorney.

3) The members of the examination board are independent in the exercise of their office.

4) The examination board determines the place and time of the examination.

5) If the patent attorney examination is passed, the examination board issues a confirmation.

6) Decisions or orders of the Examination Commission may be appealed to the Government within 14 days from the date of notification on the grounds of defects of law and procedure. The same shall apply in the event of an appeal to the Administrative Court.

Art. 7

Retrieved

II. Rights and obligations

Art. 8

Activities

1) The license granted pursuant to Art. 1b entitles the licensee to act as counsel and representative in all intellectual property matters, in particular in patent, trademark, design and model matters as well as in related matters of unfair competition and copyright.

2) The activity is always businesslike if it is carried out independently and for remuneration or if the profit-seeking intention can be inferred from the frequency of the activity or from other reasons.

Art. 9 35

Profession or business name

The holder of a license pursuant to Art. 1b shall use the professional title "patent attorney" or another professional or business title approved by the FMA.

Art. 10

Chancery duty

The patent attorney is required to maintain an office with its seat in the Principality of Liechtenstein.

Art. 11

Representative duties

The patent attorney is obliged to conduct the assumed representation in accordance with the law and to represent the rights of his party against everyone in a faithful and conscientious manner. He is authorized to present everything that he considers useful according to the law for the representation of his party, to use his means of attack and defense in any way that does not contradict his authority, his knowledge and the law.

Art. 12

Conflict of interest

1) The patent attorney is not obliged to represent a party. He must refuse to advise or represent a party if he represents or has represented the opposing party in this or in a directly related matter or if he becomes aware that the advice or representation could bring him into conflict with the duties he has assumed.

2) In his conduct and in particular in the exercise of his profession, the patent attorney shall have regard to the honor and reputation of his profession.

Art. 13

Cessation of representation

1) The patent attorney may terminate the assumed representation at any time. In this case, however, the patent attorney shall remain obliged to act on behalf of the terminated party for a period of two months from the service of the notice of termination to the extent necessary to protect the party from legal disadvantages.

2) Upon termination of the representation, the patent attorney shall be obliged to deliver to the party, upon his request, the original documents and files belonging to him. However, he may retain copies of the documents and files handed over. Receipts for payments made and not yet reimbursed to him need not be handed over by the patent attorney, but copies must be handed over to the party at his request and at his expense.

3) Documents and files shall be kept for five years after the end of the representation.

4) The power of attorney does not have to be returned to the party after the power of attorney relationship has ceased. However, the party may make the revocation of the power of attorney evident on it.

Art. 14

Keeping books and records

The patent attorney shall be obliged to keep such books and records of his activities as are necessary to enable his deputy or successor to continue or carry out his activities without complaint.

Art. 15

Fee

1) The patent attorney shall be entitled to a reasonable fee for his services to the party.

2) For services which, due to their simplicity or recurrence, permit an average assessment, the Government may fix the amount of the fee by way of a tariff.

3) The tariff shall apply both between the parties and their patent attorney and when determining the costs if these are to be reimbursed by a party in patent office proceedings.

4) The right of free agreement remains unaffected.

Art. 16

Secrecy

1) The patent attorney shall be bound to secrecy concerning the matters entrusted to him and the facts otherwise made known to him in his professional capacity, the secrecy of which is in the interest of his client. He has the right to this secrecy in judicial and other official proceedings in accordance with the provisions of procedural law.

2) The patent attorney's right to confidentiality may not be violated by judicial or other official measures, in particular by questioning the patent attorney's assistants or by requiring the disclosure of documents, images or other information.
The prohibition of the use of any media, sound or data carriers (documents), or of the use of any material on such media, sound or data carriers (documents), shall not be circumvented; this shall be without prejudice to any special regulations governing the demarcation of this prohibition.

Art. 17 Liability insurance

1) Before commencing his professional activity, every patent attorney shall be obliged to prove to the FMA that a liability insurance policy exists to cover the claims for damages against him arising from this activity. He shall maintain the insurance for the duration of his professional activity and prove this to the FMA upon request.

2) If the patent attorney fails to comply with his obligation under paragraph 1 despite being requested to do so, the FMA shall order him to cease practicing as a patent attorney until proof of compliance with this obligation has been provided.

3) The minimum insurance sum shall be two million Swiss francs.

Art. 18

Advertising

1) The patent attorney may provide information about his services and his person, provided that the information is factually correct, directly related to his profession and justified by an interest of the public. He may not emphasize his service or his person in an advertising manner.

2) The patent attorney may neither cause nor tolerate third parties to engage in advertising on his behalf which he himself is prohibited from doing.

III. Disciplinary powers Art. 19

Disciplinary offense

1) A patent attorney who culpably violates the duties of his profession or damages the honor or reputation of the profession by his professional conduct commits a disciplinary offense.

2) A patent attorney commits a disciplinary offense through extra-professional conduct if it is likely to substantially impair his trustworthiness.

Art. 20 Competence

1) Disciplinary authority over patent attorneys is exercised by the Supreme Court.

2) An appeal against a disciplinary decision of the Supreme Court is admissible to the Supreme Court.

Art. 21 Disciplinary proceedings

1) Disciplinary proceedings against patent attorneys shall be initiated ex officio or upon notification.

2) The criminal authorities shall, upon initiation of criminal proceedings against a patent attorney for a felony or misdemeanor, immediately report the matter to the superior court.

Art. 22 Disciplinary sanctions

1) The disciplinary sanctions to be applied are:

a) the written reprimand;

b) Fines up to the amount of 50 000 francs;

c) Disqualification from practicing as a patent attorney for a period of one year;

d) Imposition of a professional ban.

2) The disciplinary sanction of disqualification from practicing as a patent attorney may be conditionally suspended in whole or in part, subject to a probationary period of not less than one year and not more than three years, provided that it may be assumed that the threat thereof would be sufficient to deter the accused from committing further disciplinary offenses.

3) In addition to the unconditional or fully conditional disciplinary sanction of disqualification from practicing as a patent attorney, a fine may also be imposed.

4) When imposing the disciplinary penalty, particular consideration shall be given to the extent of the fault and the resulting disadvantages for the client and, when assessing the fine, also to the client's income and assets.

Art. 23 Interim measures

1) The high court may order provisional measures against a patent attorney if

a) the patent attorney has been convicted of a felony or misdemeanor by a court of law;

b) the disciplinary sanction of permanent disqualification from practicing the profession is pronounced;

and the provisional measure is necessary in view of the nature and gravity of the disciplinary offense with which the patent attorney is charged.

2) Before a decision on an interim measure is taken, the patent attorney must be given the opportunity to comment.

3) Interim measures shall be revoked, amended or replaced by another if it becomes apparent that the conditions for the order do not or no longer exist or that the circumstances have changed significantly.

4) Interim measures shall cease to have effect upon the legally binding termination of the disciplinary proceedings.

Art. 24

Complaint

An appeal may be lodged with the Supreme Court against a decision to initiate or discontinue proceedings, against the ordering or refusal of an interim measure and against a decision imposing a disciplinary measure within 14 days of service.

Art. 25

Procedural provisions

Unless otherwise provided above, the provisions of the Code of Criminal Procedure shall apply accordingly to disciplinary proceedings against patent attorneys.

IV. Expiry of the permit Art. 26

Termination of the patent attorney profession

1) The license to practice the profession of patent attorney shall expire:

a) Retrieved

b) Retrieved

c) by the loss of the ability to act;

d) by the legally effective opening of bankruptcy proceedings until its legally effective annulment and the legally effective rejection of a bankruptcy petition for lack of assets to cover costs;

e) by the abandonment of the firm;

f) by the waiver of the patent attorney;

g) as a result of a disciplinary decision.

2) If all legal requirements are met, the license to practice the profession of patent attorney in a businesslike manner shall be reissued.

V. Legal entities Art. 27

Approval

1) Authorization to carry on the business activities referred to in Art. 8 shall be granted to legal entities domiciled in Liechtenstein if

a) the majority of the capital in this legal entity, which also includes the majority of the voting rights, is legally and economically owned by Liechtenstein citizens or citizens of a Contracting Party to the Agreement on the Economic Area, and1

b) a managing director who fulfills the requirements pursuant to Art. 1b par. 2 or who holds a license from the FMA pursuant to Art. 31 is employed full-time in the administration of this legal entity.

2) The provisions of Articles 11 to 16 and 19 to 21 of this Act shall apply mutatis mutandis to the managing director referred to in subsection 1(b).

3) The FMA may at any time take such measures as it deems appropriate to verify whether the requirements pursuant to par. 1 are met.

Art. 28

Comp

any

Legal entities shall choose a company or business name that corresponds to the intended activity. The company or business name must be approved by the FMA.

Art. 29 Applicable provisions

Otherwise, the provisions of Articles 10, 17, 18 and 26 shall apply mutatis mutandis to legal entities.

VI. Establishment of Patent Attorneys from the European Economic Area Art. 30

Principles

1) Nationals of a Contracting Party to the Agreement on the European Economic Area who are authorized to practice as patent attorneys in accordance with the regulations of their home country may establish themselves in the Principality of Liechtenstein in order to practice as patent attorneys.

1a) A diploma awarded on the basis of training which has not predominantly taken place in the European Economic Area shall entitle the holder to establishment within the meaning of para. 1 if:

a) the holder has actually and lawfully practiced the profession of patent attorney for at least three years; and

b) the Contracting State to the Agreement on the European Economic Area which has recognized the diploma certifies the exercise of the profession within the meaning of subparagraph (a).

2) Nationals of other states may also establish themselves in the Principality of Liechtenstein within the meaning of para. 1 for the purpose of exercising this activity, provided that corresponding reciprocal agreements have been concluded with these states.

3) The persons referred to in paragraph 1 shall, in addition to the rules of professional conduct applicable in the home country, be subject to the same rules of professional conduct and ethics as domestic patent attorneys with respect to all activities they perform in the home country.

Art. 31 Licensing requirements

1) Establishment within the meaning of Art. 30 requires a license from the FMA.

2) The applicant shall provide the following evidence:

a) on the authority pursuant to Art. 30;

b) on the fulfillment of the requirements pursuant to Art. 1b Para. 2 Letters a and b;

c) Retrieved

d) has a professional qualification comparable to the professional qualification of a Liechtenstein patent attorney;

e) two years of full-time and independent practice of the profession of patent attorney in the home country within the last ten years, provided that the profession of patent attorney or the relevant training is not regulated in this country;

f) on the successful completion of the qualifying examination (Art. 32 ff.);

g) on the seat of the law firm in the Principality of Liechtenstein;

h) about the existence of liability insurance within the meaning of Art. 17.

3) The recognition of training certificates is carried out in accordance with the provisions of the Act on the Recognition of Professional Qualifications.

Art. 32

Suitability test

1) The qualifying examination is a state examination exclusively concerning the professional knowledge of the applicant, which is intended to assess his ability to exercise the activities of a patent attorney within the meaning of Art. 8 in the Principality of Liechtenstein.

2) The aptitude test must take into account the fact that the applicant has a professional qualification to practice as a patent attorney in a Contracting State to the Agreement on the European Economic Area.

Art. 33

Acceptance of the proficiency test

The Examining Board for Patent Attorneys (Art. 6) is responsible for conducting the qualifying examination.

Art. 34

Admission to the qualifying examination

1) The FMA decides on the admission to the proficiency test.

2) Admission to the qualifying examination shall be refused if the applicant does not meet the legal requirements or does not submit or fails to submit the necessary documents and declarations.

Art. 35

Written and oral examination

1) The aptitude test consists of a written and an oral examination. It is taken in German.

2) The written examination comprises two papers. One paper relates to the compulsory subject Patent, Trademark, Design and Model Law, the other to one of the following elective subjects determined by the applicant:

a) Competition law, in particular unfair competition law, insofar as it relates to intellectual property issues, in particular industrial property rights;

b) Copyright.

3) The applicant will be admitted to the oral examination only if both written papers meet the requirements; otherwise, the examination will be considered failed. The oral examination comprises:

a) the professional law of patent attorneys;

b) the fundamentals of civil law and civil procedure law, insofar as they are relevant to the patent attorney's activities; and

c) the elective subject according to paragraph 2, in which the applicant has not written a paper.

4) The contents of the examination shall be specified in more detail

by ordinance. Art. 36 60

Assessment of the proficiency test

The examination board decides on the basis of the overall impression of the performance in the written and oral examination whether the applicant has the knowledge required by Art. 32.

Art. 37

Legal

remedies

Decisions or orders of the Examination Commission may be appealed to the Government within 14 days from the date of notification on the grounds of defects of law and procedure. The same shall apply in the event of an appeal to the Administrative Court.

Art. 38 Applicable

provisions

1) Art. 4 par. 3 and 4, Art. 5 par. 3 and 4 as well as Art. 6 par. 4 and 5 shall apply accordingly to the performance of the proficiency test.

2) Art. 9 applies accordingly to the professional and business designation.

Art. 39

Retrieved

VII. Exercise of the freedom to provide services

Art. 40

Principle

1) Nationals of a Contracting Party to the Agreement on the European Economic Area who are authorized to practice as patent attorneys in accordance with the regulations of the State in which they are domiciled (State of origin) may temporarily exercise this activity across borders in the Principality of Liechtenstein.

2) Nationals of other countries may also temporarily carry out this activity in the Principality of Liechtenstein on a cross-border basis within the meaning of paragraph 1, provided that corresponding reciprocal agreements have been concluded with these countries.

Art. 41

Prerequisites

1) Before taking up an activity in Austria, the persons referred to in Art. 40 shall notify the FMA in writing. The FMA shall confirm receipt of the notification in writing.

2) The following evidence must be enclosed with the notification:

a) a certificate stating that the service provider is lawfully engaged in the activity in question in the country of origin and that he is not prohibited, even temporarily, from engaging in that activity at the time the certificate is presented;

b) a professional qualification certificate;

c) proof of two years of full-time and independent practice of the profession of patent attorney in the home country within the last ten years, provided that the profession of patent attorney or the relevant training is not regulated in that country;

d) a proof of citizenship;

e) proof of the existence of liability insurance as defined in Art. 17.

3) This declaration must be renewed once a year if the service provider intends to provide services in Austria temporarily or occasionally during the year in question. Furthermore, it must be renewed immediately if there is a significant change from the previously certified situation.

4) The FMA is responsible for prohibiting the provision of services and, if necessary, for informing the courts or administrative authorities if the prerequisites pursuant to paragraph 2 are not or are no longer met.

Art. 42

Registered office

The persons designated in Art. 40 are not obliged, but also not entitled, to establish a registered office in the Principality of Liechtenstein.

Art. 43

Professional title

Any person practicing the activities of a patent attorney in the Principality of Liechtenstein in accordance with Article 40 shall use the professional title which he is entitled to use in the State in which he is established (State of origin) in accordance with the law applicable there, in the language or one of the languages of the State of origin.

Art. 43a Agent for service of process

1) For service in judicial and administrative proceedings, the persons referred to in Article 40 shall, as soon as they become active in the proceedings before the courts or administrative authorities, designate as agent for service a person included in the list referred to in Article 48c; the designation shall be made to the court or administrative authority. Service intended for the persons referred to in Article 40 shall be effected on the person authorized to accept service.

2) If no representative has been appointed, service shall be effected on the persons referred to in Art. 40 by deposit with the court or administrative authority.

Art. 44

Professional duties

The persons referred to in Article 40 shall be subject to the professional duties incumbent on patent attorneys under this Act.

Art. 45

Disciplinary authority

Disciplinary authority over the persons referred to in Article 40 shall be exercised by the Supreme Court in accordance with the provisions of Articles 19 to 25.

Art. 46 Foreign companies

1) The provisions of Art. 40 et seq. shall also apply to companies that have their registered office in a state that is a party to the Agreement on the European Economic Area.

2) The provisions of Art. 40 shall apply to the responsible manager of the company concerned.

VIIa. Cooperation Art.

46a

Cooperation with other domestic authorities and agencies

1) Within the scope of its supervision, the FMA shall cooperate with other domestic authorities and agencies to the extent necessary to fulfill its duties under this Act.

2) The competent domestic authorities and agencies shall transmit to each other personal data, including personal data on criminal convictions and criminal offenses, to the extent necessary for the performance of their duties.

3) The courts shall forward to the FMA, without being requested to do so, all decisions of a disciplinary or criminal nature that the FMA requires to fulfill its duties under this Act.

Art. 46b

Cooperation with competent bodies of EEA Member States

1) The FMA shall provide administrative assistance to the competent authority of another EEA member state in order to facilitate the application of Directive 2005/36/EC.

2) The FMA shall inform the competent body of another EEA member state of the existence of disciplinary or criminal sanctions.

3) The FMA may exchange the information pursuant to paras. 1 and 2 with the competent authorities of another EEA member state in compliance with the provisions of data protection law if:

a) the sovereignty, security, public order or other essential lan- dary interests are not impaired or violated;

b) the recipients or employed and authorized persons of the competent body of the EEA Member State are subject to an equivalent duty of confidentiality;

c) it is ensured that the information disclosed is only used for financial market supervisory purposes; and

d) the information is only disclosed for those purposes to which the FMA has expressly consented.

4) In other respects, cooperation with competent authorities of other EEA member states is governed by Art. 26b paras. 2 and 4 FMAG.

VIII. Penal provisions

Art. 47

Misdemeanor

Any person who, without authorization, carries out in a businesslike manner an activity reserved by this Act to patent attorneys shall be punished by the District Court for a misdemeanor with a term of imprisonment of up to three months or with a fine of up to 180 daily penalty units.

Art. 48

Violations

1) Any person who uses the professional title "patent attorney" or an equivalent designation without authorization shall be punished by the District Court for an infringement with a fine of up to 50,000 Swiss francs, or in the case of irrecoverability, with imprisonment for up to six months.

2) Any person who, in the exercise of activities within the meaning of Articles 8, 30 and 40 of this Act, uses a professional or business name or company name that has not been approved by the FMA shall be punished by the Regional Court for a misdemeanor with a fine of up to 20,000 francs, or in the case of irrecoverability, with imprisonment for up to three months.

VIIIa. Applications, data processing, fees and legal protection74

Art. 48a.

Completion of applications

1) In the case of applications under this Act, the FMA shall issue an acknowledgement of receipt of the submitted documents within the shortest possible period of time, but no later than within one month, and shall inform the applicant of any missing documents.

2) The procedure for reviewing an application must be completed within the shortest possible time, but no later than three months after submission of the complete documentation.

Art. 48b

Processing of personal data

1) The competent domestic authorities and agencies may process or cause to be processed personal data, including personal data relating to criminal convictions and criminal offenses of 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. 48c

List

The FMA shall include all natural persons and legal entities subject to this Act in a list. This list is publicly accessible and is updated regularly. It may be consulted by means of a retrieval procedure.

Art. 48d

Fees

The fees are based on the financial market supervision legislation.

Art. 48e

Legal remedies

1) Decisions or orders of the FMA may be appealed to 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.

3) The right of appeal under the special provisions of this Act is reserved.

IX. Transitional provisions Art. 49

Patent Attorneys

All licenses previously granted under the Act of November 13, 1968 on Lawyers, Legal Agents, Trustees, Asset Managers, Auditors, Financial Advisors, Economic Advisors, Tax Advisors, LGBl. 1968 No. 33, as amended by the Acts of July 5, 1979, LGBl. 1979 No. 44, and April 29, 1987, LGBl. 1987 No. 29, shall remain in force.

Art. 49a

Principal occupation

The activity as managing director in accordance with Art. 7 of the Asset Management Act in an asset management company does not preclude the principal occupation within the meaning of Art. 27 Para. 1, provided that the managing director is authorized to manage assets on a commercial basis at the time the Asset Management Act enters into force.

Art. 50 Lawyers and

legal agents

Retrieved

Art. 51 Liability

insurance

The obligation to take out liability insurance shall also apply to pa- tent attorneys and legal entities pursuant to Art. 27 who are already active when this Act comes into force. The Government may set corresponding deadlines.

Art. 52

Examination board

The Examination Board for Patent Attorneys shall be appointed within two months of the entry into force of this Act.

X. Final provisions Art. 53

Entry into force of the law

With the exception of Articles 30 to 46, this Act shall enter into force on the day of its promulgation.

Art. 54

Entry into force of Art. 30 to 46

1) Subject to paragraph 2, Articles 30 to 39 shall enter into force on the date of entry into force of the Agreement on the European Economic Area.

2) For nationals of a Contracting Party to the Agreement on the European Economic Area who were not already domiciled in the Principality of Liechtenstein before the Agreement came into force, Articles 30 to 39 shall only apply from 1 January 1997.

3) Provided that the Principality of Liechtenstein is a Contracting Party to the Agreement on the European Economic Area on the date mentioned below, Articles 40 to 46 shall enter into force on 1 January 1997.

Art. 55

Expiry

Provided that the Principality of Liechtenstein is a contracting party to the Agreement on the European Economic Area on the date mentioned below, Art. 26 (1) (a) and (b) shall cease to apply on 31 December 1996.

Art. 56

Repealed

Art. 57

Repealed

Art. 58

Amendment of Art. 27 para. 1 let. a

Article 27(1)(a) shall read as follows as from 1 January 1997, subject to the outcome of the review of this period by the EEA Joint Committee at the end of the transitional period:

a) the majority of the capital in this legal entity, which also includes the majority of the voting rights, is legally and economically owned by Liechtenstein citizens or citizens of a Contracting Party to the Agreement on the Economic Area, and

Art. 59

Retrieved

Art. 60 Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 60a

Retrieved

Art. 61 Repeal of previous law

The Law of November 13, 1968, on Lawyers, Legal Agents, Trustees, Auditors and Patent Attorneys, LGBl. 1968 No. 33, and the Law of July 5, 1979, amending the Law of November 13, 1968, on Lawyers, Legal Agents, Trustees, Auditors and Patent Attorneys, LGBl. 1979 No. 44, are repealed insofar as they concern patent attorneys.

XXIV. Police Act (PolG)

from 21 June 1989

on the State Police (Police Act; PolG)1

I. General provisions Art. 1

Scope of application; job and function titles

1) This Act regulates the tasks, organization, rights and duties of the National Police.

2) Special regulations apply to the municipal police. The municipal police and the state police support each other.

3) Police officers are members of both sexes. This also applies to job titles.

Art. 2

Tasks

1) The state police have the following responsibilities:

a) it is responsible for maintaining public safety and order and takes measures to avert imminent danger or disturbances that have occurred (danger prevention);

b) it makes preparations to be able to avert future hazards (hazard prevention);

c) it conducts investigations in accordance with the Code of Criminal Procedure;

d) it shall take precautions for the prosecution of criminal offenses and shall take measures for the prevention of criminal offenses (preventive combating of criminal offenses);

e) it recognizes, prevents and combats violence during sporting events;

f) it monitors and regulates traffic on public roads in accordance with the Road Traffic Act and takes measures to prevent accidents;

g) it determines the whereabouts of missing persons;

h) it provides assistance in the event of accidents and disasters and initiates the necessary emergency measures;

i) in accordance with the Civil Protection Act, it ensures the overall management of the operation and the coordination of the measures ordered if an accident or a special or extraordinary situation requires the deployment of the police,

Fire department and other organizations required;

k) it performs the functions of a National Central Bureau within the meaning of the Statutes of the International Criminal Police Organization (INTERPOL);

l) it shall implement the provisions of the Schengen acquis applicable to Liechtenstein in accordance with national law;

m) it shall ensure, as the competent authority, the establishment, operation, security and maintenance of the national section of the Schengen Information System (SIS);

n) in its function as SIRENE Bureau, it is in particular the contact, coordination and consultation point for the exchange of information in connection with alerts in the Schengen Information System (SIS) and, as such, checks the admissibility of domestic and foreign alerts in the SIS, insofar as this is not reserved for the courts;

o) it shall act as the National Contact Point for the European Police Office (EUROPOL), designate a Liaison Officer and be responsible for the execution of the Agreement of 7 June 2013 on operational and strategic cooperation between the Principality of Liechtenstein and the European Police Office;

o) it performs the task of the national contact point for the European Border and Coast Guard Agency (FRONTEX), maintains the national coordination center for the exchange of information, cooperates with other national coordination centers and the Agency, maintains the national com- ponents of the EUROSUR system, and represents Liechtenstein in the Agency's Management Board;

p) it protects persons who are involved in criminal proceedings to clarify a serious criminal act and are therefore particularly endangered, as well as any endangered relatives (§ 72 StGB) of these persons (witness protection);

p) it supervises the nationwide 144 ambulance service by receiving the ambulance calls, making an initial assessment of the reported emergency situations and dispatching the appropriate ambulance service;

q) it carries out orders from state administration offices, administrative authorities and courts, if police assistance is provided for in laws or regulations or is indispensable for the implementation of laws and regulations.

2) It shall also be the duty of the state police, in accordance with this Act, to detect at an early stage any threats to the existence of the state and its institutions and to deal with such threats by applying the powers vested in it under this Act or under other legal provisions.

and to combat threats to the powers vested in the state (state protection). Such threats are considered to be:

a) Activities aimed at forcibly changing the state order;

b) Terrorism;

c) Attacks against the state, disruption of relations with foreign countries, treason and economic intelligence;

d) violent extremism;

e) organized crime;

f) Preparations for prohibited trafficking in weapons and radioactive materials and prohibited technology transfer.

3) The National Police shall also perform the tasks assigned to it by special regulations.

Art. 3

Position

The National Police is an armed organization and constitutes a special office of the National Administration within the meaning of this Law.

Art. 4

Inventor

y

The state parliament sets the target level of the state police force.

Art. 5

Equipment

The state police are uniformed, equipped and armed by the state.

Art. 6

Deployment of foreign police forces

1) The Government may request the deployment of police forces from other states if the national police are unable to perform their duties from their own forces. In such a case, police forces of other states have the same rights and duties as Liechtenstein police officers. Their measures shall be considered as those of the National Police.

2) The Government may authorize the deployment of police forces in other states, provided that a justified request is made. The deployed police shall be subject to the rights and obligations of the state concerned.

3) The Chief of Police may grant foreign police officers an internship with the National Police, provided there is reciprocity. However, the foreign police officers may not perform any official acts.

4) The provisions on international administrative assistance and intergovernmental regulations remain reserved.

II. Organization

A. General

Art. 7

Outline

The State Police, under the direction of the Chief of Police, is divided into:

a) the police corps;

b) the aspirants;

c) the civilian employees; and

d) the riot police.

Art. 7a

Sovereign rights and police powers

1) The members of the police corps, in order to perform their duties, have ho-het rights and exercise police powers.

2) For the duration of their provisional employment (Art. 12, para. 1a), aspirants shall be on an equal footing with members of the police corps with regard to their rights and powers under para. 1.

3) The government may, by ordinance, provide that civilian employees, after appropriate training, may in justified cases have sovereign rights and exercise individual police powers.

Art. 8

Subordination

The National Police shall be subordinate to the Government, without prejudice to the right to issue instructions to the member of the Government responsible according to the allocation of responsibilities. Art. 20 remains reserved.

Art. 9

Supervision

1) 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.

2) Supervision includes the examination of the legality, expediency, speed and simplicity of the performance of tasks, in particular also in the case of independent business execution within the meaning of Art. 78 Para. 2 of the Constitution.

3) Supervision shall be exercised by suitable means appropriate to the individual case, usually through reporting and inspection of files.

Art. 10 Riot police

1) The Government may call upon volunteers to perform auxiliary services in support of the National Police. The employment of such persons shall be governed by public law.

2) The Government shall regulate by ordinance in particular:

a) the requirements for the commencement and termination of the employment of on-call police officers;

b) the duties and obligations as well as the status, armament and remuneration of military police officers.

B. Admission and training Art. 11 Principle

1) Only Liechtenstein citizens who meet the minimum requirements for admission may be admitted to the National Police.

2) The government regulates the minimum requirements by decree.

3) Exceptionally, in justified cases and with the prior consent of Parliament, the requirement of Liechtenstein citizenship pursuant to paragraph 1 may be waived for the admission of police officers.

Art. 12 Admission

1) Admission to the state police requires successful completion of the prescribed police school and passing the professional examination set by the government.

1a) Aspirants shall, after completion of their basic training, be provided with an internship until successful completion of the professional examination pursuant to para. 1.

The new recruits were accepted into the state police corps and deployed in accordance with their training.

2) Passing an entrance examination and completing basic training at a police academy for police trainees as well as the age requirements may be waived when employing police officers as specialists for management and special technical functions, provided they have a relevant university or technical college diploma or an equivalent training certificate. In this case, however, police-specific further training must be completed, for which purpose foreign training and further training institutions may also be sought.

Art. 13

Police school

The Government shall provide for the education and training of the National Police. For this purpose, it may order the attendance of foreign police schools.

Art. 14

Organization and service regulations

The Government shall regulate the organization and service operation of the National Police in an ordinance. This contains, in particular, provisions on:

a) the tasks of the individual police departments;

b) the duties of the police officers;

c) the admission requirements and the admission procedure;

d) the objectives of basic and advanced training;

e) the use of police resources;

f) the uniform, equipment and armament.

C. Service regulations

Art. 15

Principle

The employment relationship of police officers shall be governed by the provisions of the State Personnel Act.

Art. 16

Incompatibility

Judicial functions are incompatible with service in the state police.

Art. 17

Legal advice

1) The government may appoint legal counsel to police officers if criminal proceedings are opened against them for official acts.

2) The costs may be recovered in whole or in part if the person concerned is found guilty.

III. Rights and duties

A. General

Art. 18

Exercise of duty

The state police are on duty all the time. The service is performed armed. The civilian, unarmed branches of service and the military police are exempt from this rule, insofar as they perform their duties unarmed.

Art. 19

Duty of identification

1) The plainclothes police officer shall identify himself before each official act, if circumstances permit.

2) The uniform is considered as an identity document. The police officer in uniform shall identify himself/herself if requested to do so during an official act and if the circumstances allow it.

3) Retrieved

Art. 20

Judicial assistance

1) The courts are entitled to use the services of the National Police in their proceedings and in the execution of decisions and to give them orders. These rights are also available to the public prosecutor in accordance with the provisions of the Code of Criminal Procedure.

2) The state police, insofar as it is required to enforce court orders, shall be subject to the court.

B. Principles of police action Art. 21 Legality

The National Police performs its duties on the basis of and in accordance with the law.

Interventions

Art. 22

a) Admissibility

Without a special legal basis, freedom and property may only be interfered with if a serious and immediate threat to or disturbance of public safety and order cannot be averted in any other way.

Art. 23

b) Proportionality

1) Interventions must be suitable for maintaining or establishing the lawful condition.

2) They must not go beyond what is necessary to achieve the purpose pursued.

3) They must not lead to a disadvantage that is disproportionate to the intended purpose.

Art. 23a

Disturber

principle

1) Police action is directed against the person who directly disturbs or endangers public safety or order or is responsible for the behavior that leads to a disturbance or endangerment.

2) If a disturbance or threat to public safety and order emanates directly from an animal or an object, police action is directed against the person who, as the owner or for another reason, exercises the actual power of disposal over the animal or the object.

3) Police action may be directed against persons other than those mentioned in paras. 1 and 2, if:

a) a significant disturbance or an imminent significant danger is to be averted;

b) measures against the obligated persons pursuant to paras. 1 and 2 are not possible in a timely manner or are not promising; and

c) the other persons can be claimed without any significant risk to themselves and without any infringement of higher-value legal interests.

Art. 23b Deferral of intervention

1) The state police may refrain from immediate intervention if there is an overriding interest:

a) in the defense of a criminal association consisting of three or more persons who associate with the intent to continue committing judicially punishable acts;

b) to prevent or terminate a crime (Section 17(1) of the Criminal Code) against life, limb, morals, liberty or property planned or started by a particular person.

2) Postponement of the intervention is only permissible if it does not pose a serious risk to the life, limb or freedom of third parties.

3) Permissible postponement of intervention also includes monitoring the transport of objects and assets to, from or through Liechtenstein, in particular in connection with illicit trafficking in narcotics, weapons, explosives, counterfeit money, stolen goods and in connection with receiving stolen goods and money laundering (controlled delivery).

C. Police powers

Art. 24

Establishing identity

1) In order to perform their duties, the national police may stop a person, establish his identity and clarify whether a search is being conducted for him or for vehicles or other property in his custody.

2) Upon request, the person stopped must provide his or her personal data, present identification documents, show items in his or her custody and open vehicles and other containers for this purpose.

3) The person stopped may be brought to the police station if his identity cannot be established with certainty on the spot or only with considerable difficulty, or if there are doubts about the accuracy of his statements, the authenticity of his identification documents or the lawful possession of vehicles or other property.

Art. 24a

Identification treatment

1) The national police may carry out identification measures in order to perform their duties:

a) to persons whose identity cannot be established by other means or can be established only with considerable difficulty;

b) to persons who are strongly suspected of a felony or misdemeanor;

c) to persons who have been temporarily detained, arrested or taken into police custody;

d) to persons who have been legally sentenced to an unconditional custodial sentence or against whom a preventive measure has been ordered in accordance with the Criminal Code;

e) if certain facts justify the assumption that such measures are necessary to solve crimes and misdemeanors;

f) to persons who are judicially or administratively expelled from the country or who are subject to an entry ban;

g) on corpses, if this is necessary to establish the identity of a dead person or to solve a crime.

2) Anyone who is to be subjected to identification procedures must cooperate in the actions required for this purpose. Art. 27 applies to the compulsory performance of identification measures.

3) Children and adolescents under the age of 14 may only be subjected to identification services if this is urgently required for the performance of their duties.

4) Recognition service measures are:

a) the taking of fingerprints and palm prints;

b) the collection of reference samples for DNA profiling;

c) the creation of visual material;

d) the determination of external physical characteristics;

e) the acceptance of handwriting samples.

5) The evaluation of DNA samples can be performed at foreign forensic institutes and laboratories.

6) This is without prejudice to treatment for identification purposes on the basis of special laws.

Art. 24b

Questioning and duty to provide information

1) The state police may question a person about facts, knowledge of which is important for the performance of a police task.

2) Anyone must provide the national police with the information necessary to avert a danger. The provisions of the Code of Criminal Procedure on the right to refuse to testify apply mutatis mutandis.

3) To the extent necessary to conduct the questioning, the person to be questioned may be stopped and brought to the police station, especially if the questioning or refusal to testify is to be recorded.

Art. 24c

Summons and production

1) The state police may summon a person in writing or orally if:

a) whose personal appearance is necessary for the conduct of an interview or investigation;

b) it is obliged to provide information; or

c) this is necessary to carry out identification measures.

2) The summons shall state the obligation to appear and the consequences of non-appearance.

3) Anyone who fails to comply with the summons without sufficient cause may be brought before the police.

4) In the case of minors, the summons shall be addressed to the legal representative. Art. 24d

Police manhunt

1) The state police may issue an alert for a person whose whereabouts are unknown (wanted person alert) if:

a) the fulfillment of tasks according to Art. 2 Para. 1 Letter q and Para. 3 requires this;

b) there are reasonable grounds for suspecting that he or she will commit or is preparing to commit a misdemeanor or felony;

c) the conditions for police custody (Art. 24h) are met;

d) she is missing.

2) The state police may also put out a wanted notice for lost objects, vehicles, and identification cards (Sachfahndung).

2a) The state police may alert persons, as well as property listed in subsection 2b, for the purposes of a covert control, an investigative inquiry or a targeted control if:

a) there are concrete indications that the person concerned is planning or committing a serious criminal act;

a) a custodial sentence or an arrest warrant for a serious criminal offense listed in the Annex is to be executed;

b) the overall assessment of a person, in particular on the basis of the criminal acts committed by him or her to date, indicates that he or she will continue to commit serious criminal acts in the future; or

c) it is necessary for the purpose of state protection (Art. 2 par. 2). 2b) Things in the sense of para. 2a are:

a) Vehicles;

b) Watercraft;

c) Aircraft as well as their engines;

d) Container;

e) official blank documents that have been stolen, misappropriated or lost in any other way, or forged blank documents;

f) stolen, misappropriated, otherwise lost, invalidated or forged issued identity documents such as passports, identity cards, residence permits and driver's licenses;

g) cashless means of payment.

3) In addition, the national police can also issue an alert on the course of action in the case of criminal offences, traces or signal elements of unknown offenders for the purpose of recognizing crime connections or identifying the perpetrators.

4) The alerts under paras. 1 to 3 may also be transmitted to foreign security authorities or organizations.

5) The state police can automatically match wanted persons with:

a) Data from the residents' registration offices of the municipalities on persons who have registered their normal place of residence in Liechtenstein;

b) Data of new persons moving to Liechtenstein;

c) Data of persons accommodated in lodging establishments (hotel con- trol);

d) Data of persons who are gainfully employed in Liechtenstein as cross-border commuters.

Art. 24e

Public manhunt

1) The state police may initiate a public search for a person by stating his or her personal data or external features or by publishing his or her picture, in particular via the media, if:

a) this is in the presumed interest of the person sought, namely in the case of missing persons;

b) this is required for reasons of public safety;

c) this is necessary to establish the identity of a person who is unable to provide information about his identity or to establish the identity of a dead person.

2) A public wanted notice may also be disseminated through foreign media if necessary.

3) Instead of a public manhunt, a public announcement of a person may be made for warning purposes if there is reason to believe he is armed or violent.

Art. 24f Removal and detention

1) The national police may, within the bounds of proportionality, temporarily remove or keep away persons from a place if:

a) they are at serious and immediate risk;

b) there are reasonable grounds to suspect that they or others belonging to the same group pose a threat to public safety and order;

c) they obstruct operations to restore or maintain public safety and order, in particular by the police, fire department or rescue services;

d) they frustrate or attempt to frustrate the performance of police duties;

e) this appears necessary to protect the privacy of individuals.

2) The removal and detention of a person may be accompanied by the removal and detention of property in his or her custody.

Art. 24g

Removal and prohibition of entry in cases of domestic violence

1) If, due to certain facts, in particular because of a previous

If, in the event of a dangerous attack, it is assumed that a dangerous attack on life, health or freedom is imminent, the national police shall be authorized to expel a person from whom the danger emanates from a dwelling in which a person at risk resides and its immediate surroundings. The national police shall inform the person causing the danger and the person at risk of the area to which the removal relates; this area shall be determined in accordance with the requirements of effective preventive protection.

2) Under the conditions of subsection 1, the state police shall be authorized to prohibit a person from entering an area to be determined in accordance with subsection 1. If it seems absolutely necessary, the person may also be prohibited from entering other places to be specified, in particular the workplace of the person at risk.

3) In the case of a ban on entering one's own home, special care must be taken to ensure that this intrusion into the private life of the person concerned complies with the principle of proportionality (Art. 23). The national police are authorized to take away from the person concerned all keys to the apartment in his custody and any weapons in his possession; they are obliged to give him the opportunity to take along any urgently needed items of personal use and to find out what possibilities he has of finding accommodation. Provided that the

If the necessity arises for the person concerned to visit the dwelling which he/she is prohibited from entering, he/she may do so only in the presence of the state police.

4) In the case of a prohibition to enter, the National Police is obliged to request the person concerned to disclose a delivery point for the purpose of serving the lifting of the prohibition to enter or a temporary injunction pursuant to Art. 277a EO. If the person concerned fails to disclose a delivery point, the provisions applicable to the service of legal actions shall apply.

5) The state police are also obliged to inform the person at risk about the possibility of a temporary injunction pursuant to Art. 277a EO and about suitable assistance facilities. This also applies in the event of an expulsion pursuant to para. 1 or if a ban on entering or an expulsion is waived.

6) When documenting the order of a prohibition to enter, not only the circumstances relevant for the intervention, but also those that may be of importance for proceedings pursuant to Art. 277a EO must be taken into account.

7) The order of prohibition to enter shall be issued by the chief of police within 72 hours.

to verify the facts. For this purpose, he may call in all institutions and bodies that can contribute to establishing the relevant facts. The chief of police may also consult the public health officer or the doctor on duty. If the chief of police establishes that the conditions for ordering a prohibition to enter do not exist, he shall immediately lift the prohibition to enter vis-à-vis the person concerned; the person at risk shall be informed immediately that the prohibition to enter has been lifted. The lifting of the ban and the information of the person at risk shall, if possible, be made orally or by telephone by the state police or in writing by personal delivery. The keys and weapons confiscated pursuant to para. 3 shall be handed over to the person concerned when the ban on entering is lifted, and shall be deposited with the court in the event of an application for a temporary injunction pursuant to Art. 277a EO.

8) Compliance with a prohibition to enter shall be checked by the provincial police at least once during the first three days of its validity. The prohibition to enter shall end at the end of the tenth day after it has been ordered; in the case of an application for a temporary injunction pursuant to Art. 277a EO filed within this period, it shall end upon service of the court's decision on the defendant,

at the latest, however, at the end of the twentieth day after the order prohibiting the person from entering the premises. The court shall immediately inform the provincial police of the filing of an application for a temporary injunction pursuant to Art. 277a EO and of the decision thereon.

Art. 24h

Police custody

1) The state police may take a person into temporary custody if:

a) this is necessary for the protection of this or another person against a danger to life or limb or for the prevention or elimination of a significant threat to public safety and order;

b) he/she has evaded a custodial sentence, pre-trial detention, detention pending deportation or a preventive measure under the Criminal Code;

c) this is necessary to ensure the execution of a removal or detention order (Art. 24f);

d) it is caught in the act of violating the prohibition to enter in accordance with Art. 24g.

2) Police custody may only be ordered against persons who have reached the age of 14.

3) Persons who are in custody in accordance with subsection 1(a) and who clearly require a medical examination must be examined by a doctor without delay. This applies in particular in the event of suspected suicide or if there are reasons that could lead to measures in connection with preventive detention in accordance with Art. 18d ff. of the SHG.

4) The person taken into custody must be informed of the reason for the measure. In addition, he or she must be given the opportunity to inform a person in his or her confidence, provided that this does not jeopardize the purpose of the measure.

5) Police custody shall be lifted as soon as the conditions for its order have ceased to exist; in any case after 24 hours at the latest.

6) The continuation of the custodial measure on the basis of other legal provisions is reserved.

Art. 25

Search of persons

1) The state police may search a person if:

a) this appears necessary under the circumstances for the protection of the police officers or third persons;

b) she is strongly suspected of a felony or misdemeanor;

c) this appears necessary to establish identity;

d) Grounds for police custody are given;

e) there is a suspicion that it has items in custody that are to be seized;

f) he/she has been provisionally detained, arrested or taken into police custody;

g) he or she is recognizably in a condition that precludes the free exercise of will or is otherwise in a helpless situation and the search is necessary for his or her protection;

h) it is tendered for targeted control. Care must be taken to ensure that the reason for the control remains concealed.

2) The search shall be conducted as gently as possible. It shall be carried out by a person of the same sex, unless the examination cannot be delayed.

3) Body openings are to be examined by a doctor. For this purpose, the person to be searched may be forcibly taken to a doctor.

4) In the case of persons who have been provisionally detained, arrested or taken into police custody:

a) search all clothing and containers they were carrying;

b) remove dangerous or suspicious objects and record them in a register.

5) The list referred to in paragraph 4(b) must be signed by the police officer and the arrested person. If the person refuses to sign, the police officer shall note this in the list.

Art. 25a

Search of movable property

1) The police may search vehicles and other movable property if:

a) they are in the custody of a person who may be searched under Art. 25;

b) there is a suspicion that they contain a person who is being unlawfully detained, is helpless or who may be temporarily detained, arrested or taken into police custody;

c) there is a suspicion that they contain an object that may be seized; or

d) this is necessary to determine the origin or ownership of vehicles or other property;

e) they are tendered for targeted control. Care must be taken to ensure that the reason for the control remains concealed.

2) As far as possible, the search shall be carried out in the presence of the person exercising control over the property. If the measure is carried out in the absence of this person, a record of the search shall be drawn up.

Art. 25b

Entering properties and searching premises

1) The state police may enter properties that are not open to the public if this is necessary for the performance of their duties.

2) The state police may enter premises that are not open to the public and may enter such premises and land that is not open to the public without the consent of the

authorized person search if:

a) this is necessary to avert a serious and immediate danger to:

1. Life, limb or liberty of any person; or

2. for the protection of things of considerable value;

b) there is a suspicion that a person is present who is to be taken into police custody (Art. 24h) or brought before the police (Art. 24c);

c) there is a suspicion that an object is located there that must be secured to avert an immediate danger; or

d) there is a strong suspicion that persons are planning, preparing or committing crimes there.

3) When a premises are searched, its owner or, if the owner is absent, an adult member of his family, a housemate or a neighbor shall be called in as far as the circumstances permit. The owner or his representative shall be informed immediately of the reason for the search, provided that this does not frustrate the purpose of the measure. A record of the search shall be drawn up.

Art. 25c

Seizure of property and assets

1) State police may seize property or assets to:

a) to prevent a crime from being committed with it;

b) to ward off a danger;

c) protect the owner or rightful owner from loss or damage to the item.

2) Retrieved

3) The seized objects or assets shall be recorded in a list in which the reason for the seizure can also be seen. A copy must be given to the person concerned on request.

4) As soon as the conditions for freezing have ceased to exist, the district police shall return the objects or assets to the entitled person.

5) A seized object may be disposed of or, if this is not possible, destroyed at the expense of the entitled person if:

a) it is not collected by the authorized person within the set period despite a request to do so;

b) no one lays claim to this thing;

c) it is subject to rapid depreciation; or

d) their storage is associated with significant costs or difficulties.

6) Any proceeds from the liquidation shall take the place of the liquidated item. If the proceeds cannot be paid out to the beneficiary within three years, the

paid or the assets are not handed over, they are deemed to have lapsed.

Art. 25d

Seizure, confiscation and confiscation of propaganda material

1) The National Police shall seize, regardless of the quantity, nature and type, material that may serve propaganda purposes and the content of which specifically and seriously incites to violence against people or property.

2) If there is a suspicion of a criminal offense, the state police will forward the seized material to the appropriate law enforcement agency.

3) The national police shall confiscate the seized material in accordance with paragraph 1 and order its confiscation if the call to violence is concrete and serious. Paragraph 2 remains reserved.

4) In the case of dissemination of propaganda material under subsection 1 via the Internet, the state police may, subject to subsection 2:

a) order the deletion of the website concerned if the propaganda material is located on a computer in Liechtenstein;

b) issue a blocking recommendation to Liechtenstein providers if the propaganda material is not located on a computer in Liechtenstein.

5) The confiscated material will be destroyed unless it can be used for instructional purposes.

Art. 25e

Cash controls

1) In order to prevent and combat money laundering and the financing of terrorism, the National Police may request information from persons as part of the control of cross-border cash transactions:

a) to the person interviewed;

b) on the import, export and transit of cash in the amount of at least 10,000 francs or its equivalent in a foreign currency;

c) on the origin and intended use of the cash;

d) about the beneficial owner.

2) In the event of suspicion of money laundering or terrorist financing, the national police may also request information if the amount of cash that has been imported into Liech- tenstein or is to be imported, transited or exported does not reach the threshold value of 10,000 Swiss francs or the equivalent value in a foreign currency.

3) In the event of false information or refusal to provide information, the national police may temporarily seize cash in accordance with Art. 25c paras. 3 and 4 in order to clarify whether a criminal offence is suspected.

4) The state police immediately report all suspicious cases to the FIU staff unit and report them to the public prosecutor's office.

5) Cash is considered to be:

a) Cash in the form of banknotes or coins of any currency, provided they are in circulation as a means of payment;

b) transferable bearer instruments, shares, bonds, checks and similar securities.

Art. 26

Rayon ban, exit restriction and reporting requirements to prevent violence at sporting events

1) The state police may order a person who is proven to have participated in violence against persons or property during sporting events:

a) prohibit the stay in a precisely defined area in the vicinity of sports events (rayon) at certain times for a maximum period of one year (rayon ban);

b) prohibit the exit from Liechtenstein to a certain country for a certain period of time (exit restriction), if:

1. he/she is subject to a zone ban pursuant to subparagraph (a) and it must be assumed on the basis of his/her behavior that he/she will participate in violence on the occasion of a sports event in the country of destination; or

2. there is no prohibition against him/her according to letter a and it can be assumed on the basis of concrete and actual facts that he/she will participate in acts of violence in the country of destination;

c) Impose an obligation to report to the state police at specified times (reporting requirements) if:

1. in the last two years they have violated a ban on raiding in accordance with subparagraph a or a

exit restriction pursuant to subparagraph (b) has been violated;

2. it can be assumed, on the basis of concrete and current facts, that it cannot be deterred by other measures from acts of violence on the occasion of sporting events; or

3. the reporting requirement appears to be more lenient than other measures in the individual case.

2) An exit restriction in accordance with paragraph 1(b) applies at the earliest three days before the sporting event and lasts at the longest until one day after the end of the event. During the period of the restriction, any departure with the intention of staying in the country of destination is prohibited. Exceptions may be granted by the national police if the person concerned claims important reasons for staying in the country of destination.

3) A zone ban, restriction on leaving the country and reporting requirements in accordance with paragraph 1 may only be imposed on persons who have reached the age of 14.

Art. 26a

Reporting requirement and temporary deposit of travel documents for the prevention of serious crimes abroad

1) The state police may order against a person in respect of whom there are concrete indications that he will commit a serious crime abroad:

a) report to the state police at specific times on specific days (reporting requirement);

b) temporarily deposit their travel documents with the state police.

2) The measures under paragraph 1 may only be ordered by the chief of police. They shall be appropriately limited in time, however, to a maximum of six months. The order may be extended once for a maximum of six further months.

Art. 27

Physical coercion

Physical coercion may only be used if it is immediately necessary and less severe means are not suitable.

Art. 27a

Bondage

A person may be restrained if:

a) there is a suspicion that she wants to escape or be freed;

b) she resists;

c) there is reasonable suspicion that it will attack people or damage property of significant value;

d) There are reasonable grounds to suspect that she will seriously injure or kill herself; or

e) this is required by the circumstances for the protection of the police officer or third parties.

Use of weapons

Art. 28

a) In general

1) The state police use the gun as a last resort.

2) The use of weapons must be unambiguously threatened if the circumstances do not exclude it.

Art. 29

b) Firearms

The use of the firearm is lawful when

a) the state police or third parties are attacked in a dangerous manner or are directly threatened with a dangerous attack;

b) Persons who have committed a crime or are strongly suspected of having committed a crime and who attempt to evade arrest by fleeing;

c) the state police must assume on the basis of reliable findings that persons pose an imminent, serious threat to life and limb to others and that they are attempting to evade arrest by fleeing;

d) the release of hostages requires it;

e) an imminent serious crime can be prevented at facilities that pose a particular danger to the general public in the event of damage.

Art. 30

Assistance

The state police provide aid and assistance to one injured by their actions.

Personal security checks Art.

30a

a) Group of persons

1) The state police, within the framework of state protection (Art. 2 para.

2) conducts security audits for the country's employees and third parties involved in classified projects in the field of internal and external security, When they are doing their job:

a) have regular and far-reaching insight into government activities or important security policy transactions and can influence them;

b) regularly have access to internal or external security secrets or to information the disclosure of which could jeopardize the fulfillment of essential tasks of the country;

c) as contractors or whose employees are involved in classified projects of the country or are subject to review under nondisclosure agreements;

d) regularly have access to special categories of personal data as well as personal data on criminal convictions and criminal offenses, the disclosure of which could seriously impair the personal rights of the data subjects.

2) The security check is carried out before the office or function is transferred or the order is placed. The person to be audited must agree to the audit being carried out. The government may, by ordinance, provide for a repetition of the security audit in special cases.

3) The government maintains lists that identify each function for which a safety inspection must be performed.

Art. 30b

b) Test content

1) During the security check, security-relevant data is collected on the life of the person concerned, in particular on their close personal relationships and family circumstances, their financial situation, their relationships abroad and activities that could unlawfully endanger internal or external security. No data is collected on the exercise of constitutional rights.

2) Data can be collected:

a) from the information systems and the files of the state police;

b) from the criminal record, including data subject to the restricted criminal record

The information is subject to notification in accordance with Article 9 of the Act on Criminal Records and Expungement of Judicial Convictions;

c) from the registers of the execution and insolvency courts as well as from the residents' control;

d) by obtaining information from the public prosecutor's office and the courts about ongoing, completed or discontinued criminal proceedings;

e) by surveying the state police about the person to be tested;

f) by interviewing third parties if the person concerned has consented;

g) by interviewing the person concerned.

3) In the case of foreign nationals or persons residing abroad, the data pursuant to para. 2 of the competent authorities of the home country or country of residence shall also be used for the assessment. In the case of persons who have resided abroad, the state police may also use data pursuant to para. 2 of the competent authorities of the former state of residence for the assessment.

4) The data collected in the course of the security check may be used exclusively for this purpose, with the exception of use in criminal proceedings against the data subject.

5) The questioning in accordance with paragraph 2 letter g may be recorded using an audio recording device. If it is envisaged that the security declaration will not be issued or will be subject to reservations, the bodies relevant to the decision must be summarized at the request of the person concerned and submitted to him or her for comment.

Art. 30c

c) Performance of the test

1) The National Police shall notify the person examined of the result of the investigations and its assessment of the security risk.

2) The audited person may inspect the audit documents within ten days and request the correction of incorrect personal data and, in the case of files of the country, request the removal of outdated personal data or have a note of denial added. Art. 35s para. 2 of this Act and Art. 57 para. 4 of the Data Protection Act remain reserved.

3) If the security declaration is not issued or is subject to reservations, the National Police shall issue an order at the request of the examined person.

4) The National Police shall submit its assessment of the security risk in writing to the body responsible for the election or transfer of the function. The latter is not bound by the assessment of the state police.

5) The Government shall regulate the details of the implementation of the security audit, in particular the rights of inspection as well as the storage, further use and deletion of personal data, by ordinance.

Witness

protection

Art. 30d

a) Recording

The national police may apply to the government to include a person in witness protection in accordance with Art. 2 Para. 1 letter p.

Art. 30e

b) Building a new identity

1) Insofar as it is necessary for the protection of persons under Art. 2 para. 1 let. p, the national police may, for the purpose of establishing or maintaining a temporary new identity, require offices of the national administration, administrative authorities and courts or private persons to produce or alter corresponding documents; public

Certificates may only be issued at the request of the member of the government responsible for the Lan- des Police according to the distribution of business.

2) The documents referred to in subsection 1 may be used in legal transactions only to the extent necessary to fulfill the purposes referred to in subsection 1. The member of the government responsible for the provincial police according to the allocation of responsibilities shall specify the purpose of issuance and the scope of application of the documents in legal transactions in an operational order.

3) The state police must document the use of the documents in legal transactions and confiscate them in the event of misuse or as soon as they are no longer required for the performance of duties.

4) The state police must instruct the person concerned about the use of the documents before equipping him with the legend and about the fact that they will be withdrawn from him immediately in case of misuse.

5) The establishment of a temporary new identity is also permitted for the required period for employees of the National Police who are entrusted with the protection of a person in accordance with Art. 2 para. 1 let. p. Paragraphs 1 to 4 apply mutatis mutandis.

Art. 30f

c) Blocking of data disclosure; obligation to notify and hand over data

The National Police may require the offices of the National Administration, administrative authorities and courts, as well as private persons, to:

a) not disclose certain personal data of persons pursuant to Art. 2 para. 1 let. p, insofar as the existing technical possibilities allow this; in their processing of personal data, they shall ensure that the protection of witnesses is not impaired;

b) notify it without delay of any identified requests for information on persons referred to in Article 2(1)(p);

c) provide it, upon request, with excerpts from query logs of automated information systems documenting queries by persons pursuant to Art. 2 Para. 1 Letter p.

Art. 30g

d) Involvement of third parties

The state police may, if necessary, involve private security companies in the implementation of personal and property protection.

IIIa. Compensation for

damages and costs Art. 30h

Public liability

The provisions on public liability apply to compensation for damage caused by police officers in the course of their duties (liability).

Art. 30i

Compensation

1) Persons are entitled to compensation for those damages caused by:

a) the postponement of the intervention of the National Police (Art. 23b), insofar as the damage could otherwise have been prevented;

b) the use of documents that deceive as to the identity of a person (Art. 30e and 34a), provided that such use was not triggered by the beneficiary through unlawful conduct;

c) their assistance in the performance of tasks of the state police.

2) The state shall have recourse to third parties liable for the damage.

3) No compensation shall be paid to persons who have acted contrary to the instructions of the National Police. The provisions on official liability are reserved.

Art. 30k

Reimbursement of costs

1) The operations of the National Police shall in principle be free of charge, subject to special legislation and the provisions of this Act.

2) Reimbursement of costs is required in particular:

a) by the organizer of events that require an extensive police operation, which is particularly the case if:

1. a separate safety plan must be developed; and

2. the involvement of foreign security forces becomes necessary;

b) of tradesmen in whose business interest the state police must become active;

c) by the party responsible for extraordinary expenses incurred as a result of other police operations, in particular if these were caused intentionally or by gross negligence or if they were incurred in a predominantly private interest.

3) In the case of demonstrations and rallies, the competent licensing authority shall determine in the permit the amount of the reimbursement of costs for the police deployment. Unauthorized demonstrations or rallies are fully liable to the organizer or the person who has called for them.

4) The government may waive all or part of the costs or charge a maximum reimbursement to organizers of events under subsection 2(a) if:

a) there is a public interest in these events due to their international publicity effect and obligations have been entered into for their realization due to international memberships or concluded contracts and for which, in addition, the organizer cannot bear the financial expenses for security alone. These organizers must not be profit-oriented organizations or institutions;

b) the event serves a non-material purpose in whole or in part.

5) Paragraph 4 shall not apply to the tasks listed below:

a) Maintaining security and order at the venue;

b) Traffic routing, traffic control and parking management at the event location or its immediate surroundings.

6) The government shall regulate by ordinance the hourly rate to be charged as well as

any maximum reimbursement of costs pursuant to para. 4.

IV. Processing of police data Art. 31

Data processing in general

1) The National Police is authorized to process personal data, including special categories of personal data, such as, in particular, genetic data, biometric data uniquely identifying a natural person and health data, as well as personal data relating to criminal convictions and criminal offenses, and to profile the persons listed below, to the extent necessary for the performance of its statutory tasks:

a) Persons against whom police action is directed, especially those:

1. endanger or disturb or have endangered or disturbed public safety and order;

2. who are ready to use violence or whose behavior or statements indicate that they are ready to use violence against third parties;

3. against whom investigations have been initiated in accordance with the Code of Criminal Procedure;

4. for whom there are concrete indications that they will commit criminal acts in the future;

5. who have demonstrably acted violently on the occasion of sporting events in Germany or abroad;

6. for whom there are concrete indications that they pose a threat to the existence of the state (state protection);

b) Aggrieved party;

c) helpless and missing persons;

d) Witnesses or respondents;

e) persons at risk or persons for whom there are concrete indications that they will become victims of crime;

f) Persons whose special knowledge or skills are required for security purposes;

g) Persons responsible for plant or equipment from which a significant hazard may emanate;

h) Persons responsible for facilities or equipment at risk;

i) persons in accordance with special legislation (Art. 2 Para. 3), in particular tourism, weapons and explosives legislation;

k) persons for the purpose of fulfilling the orders of official bodies of the national administration, administrative authorities and courts (Art. 2 para. 1 let. q);

l) Persons reported to the National Police within the framework of international police cooperation by foreign security authorities or organizations:

1. as suspects, injured parties or respondents in criminal investigations;

2. in connection with police activities for the preventive combating of criminal offenses; or

3. in connection with the search for missing persons and the identification of unknown persons.

m) Persons requesting medical assistance via the 144 emergency medical service (Art. 2 para. 1 let. p).

2) The processing of personal data pursuant to subsection 1 may only be carried out for the purpose for which these data were collected. However, further processing for other purposes is permitted insofar as the state police may also collect these data for this purpose.

3) The collection of personal data under paragraph 1 must be recognizable to the data subject, unless thereby:

a) the performance of police duties would be jeopardized or made considerably more difficult; or

b) would result in a disproportionate effort.

4) If the collection of personal data pursuant to paragraph 1 is not recognizable for the data subject, the data subject must be informed subsequently as soon as the purpose of the data processing is thereby no longer

is endangered. Notification shall be omitted if further data would have to be collected in a disproportionate manner for its implementation.

Art. 32

Messages and information

1) Offices of the state administration, administrative authorities and courts are obliged to the state police:

a) about the outcome of a case reported by it, if the outcome of the corresponding proceedings may have an impact on the correctness of the police data;

b) to provide information if this appears necessary for the detection, prevention and combating of a threat to the existence of the state and its institutions (state protection) or for the preventive combating of serious criminal offences;

c) report without being asked if, in the performance of their duties:

1. identify specific threats to internal security;

2. have information about people who have behaved violently at sporting events in Switzerland and abroad.

1a) Offices of the state administration, administrative authorities and courts, as well as physicians, psychologists and psychotherapists, shall be entitled to submit to the state police reports of danger concerning persons who may be suspected of a propensity to violence directed against third parties.

2) The state police check whether these data are correct and relevant for the fulfillment of their duties. It destroys incorrect or irrelevant data.

Art. 33

Use of image and sound recording equipment at mass events

1) During or in connection with public events and rallies, the state police may record persons or groups of persons and their statements on video and audio media if

concrete indications justify the assumption that dangers to public safety and order will arise.

2) The requirements for image and sound recordings are met in particular if:

a) incitement to violence in the run-up to an event or rally;

b) violence has already been committed at comparable events or rallies in the past;

c) spontaneous violence is to be expected due to the organization, the participants or the content of an event or rally or due to the general political climate;

d) violent riots are to be expected at sporting events.

3) Image and sound recordings on which individual persons can be identified may only be processed:

a) to determine the perpetration of criminal acts;

b) in individual cases for the preventive combating of a criminal offense specified in Section 103 (1) of the Code of Criminal Procedure or for the protection of the state;

c) to document the police operation with regard to possible criminal or disciplinary proceedings as well as official liability claims against the police; or

d) for the internal training of police officers.

4) The identification of individual persons is only permitted if this is indispensable for the purposes specified in par. 3 letters a to c. The identification of individual persons in accordance with paragraph 3(d) is governed by Art. 34c(2).

5) Video and audio recordings must be destroyed no later than 30 days after the event or rally, unless they are required for the purposes specified in Paragraph 3.

Art. 34

Use of image recording devices in places accessible to the public

1) The state police can observe individual and certain publicly accessible places by means of image transmission and record the transmitted images to:

a) Prevention of criminal offences (Art. 2 para. 1 let. d), if criminal offences have been committed repeatedly at these locations or their nature is such that the

committing criminal offenses, if facts justify the assumption that criminal offenses will be committed at this location;

b) Prevention of danger and defense against a serious threat to life, limb, freedom or property in connection with the guarding of persons or property.

2) In the cases referred to in paragraph 1(a), video surveillance must be made identifiable by suitable measures, unless it is obvious that it is taking place.

3) The data recorded in accordance with paragraph 1 may only be used for criminal prosecution, as well as for the preventive combating of criminal offences (Art. 2 para. 1 let. d) or for the performance of tasks in accordance with Art. 2 para. 2 (protection of the state), insofar as facts justify the assumption that a person will commit criminal offences in the future or endanger the existence of the state and its institutions. If they are not needed for these purposes, they must be deleted after 30 days at the latest.

Art. 34a

Special means of data collection

1) The state police may, while respecting the secrecy of correspondence, mail and communications, collect data from persons in respect of whom there are concrete indications that they are committing criminal offences, as well as from their contacts or persons accompanying them, by means referred to in subsection 2 only if:

a) the data collection is not possible in any other way without jeopardizing the fulfillment of the task;

b) the measure is not disproportionate to the importance of the facts to be clarified; and

c) this is necessary:

1. to avert a serious danger;

2. for the preventive suppression of an offense referred to in section 103(1) of the Code of Criminal Procedure; or

3. for the protection of the state (Art. 2 para. 2).

2) Means according to para. 1 are:

a) Observation planned or actually carried out continuously for more than 48 hours or for more than five days, including the use of certain technical equipment.

Means of investigating the facts of the case or determining the whereabouts of the person concerned by it (long-term observation);

b) the covert use of technical means to take or record images or to listen to or record the spoken word;

c) the use of police officers under a legend (undercover investigators);

d) the use of other persons whose cooperation with the police is not known to third parties (trusted third parties).

3) In or from premises not accessible to the public, the national police may collect data by the means specified in paragraph 2(b) without the consent of the person entitled only if this is indispensable to avert an immediate and serious danger to the life, limb or freedom of a person or to considerable material or property assets. For the performance of tasks under Art. 2(2) (state protection), action may only be taken in this regard if:

a) a specific person, organization or group is suspected of concretely endangering the existence of the state and its institutions (suspected endangerment);

b) the severity and nature of the hazard justifies it;

c) specific and current facts and events suggest that a suspected dangerous person is using this nonpublic space to:

1. to meet with third parties;

2. to hide themselves or third parties there;

3. store material there; or

4. Engage in any other activity that serves its purposes; and

d) the fundamental rights of the persons concerned are interfered with only to the extent necessary.

4) The use of means under subsection 2 may only be ordered by the chief of police. In the event of ordering the use of a means pursuant to subsection 2(b) in or from premises not accessible to the public without the consent of the person entitled thereto for the purpose of state protection, the approval of the district court shall be obtained without delay.

5) The ordering of special means for data collection shall be appropriately limited in time. A written justification of the order shall be kept on file.

6) Insofar as it is indispensable for the establishment and maintenance of the legend of an undercover investigator, corresponding documents may be produced or altered. The competent authorities shall also issue corresponding public documents at the request of the member of the government responsible for the state police according to the distribution of business. The undercover investigator may participate in legal intercourse under the legend for the fulfillment of his mission. He may also, with the consent of the authorized persons, enter their homes. In all other respects, his powers shall be governed by this Act. Section 9 of the Code of Criminal Procedure shall apply mutatis mutandis to the use of an undercover investigator.

7) A trusted third party may also be deployed in return for payment. The regional police must document this accordingly.

8) Persons against whom measures are directed in accordance with para. 2 must be informed of this after the measure has been completed, as soon as the purpose of the data processing is no longer jeopardized. No information shall be provided by the regional police if:

a) criminal investigation proceedings have been initiated against the person concerned for the same facts;

b) no record containing personal data has been made or it has been destroyed immediately after the measure has ended; or

c) the collection of further personal data would be disproportionate.

Art. 34b

Information Systems

1) In order to perform its duties, the state police may maintain electronic informati- on systems that also contain special categories of personal data, such as

may include, in particular, genetic data, biometric data uniquely identifying a natural person and health data, as well as personal data relating to criminal convictions and criminal offenses.

2) The information systems referred to in paragraph 1 serve the following purposes:

a) Prepare reports and situation assessments;

b) Documentation of police events and police actions;

c) Support in the prevention of danger, the preventive combating of criminal offences, criminal prosecution and state protection;

d) Analysis, research and profiling;

e) Data exchange with or data transfer from other offices of the state administration, administrative authorities and courts;

f) Data exchange with foreign police, security and customs authorities as well as security organizations within the framework of intergovernmental agreements;

g) File and data management;

h) Create and evaluate statistics.

3) Information systems according to paragraph 1 may contain in particular the following data:

a) personal data, such as:

1. Master data on the identity of natural and legal persons;

2. operations, in particular on administrative and criminal prosecutions or sanctions;

3. identification data (Art. 24a(4));

4. BOLO data;

5. Dates of detention;

b) Case data, such as:

1. Facts;

2. Tracks;

3. Things;

4. Vehicles;

5. Evidence;

c) Image and sound recordings;

d) File management and business control data.

4) The data of the information systems according to para. 1 may be made accessible according to persons, objects and events and may be linked to each other. If data are linked to one another, these data are subject to the corresponding data processing rules and access restrictions. Paragraph 6 remains reserved.

5) The linkage pursuant to subsection 4 can also be made in such a way that the employees of the state police, within the scope of their access rights, can use their own query templates to check in a single query whether certain persons or organizations are listed in one or more systems. For this purpose, corresponding data from other information systems of the state administration can also be included, insofar as they are accessible to the state police on the basis of a law on a retrieval procedure.

6) Personal data processed in information systems in connection with the preventive combating of criminal offences (Art. 2 Para. 1 Letter d) or in the context of state protection (Art. 2 Para. 2) must be kept separate from other information systems.

6a) If personal data are processed in information systems in connection with the care of the emergency medical service (Art. 2 para. 1 let. p), it must be ensured that access is exclusively for this purpose.

7) Search data can also be processed jointly with the Swiss federal authorities in an automated search register.

8) The Government shall regulate the details by ordinance, in particular concerning:

a) the individual information systems;

b) the categories of data according to par. 3;

c) the access authorization of other offices, insofar as the data is required for the fulfillment of their tasks.

Art. 34c

Data use for special purposes

1) The use of personal data for scientific and statistical purposes is only permitted if the identification of data subjects is made impossible.

2) The state police may use personal data processed by them for police training and further training in anonymized form. Anonymization can only be waived if this conflicts with the purpose of the training or further training and the data subject's legitimate interests in confidentiality are not overridden.

Art. 34d

Disclosure of personal data

1) The National Police may disclose personal data, including special categories of personal data, personal data relating to criminal convictions and criminal offenses, and personal data based on profiling, to offices of the National Administration, administrative authorities and courts, as well as to the Swiss Border Guard Corps, insofar as this is necessary for the performance of their statutory tasks or the tasks of the data recipients.

2) The State Police may disclose personal information to other entities or individuals as provided by law or as essential for:

a) the prevention of a threat to public safety and order by the recipient;

b) The prevention or elimination of significant harm to the public welfare; or

c) the protection of the interests of individuals that are worthy of protection.

2a) The National Police may transfer health data on persons referred to in Art. 31, para. 1, subpara. m to the appropriate emergency medical service in connection with the servicing of Emergency Medical Service 144.

3) The state police may transmit per- sonal data to appropriate social and therapeutic specialized agencies to the extent necessary for the protection of persons at risk, in particular:

a) In cases of domestic violence;

b) in the deployment of the crisis intervention team of the Foundation for Crisis Intervention.

4) The National Police may transmit personal data of persons who have been proven to have behaved violently at sporting events in Liechtenstein and abroad to organizers of sporting events in Liechtenstein if this data is necessary for the ordering of measures to prevent acts of violence at certain events. The recipients of this data may only transmit it to third parties within the framework of the execution of the measures.

Art. 34e

Storage, deletion, blocking and archiving of personal data

1) Personal data may be processed for as long as they are required for the fulfillment of the task, but at the longest until the expiry of the storage period specified by the government in an ordinance; they must then be deleted.

2) Access to a person's first and last name must be blocked even before deletion in accordance with para. 1. The government shall regulate the details by ordinance, in particular the blocking periods for the individual events. It may provide that linked data are blocked together when the time limit for the last recorded event has expired.

3) Retrieved

4) Prior to deletion, the State Police offers the data to the State Archives in accordance with the provisions of the Archives Act.

Art. 34fRepealed

Right to

information Art.

34g

a) In general

1) Any person may request information on police data relating to him or her from the national police in accordance with Art. 57 of the Data Protection Act. Art. 34h remains reserved.

2) Requests for information concerning personal data processed by the National Police within the framework of international police cooperation shall be decided by the National Police after consultation with the requesting authority. The secrecy of investigations must be maintained.

Art. 34h

b) In special areas

1) Any person may request the data protection authority to check whether personal data relating to him or her is being lawfully processed by the national police for the purpose of protecting the state (Art. 2 para. 2). The data protection authority shall inform the person making the request in a response that is always the same, either that no personal data relating to him or her is being processed unlawfully or that, if there are any errors in the data processing, it has ordered that they be rectified.

2) An appeal against this notification is excluded. The data subject may request the Administrative Tribunal to review the notification of the data protection authority or the execution of the remedy ordered by the data protection authority. The Administrative Court shall inform the data subject in a reply, which shall always be the same, that the review has been carried out in the requested sense.

3) Before proceeding under subsection (1), the state police shall verify whether a

there is an overriding interest in secrecy and whether existing personal data is still required. If there is no overriding interest in secrecy, information must be provided immediately in accordance with Art. 34g.

4) The provincial police shall be entitled to appeal to the Administrative Court against decisions of the data protection authority in connection with the review under subsection 1, which may also include the disclosure of personal data in the absence of an overriding interest in secrecy.

5) Both the data protection authority and the Administrative Court must safeguard the protected public interests in their proceedings.

6) Applicants who have not already been provided with information in accordance with Art. 34g and about whom no personal data within the meaning of Para. 1 has been processed at the time of the examination shall be provided with information in accordance with Art. 34g within 12 months of submission of the request, and all other persons who have submitted a request for information and who have been registered as such with the data protection authority shall be provided with information if the corresponding confidentiality interests cease to apply, at the latest if the personal data is no longer required.

7) The data protection authority can also check the lawfulness of data processing by the state police in the context of state protection (Art. 2 Para. 2) without any reason.

Art. 34iDiscontinued

V. International administrative assistance

A. In general

Art. 35

Principle

1) The National Police may request foreign security authorities and organizations to transmit personal data, including special cate- gories of personal data and personal data on criminal convictions and offences, or to perform other official acts, if this is necessary for the performance of their duties.

2) The national police may provide administrative assistance to foreign security authorities or organizations in accordance with Art. 35a:

a) upon request, provided that this is necessary for foreign safety authorities or organizations to fulfill their tasks as defined in Art. 2 and that reciprocity exists;

b) on its own initiative, if this could be of importance to the recipient in individual cases for the purpose of assisting in the prevention of specific threats to public safety and order or for the prevention and combating of criminal offenses.

3) The rendering of administrative assistance shall be omitted if there is reason to believe that:

a) public order or other essential interests of Liechtenstein are violated;

b) the subject of the matter in question concerns a tax, duty, customs or foreign exchange criminal matter;

c) the interests of the data subject or third parties worthy of protection are violated, in particular if the rights granted by the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms are violated in the recipient state or if suitable guarantees pursuant to Art. 78 of the Data Protection Act for adequate data protection are not ensured; Art. 79 of the Data Protection Act remains reserved;

d) the requesting security authority or organization will use such information for political, military, religious, or racial purposes.

4) Personal data that has been transmitted to foreign security authorities or organizations may only be used for purposes other than those on which the transmission was based with the prior consent of the regional police. This must be communicated to the requesting agency. Consent shall only be given if these data could also have been transmitted for this purpose.

5) The state police are obliged to record the reason, content, place of receipt and time of data transmission. The record may only be used to check the permissibility of the transmission.

6) The National Police shall notify a foreign security authority or organization if personal data transmitted to it has been processed incorrectly or unlawfully and must therefore be rectified or deleted.

Art. 35a

Type of administrative assistance

1) The state police may provide administrative assistance by:

a) the transfer of personal data, including special categories of personal data such as, in particular, genetic data, biometric data, etc.

data uniquely identifying a natural person and health data, and personal data relating to criminal convictions and offenses, as well as data based on profiling;

b) granting and supporting foreign undercover investigations on Liechtenstein territory;

c) other measures that do not require a court order.

2) The collection of personal data for the purpose of administrative assistance under subsection 1(a) is permitted only by:

a) Using personal data processed by the state police in the performance of their duties;

b) Obtaining information from other offices of the state administration, administrative authorities and the courts;

c) police interrogations;

d) Observation, if this is an essential prerequisite for the effective performance of administrative assistance.

3) Administrative assistance pursuant to paragraph 1 letter b requires the approval of the chief of police. It may only be granted if the clarification of the facts for the performance of police duties within the meaning of Art. 2 would be impossible or substantially more difficult without the planned investigative measure and there is reciprocity.

4) With the consent of the chief of police, organs of foreign security authorities may be present during police questioning and observation, insofar as this is necessary for the performance of their police duties within the meaning of Article 2 and reciprocity exists. However, these organs may not perform any official acts on behalf of the requesting state. During a police interrogation, the person concerned must be informed of the presence of the organ of a foreign security authority.

5) The Government may decide to hand over a person referred to in Art. 2 para. 1 subpara. p to a foreign country within the framework of witness protection or to take over such a person from the foreign country if it is indispensable to safeguard substantial security interests of that person. The details shall be regulated in an agreement between the national police and the competent authority of the foreign country or of an international criminal court; the agreement shall require the consent of the Government.

Art. 35b

Reservation

The provisions of the Legal Assistance Act and of intergovernmental agreements as well as obligations under international law remain reserved.

B. Simplified exchange of information with EU/Schengen states

Art. 35c

Subject matter, purpose and scope

1) In addition to the above provisions of this chapter on inter- national mutual assistance, this section regulates the simplified exchange of information between law enforcement authorities of the Member States of the European Union in implementation of Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (OJ L 360, 29.12.2006, p. 89). L 386, 29.12.2006, p. 89), the simplified exchange of information for the purpose of preventing and prosecuting criminal offences between the National Police and the law enforcement authorities of the States applying the said Framework Decision (EU/Schengen States).

2) This section is without prejudice to more extensive obligations in the area of administrative assistance and the more favorable provisions of existing bilateral or multilateral agreements between Liechtenstein and individual or several EU/Schengen States on cooperation.

Art. 35d Law enforcement

authorities of the other EU/Schengen states

The competent law enforcement authorities of the other EU/Schengen States shall be the authorities referred to in Article 2(a) of Framework Decision 2006/960/JHA.

Art. 35e

Information

Information under this section includes all types of data held by the state police, except data collected through the use of procedural coercion or the collection of which requires the use of pro- cessual coercion.

Art. 35f

Exchange of information with and without request

The National Police shall provide information to the competent law enforcement authorities of the other EU/Schengen states in accordance with Art. 35e:

a) upon request, to the extent that such information is necessary to conduct a criminal investigation or a police intelligence operation within the meaning of

Article 2(b) and (c) of Framework Decision 2006/960/JHA;

b) without being requested to do so, insofar as such could be of significance for the prevention and prosecution of the serious criminal offenses listed in the Annex.

Art. 35g

Communication channels and contact point

1) The exchange of information between the National Police and the law enforcement authorities of the other EU/Schengen states is carried out through the channels available for international law enforcement cooperation.

2) The National Police is the central point of contact as defined in Framework Decision 2006/960/JHA.

Art. 35h

Equal treatment

1) No stricter rules apply to the disclosure of information to the competent law enforcement authorities of the other EU/Schengen states than to the disclosure to domestic law enforcement authorities.

2) To the extent that the provisions of this Act provide for stricter rules for the disclosure of information to foreign law enforcement authorities than to domestic law enforcement authorities, they shall not apply to law enforcement authorities of EU/Schengen States.

Art. 35i

Content and form of the requests

1) Requests for information must include, in particular, the following information:

a) the requesting body;

b) the information that is requested;

c) the purpose for which the information is requested;

d) a brief description of the main facts;

e) any restrictions on the use of the information contained in the request;

f) if necessary, the indication that the processing is urgent.

2) For requests for information, the corresponding form according to Art. 35l let. a must be used.

Art. 35k

Response and forwarding

1) The appropriate form pursuant to Art. 35l let. b must be used for responding to requests for information.

2) If the National Police receives a request that it is not competent to respond to, it shall forward the request ex officio to the competent authority.

3) The forwarding of requests, refusal to provide information and delay in response shall be justified on the form referred to in paragraph 1.

4) If the consent of another official body or a court is required, the National Police shall request such consent ex officio.

5) The state police must impose restrictions on the use of information when it is transmitted, if a provision of special law so provides.

6) In the case of the exchange of information without a request (Art. 35f(b)), the information must be forwarded using the form in accordance with Art. 35l(b).

Art. 35l

Forms

The government shall establish one form each by decree:

a) for the requests for information;

b) for responding to requests for information, including reasons for forwarding a request, refusal to provide information, and delay in responding.

Art. 35m

Deadlines

1) If the information requested relates to one of the serious crimes listed in the Annex and such information is directly available through access to a database, the following time limits shall apply to the response to the request:

a) eight hours for urgent requests;

b) seven days for non-urgent requests.

2) The time limit under paragraph 1(a) may be extended to three days; the extension must be justified.

3) In all other cases, the request must be responded to within fourteen days.

Art. 35n

Reasons for refusal

1) The exchange of information may be denied if:

a) it could affect essential national security interests;

b) it could jeopardize the success of ongoing investigations or the safety of individuals; or

c) the information requested does not appear to be pertinent and necessary for the successful prevention or prosecution of a crime.

2) The exchange of information shall be refused, without prejudice to Art. 35, para. 3, if:

a) the information is to be used as evidence before a judicial authority;

b) the request relates to an offense punishable by imprisonment of one year or less; or

c) access to and exchange of the information must be authorized by a judicial authority and that authority has denied authorization.

Art. 35o

Duty to provide information when collecting data

The National Police shall inform the data subject in accordance with Art. 31, para. 4, unless the EU/Schengen state where the data was collected expressly requests not to inform the data subject.

Art. 35p

Data transfer to a third country or an international organization

The National Police may transfer personal data to a competent authority of a third country or an international organization in accordance with Articles 77 to 79 of the Data Protection Act.

Art. 35q

Data transfer to recipients established in third countries

The National Police may only transfer personal data to recipients established in third countries that are not responsible for fulfilling duties pursuant to Art. 2 in special individual cases and only in accordance with Art. 80 of the Data Protection Act.

VI. Procedure and legal protection Art. 35r

Principle

1) Unless otherwise provided, the provisions of the Act on General State Administrative Care shall apply to the procedure and legal protection.

1a) A supervisory complaint against the threat or use of physical coercion or against other orders of the National Police that have not been issued in the form of an order or decision may be lodged with the Government (Art. 23 par. 4 LVG) within 14 days.

2) Unless otherwise ordered, appeals shall not have suspensive effect.

Art. 35s

File inspection

1) Subject to special legal provisions, the National Police shall allow the parties to inspect the files or parts of files relating to their case. The parties may make their own copies on the spot or have copies made at their own expense in accordance with the available technical possibilities.

2) Parts of the file shall be excluded from inspection if their inspection would harm the legitimate interests of a party or a third party or jeopardize the tasks of the state police or impair the purpose of the proceedings.

3) If police files have been transmitted to another administrative authority or a court, the right to inspect files shall be governed by the provisions applicable to the latter.

VII. Penal provisions

Art. 36

Transgressions

1) The district court shall punish for a misdemeanor with a fine of up to 5,000 francs, in case of non-collection with imprisonment for a term of up to one month, who:

a) disregards a ban on entering according to Art. 24g;

b) violates a ban on leaving the area, a restriction on leaving the area or a reporting requirement in accordance with Art. 26 Par. 1;

c) violates an order under Art. 26a.

2) Any person who refuses to provide information pursuant to Art. 25e para. 1 let. a or b or who provides false information in this regard shall be punished by the District Court with a fine or, in the event of non-collection, with imprisonment for up to one month. The fine shall amount to up to 30 % of the value in Swiss francs of the cash carried.

3) In the case of a violation under subsection 2 by a legal person, sections 74a and 74d of the Criminal Code shall apply.

4) In the case of offences under para. 2, the judge shall order the suspect to provide security in the amount of the presumed fine and costs of the proceedings if he has no fixed abode in Austria. § Section 322a (4) to (6) of the Code of Criminal Procedure shall apply mutatis mutandis.

VIII. Final provisions Art. 37

Terminology

Wherever laws and regulations refer to the Security Corps, this shall be understood to mean the National Police as defined in this Act.

Art. 38

Relationship to other laws

To the extent that other laws assign tasks to the state police without further regulating the powers of the state police, this Act shall apply.

Art. 39 Implementing regulations

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 40 Repeal of previous law

With the entry into force of this law, the law of 30 December 1932 concerning the Security Corps of the Principality of Liechtenstein (Police Law), LGBl. 1933 No. 1, shall be repealed.

Art. 41

Entry into force

This Act shall enter into force on the day of its promulgation.

XXV. School Act (SchulG)

from 15 December 1971

1. Main section

Public schools

A. General provisions

Art. 1

Task

Public schools, in cooperation with the family and the Church, serve the education and upbringing of growing youth. In this sense, they promote the harmonious development of the young person's intellectual, moral and physical powers and strive to educate him or her according to Christian principles to become an independent, responsible person who can meet the professional demands of life and a member of the people and the state.

Art. 1a Equality between men and women

The designations of persons, professions and functions used in this Act shall be understood to mean members of the female and male sexes.

Art. 2

Term

1) Public schools are those whose sponsor is the state or a municipality.

2) Dormitories and day schools affiliated with a public school are considered part of the school.

Art. 3

Structure

1) Public schools are divided into the following types of schools:

a) Kindergarten;

b) Elementary school;

c) Special schools;

d) Secondary schools: aa) High schools; bb) Secondary schools;

cc) Voluntary 10th grade; dd) Vocational high school;

(ee) High school.

2) The upper and intermediate secondary schools, the lower level of the Gymnasium (grades 1 to 3) and the voluntary 10th grade form the lower secondary level, while the upper level of the Gymna- sium (grades 4 to 7) and the vocational middle school form the upper secondary level.

Art. 4

Authorization to establish or abolish public schools

The establishment of new public schools and the abolition of existing ones require the approval of the government.

Art. 5

School districts

1) A school district shall be established for each public school.

2) The school district is the area within which the school-age children who are eligible according to the type of school and who reside in the school district are required or entitled to attend school.

3) School districts are established by the government, and for kindergartens and elementary school by the municipal school board.

Art. 6 General accessibility

1) Public schools are open to the general public provided that the student meets the school law admission requirements and is a member of the school district designated for the school.

2) The school board may waive the requirement of belonging to the school district designated for the school if there are special reasons for doing so.

Art. 7

Principle of gratuitousness

1) In principle, attendance at public schools is free of charge. A school fee has to be paid:

a) Vocational high school students;

b) Pupils with foreign residence, unless the foreign state holds counter-law.

2) Teaching materials and school supplies are provided at a reduced rate in the public schools and free of charge in the public schools listed below:

a) Kindergarten;

b) Elementary school;

c) Special schools;

d) Secondary schools (levels 1 to 4).

3) In the case of school events such as school or class camps, class trips, excursions, theater visits and the like, parental contributions may be levied in kindergarten, primary and special schools as well as in secondary schools of levels 1 to 4 only for the costs of catering. Other costs shall be borne by the respective school authority.

4) The Government shall regulate by ordinance in particular:

a) the subsidy rates for the discounted distribution of teaching materials;

b) the subsidization of school supplies;

c) subsidizing school events;

d) the amount of the tuition.

Art. 8

Curricula

1) The Government shall establish curricula by decree for the public schools referred to in Article 3 in accordance with the type of school.

2) The curricula for primary and secondary schools shall include in particular:

a) The general educational and educational objectives;

b) the learning objectives and content at the individual school levels and in the individual subject areas and subjects;

c) the total number of hours for each level and the number of hours for each subject area and subject.

3) The curricula for religious instruction, with regard to the subject matter and its distribution among the various grades, shall be issued by the church concerned within the limits of the weekly hours fixed by the state for religious instruction and shall be published by the government. The competent ecclesiastical bodies shall be given an opportunity to comment before the number of hours per week is fixed and before any change is made.

4) The design of the curricula for the first three grades of the Gymnasium, the Realschule and the Oberschule shall ensure facilitation of the transfer of Oberschule students to the Realschule (Art. 50) and of Realschule students to the Gymnasium (Art. 57).

5) Curricula are to be reviewed every five years.

Art. 9

Parent and student orientation, student evaluation, and transportation.

1) Parents or other legal guardians of students who are not of legal age are entitled to regular interviews and written

notifications in which they are informed about the student's performance, learning and work behavior, conduct and absences. Students who have reached the age of majority may exercise this right independently; in the case of students of the Gymnasium who have reached the age of majority, the parents will also be informed in writing.

2) In addition to assessment by grades, other assessment methods are also permissible, provided that:

a) the assessment is based on learning objectives;

b) the procedure is handled uniformly per school; and

c) parents are oriented according to uniform criteria for each type of school.

3) The Government shall, by decree, issue more detailed provisions on the orientation of parents and pupils, the assessment of pupils, and the conditions for admission, promotion, and transfer to the various types of schools.

Art. 9a

Orientation of parents with regard to transfers

1) The parents or other legal guardians have a right of appeal with regard to the transfer of the student to a professional or further school career:

a) to be informed about learning, social and working behavior, the degree of achievement of learning objectives and examination results;

b) to be advised about possible further educational paths.

2) The government shall issue a decree containing more detailed provisions. It shall determine by ordinance in which cases the parents or other legal guardians may be required to attend an interview.

Art. 9b

Co-responsibility and co-determination of the students

Pupils shall be involved in decisions affecting them, unless their age or other important reasons indicate otherwise. The school regulations provide for the pupils' co-responsibility and co-determination in accordance with their age and stage of development.

Art. 10

Teaching Resources

1) The Board of Education shall determine, based on the curriculum, what instructional materials are required in the public schools and shall procure such instructional materials for each public school.

2) Based on the curriculum, public schools may purchase and use other instructional materials within their budgets.

Art. 11

Class enrollment and allocation of teaching positions.

1) The government sets by decree the guideline numbers for:

a) the class inventories;

b) the teaching positions per school or school level according to the number of pupils and the composition of the pupil population (in percentage of posts).

2) In addition, it establishes by decree:

a) according to which criteria either the indicative figures for class populations or the indicative figures for teaching posts are to be applied;

b) the reference date relevant for the determination of the benchmark figures.

Art. 12

School year, vacations

The school year lasts at least 38 and at most 40 weeks. The distribution of vacations over the school year is regulated by the government by ordinance.

Art. 12a

Teaching time

1) Subject to subsection 2, the school administration shall determine the distribution of classes over the individual days of the week.

2) In the case of kindergartens and elementary school, the agreement of the municipal school board is required.

3) Saturday is free of classes.

4) The Board of Education may adopt policies for the purpose of coordinating instructional time.

Art. 13 School

rules

The government shall issue school regulations by decree on the internal organization of the individual types of public schools. The school regulations shall also provide information on the rights and duties of pupils and the disciplinary authority of teachers.

Art. 14

Accident insurance

School authorities shall insure pupils against accidents that may occur in connection with school attendance. The government shall issue more detailed regulations on the scope of the insurance.

Art. 15

School Trials

The Government may, for the purpose of testing special pedagogical or school-organizational measures, conduct school experiments for a limited period of time in derogation of the relevant articles of this Act.

Art. 15a

Special school measures

1) Children with poor school performance and behavioral problems are to be supported by special school measures, unless they are admitted to a special school.

2) Special school measures can also be taken to support children who speak foreign languages.

3) The Government shall, by ordinance, issue more detailed provisions on special educational measures, in particular on instruction in small groups, individual instruction, teacher training and aids.

Art. 15b

Pedagogical-therapeutic measures

1) Children and adolescents whose development is impaired are supported by appropriate pedagogical-therapeutic measures. In the regular school, care must be taken to ensure that these measures are implemented in coordination with the special school measures (Art. 15a).

2) Pedagogical-therapeutic measures must also cover children who are not yet of school age. The entitlement of adolescents to pedagogical-therapeutic measures expires when they reach the age of 20; for adolescents for whom pedagogical-therapeutic measures have already been taken prior to the age of 20, the entitlement to pedagogical-therapeutic measures expires.

If the child has been ordered to undergo pedagogical and therapeutic measures before the age of 20 and the continuation of these measures is necessary, the entitlement lasts until the completion of the pedagogical and therapeutic measures, but at the latest until the child reaches the age of 22.

3) The implementation of pedagogical-therapeutic measures shall be entrusted to professionally qualified persons or private institutions with professionally qualified staff. A person is deemed to have a professional qualification if he or she holds the relevant specialist diploma from a recognized university or university of applied sciences for curative education.

4) The Government shall, by ordinance, issue more detailed provisions on the educational-therapeutic measures.

Art. 16

Maintenance of a public school

Maintenance of a public school includes:

a) Provision and maintenance of school buildings and school facilities;

b) Lighting, heating and cleaning;

c) Acquisition and maintenance of school facilities;

d) Acquisition and maintenance of teaching aids and illustrative material;

e) Coverage of other school expenses;

f) Provide personnel as may be required to maintain school buildings and facilities.

Art. 17 School

libraries

School boards shall establish and maintain student and teacher libraries for the various schools.

Art. 18 School

buildings and facilities

1) Public schools shall comply with the principles of pedagogy and school hygiene with regard to their location, design and furnishings, and shall have the illustrative material required by the curriculum.

2) The construction requirements and inventory are determined by the government.

Art. 19

Co-use for non-school purposes

1) The co-use of school buildings and school facilities for non-school purposes in the case of schools sponsored by the state shall be regulated by the school board, and in the case of schools sponsored by a municipality, by the municipality.

2) Co-use is permitted only if it does not interfere with school operations.

B. Special provisions

1. Kindergartens

1. Section Establishment and maintenance Art. 20

Carrier

1) The kindergartens shall be established and maintained by the municipalities in accordance with Art. 16.

2) In each municipality, enough kindergartens or kindergarten departments must be created to accommodate two grades.

2. Section Task, structure and organization Art. 21

Task

The kindergarten, in cooperation with the family and the school, has the task of educating the child according to the findings of educational science and child psychology, and of promoting the child according to its age and characteristics in such a way that it attains the general maturity necessary for entry into elementary school. The government shall issue guidelines on the educational work in kindergarten and on kindergarten management by ordinance.

Art. 22

Structure

1) Kindergarten includes the two grades prior to the start of compulsory schooling.

2) Retrieved

Art. 23

Right and obligation to attend kindergarten

1) Attendance at the kindergarten is voluntary.

2) The government may declare attendance at kindergarten compulsory for the last year before compulsory education.

3) Obligated to attend kindergarten are:

a) Children who are deferred in accordance with Art. 86;

b) foreign language children in their last year before entering compulsory education. Art. 23a

Admission and departure

1) The government shall determine by ordinance the cut-off date for admission to kindergarten. In addition, the government may, by ordinance, set a time limit within which the parents may freely decide on the admission of their child to kindergarten after prior information by the education authority. The period begins at the earliest on the cut-off date and lasts a maximum of three months.

2) At the request of the parents, the school council decides whether a child who is not yet eligible for admission to kindergarten in accordance with Paragraph 1 may be admitted to kindergarten early. The school council obtains the necessary expert opinions for the admission decision.

3) Children leave kindergarten at the latest when they enter compulsory schooling, except in the case of deferrals.

4) Children who are developmentally disturbed or disabled have the right to attend a remedial kindergarten.

5) At the request of the parents, the school board decides whether a child whose development is disturbed or handicapped can attend a regular kindergarten. It takes into account the special educational needs of the child and the school environment. Before the decision is made, the parents, the municipal school board, the kindergarten director, the doctor and the school psychology service must be consulted. Further details shall be regulated by ordinance.

Art. 24

Teaching

1) Children are taught in classes or groups according to the curriculum (Art. 8).

2) A kindergarten class may be run jointly by two kindergarten teachers with the approval of the municipal school board. The degree of employment of a

Kindergarten teacher must be at least 40%.

Art. 24a

Kindergarten management

In each municipality, the kindergarten and elementary school shall be run jointly in accordance with Art. 29a.

2. Elementary school

1. Section Establishment and

maintenance Art. 25

School Board

Elementary school shall be established and maintained by the municipalities in accordance with Art. 16.

2. Section

Task, structure and organization Art.

26

Task

Elementary school is the common place of education for all children. It has the special task of acquainting pupils with elementary knowledge and skills, helping to form their character and mind, and preparing their thinking and expressive abilities for secondary schools.

Art. 27

Structure

1) The elementary school consists of five grades.

2) Organization and structure are governed by regulation.

3) The division into classes is based on the age and educational ability of the students.

Art. 28

Skipping a grade

Particularly gifted students who show exceptional performance may, with the approval of the school board and in agreement with the school psychologist and the school doctor, skip one grade.

Art. 29

Lessons

1) Students are taught in classes or groups according to the curriculum (Art. 8).

2) In the various subjects and subject areas, most of the lessons are taught by the class teacher.

3) For each primary school class, the school management must determine who will take over the function of the class teacher.

4) The function of class teacher may be performed jointly by two teachers with the approval of the municipal school board. The employment level of one teacher must be at least 40%.

Art. 29a

School management

The government appoints the joint school board for the pri- mar school and the kindergarten for each municipality. The municipal school board is invited to comment.

3. Auxiliary Schools

Art. 30 to 33Discontinued

4. Special Schools

1. Section Establishment and maintenance Art. 34

School Board

Special education shall be provided by the State. If necessary, special schools shall be established in cooperation with public and private institutions and maintained in accordance with Art. 16.

2. Section Task, Assignment

Art. 35

Task

1) Special education provides children and adolescents who are developmentally disturbed or handicapped with a free education according to curative pedagogical principles.

2) Special education must also cover children who are not yet of school age. The entitlement of adolescents to special education shall expire when they reach the age of 20; for adolescents for whom special education has already been ordered before the age of 20 and the continuation of this measure is necessary, the entitlement shall last until the completion of the special education, but at the latest until the age of 22.

Art. 36

Allocation

The school board assigns children who are developmentally disturbed or handicapped to a suitable special school at the request of the parents or ex officio. It shall take into account the special educational needs of the child and the school environment. Prior to the decision, the parents and, if necessary, the principal, the doctor, the school psychology service and, in cases where the municipalities contribute to the costs of the special schools, the municipal school council shall be heard.

5. High schools

1. Section Establishment and

maintenance Art. 37

School Board

High schools shall be established and maintained by the State in accordance with Article 16.

Art. 38

School Districts

High schools shall be established in the high school districts of the country to be determined by the government by ordinance.

2. Section

Task, structure and organization Art.

39

Task

The purpose of the secondary school is to expand on the material taught in the previous years of schooling and primarily to develop the practical abilities of the students and prepare them for the demands of professional life. The final school stages also serve to clarify vocational aptitude and suitability.

Art. 40

Structure

The high school consists of four school levels. As a rule, each school level has to correspond to one class.

Art. 41

Organization

1) In high school, students are taught compulsory, elective and optional subjects according to their talents.

2) In all other respects, the organization shall be governed by ordinance.

Art. 42

Teaching

1) Students are taught in classes or groups according to the

curriculum (Art. 8).

2) Different teachers can be employed in the individual subjects and subject areas.

3) For each class, the school management shall determine who will assume the function of class teacher.

Art. 43

School management

The government appoints the school board for each high school.

6. Realschulen

1. Section Establishment and

maintenance Art. 44

School Board

The secondary schools shall be established and maintained by the State in accordance with Art. 16.

Art. 45

School Districts

Secondary schools shall be established in the regional school districts of the Land to be determined by the Government by ordinance.

2. Section

Task, structure and organization Art.

46

Task

The purpose of the Realschule is to provide a broader and more in-depth education and to prepare students for vocational training and further studies.

Art. 47

Structure

The Realschule consists of four school levels. Each school level corresponds to one class.

Art. 48

Organization

1) Secondary schools can have several classes after the first grade. The classes differ in the diversity of requirements.

2) In all other respects, the organization shall be governed by ordinance.

Art. 49

Admission requirements

Admission to the Realschule requires the successful completion of the fifth grade of elementary school and the fulfillment of the requirements according to Art. 9 of this law.

Art. 50

Transfer from high school to secondary school

Transfer from the secondary school to the junior high school requires successful completion of the current secondary school year and fulfillment of the requirements according to Art. 9 of this law.

Art. 51

Classification in another type of school

Students in the first grade of the secondary school may be placed in the high school by the school board when

a) their performance is not satisfactory within the probationary period to be determined by regulation, or

b) at the end of the school year, promotion to the next grade cannot be granted and it is obvious that a repetition of the grade will be futile.

Art. 51a

Lessons

1) Students are taught in classes according to the curriculum (Art. 8).

2) Teachers with appropriate professional training are assigned to individual subjects and departments.

3) For each class, the school administration shall determine which teacher will assume the function of the class teacher.

Art. 51b School

management

The government appoints the school management for each secondary school.

3. SectionReal school with sports class

Art. 51c

Purpose

For the purpose of promoting competitive sports, the State may establish and conduct sports classes at a secondary school to be determined by the Government.

Art. 51d

Organization

1) The lessons at the secondary school with sports classes are taught according to the curriculum of the secondary school. Deviations from this curriculum may be made in individual subjects.

2) Sports classes are open to lower secondary school pupils for whom a sports association has issued a recommendation and drawn up a performance-oriented and competent training program. Art. 6 para. 1 does not apply.

3) The implementation of the training sessions is the responsibility of the sports associations; they are responsible for performance-oriented and professional training.

4) The Government shall regulate the details, in particular the conditions of admission and transfer, by ordinance.

Art. 52

Repealed

6a. Voluntary 10th school

year Art. 52a.

Task, structure and organization

1) The state may run a voluntary 10th grade program.

2) The voluntary 10th school year builds on the last stage of compulsory education.

3) It serves the purpose of vocational preparation and can be conducted in the form of different types as required.

4) The Government shall, by ordinance, issue more detailed provisions on the transfer, organization and management.

5) Instruction at the Voluntary 10th Grade School is to be provided by classroom and subject teachers.

6b. Vocational high school

1. Section construction and maintenance

Art. 52b

School board

The vocational high school shall be established and maintained by the State in accordance with

Article 16.

2. Section

Task, structure and organization

Art. 52c

Task

1) The vocational secondary school has the task of providing graduates of vocational training with an extended general education and preparing them for university studies.

2) The vocational high school imparts linguistic, mathematical, economic, historical-social and technical-scientific knowledge.

3) Retrieved

Art. 52d

Structure

1) The Berufsmittelschule leads to the Berufsmatura. Different specializations can be offered as required. Classes can be offered on a part-time or full-time basis.

2) The courses of the vocational secondary school are offered as modules.

3) The organization is regulated by decree.

Art. 52e

Admission requirements

1) Admission to the vocational secondary school requires successful completion of vocational training.

2) In exceptional cases, admission to the Berufsmittelschule is also possible before completion of vocational training. The decision is made by the Berufsmatura Commission on the basis of a statement by the school management.

Art. 52f

Vocational baccalaureate, vocational baccalaureate commission

1) The vocational baccalaureate is awarded if the performance requirements in the baccalaureate subjects, in the specialized papers and in the baccalaureate examinations are met and proof of completed vocational training is provided. A vocational baccalaureate certificate is issued for the vocational baccalaureate obtained.

2) The government appoints a vocational baccalaureate commission for the conduct of the vocational baccalaureate examinations, the term of office of which is four years. The vocational baccalaureate commission consists of one representative each from the school board, the Office for Vocational Education and Counseling, the University of Liechtenstein, and two other members. The school management has an advisory vote. The chair and vice-chair are appointed by the government.

3) The Vocational Baccalaureate Commission constitutes a quorum if at least three members are present. Resolutions are passed by a simple majority. In the event of a tie, the chair shall have the casting vote.

4) The Professional Baccalaureate Commission is responsible for preparing, conducting and evaluating the professional baccalaureate examinations. In particular, it has the following competences:

a) Decision on admission to the professional baccalaureate examinations;

b) Decision on the award of the vocational baccalaureate certificate.

5) The school management issues a certificate for successfully completed modules.

6) Further details shall be regulated by ordinance.

Art. 52g

Lessons

1) Vocational high school students are taught in classes according to the curriculum (Art. 8).

2) Teachers with appropriate professional training are assigned to individual subjects and departments.

3) For each class, the school administration shall determine which teacher will assume the function of the class teacher.

Art. 52h

School management

The government appoints the school management for the vocational secondary school.

7. high school

1. Section construction and maintenance

Art. 53

School board

1) The gymnasium shall be established and maintained by the State in accordance with Art. 16.

2) Retrieved

2. Section

Task, structure and organization Art.

54

Task

The task of the Gymnasium is to educate students in a scientific spirit for independence of thought and judgment, to introduce them to the methods of intellectual work, and to prepare them for university studies.

Art. 55

Structure and duration

The long form of the Gymnasium is based on the fifth grade of elementary school, while the short form is based on the third grade of secondary school. It comprises seven school years in the long form and four school years in the short form and awards the Matura upon successful completion.

Art. 56

Organization

1) At the Gymnasium, students are taught a broad general education within the framework of compulsory subjects.

2) In the last four grades of the Gymnasium, students must choose between various concentrations and subjects. These serve to deepen and broaden general education. The share of these subjects and emphases amounts to a total of at least 18% and at most 30% of the compulsory workload.

of the student.

3) The details are regulated in the curriculum according to Art. 8.

Art. 57

Admission requirements

1) Admission to the long form of the Gymnasium requires the successful completion of the fifth grade of elementary school and the fulfillment of the requirements according to Art. 9 of this law.

2) Students may transfer from the Realschule to the upper level of the Gymnasium if they have successfully completed the third grade of the Realschule. The school authority shall ensure that the requirements are the same for all pupils transferring to the upper level of the Gymnasium. In all other respects, the requirements of Art. 9 must be fulfilled.

Art. 58

Maturity, Maturity Commission

1) The Gymnasium education concludes with the Matura examinations. A Matura certificate is issued for the Matura achieved.

2) The government appoints a Matura Commission for the conduct of the Matura examinations, whose term of office is four years. The Matura Commission consists of a total of seven members. The chair and vice-chair are appointed by the government. A representative of the school board is an ex-officio member. The school management has an advisory vote.

3) The Matura Commission constitutes a quorum if at least the Chair or Vice-Chair and four other members are present. Resolutions are passed by a simple majority. In the event of a tie, the chair shall have the casting vote.

4) The Matura Commission is responsible for preparing, conducting and evaluating the Matura examinations. In particular, it has the following competences:

a) Decision on admission to the baccalaureate examinations;

b) Decision on the awarding of the Maturity Certificate.

5) Further details shall be regulated by ordinance.

Art. 58a

Lessons

1) Students are taught in classes according to the curriculum (Art. 8).

2) In the individual subjects and subject areas, teachers are assigned who have a

have appropriate professional training.

3) For each class, the school administration shall determine which teacher will assume the function of the class teacher.

Art. 58b

Sports

classes

1) For the purpose of promoting competitive sports, the state may establish and maintain sports classes at the senior high school level.

2) The provisions of Art. 51d shall apply mutatis mutandis to the organization.

Art. 59

School management

The government appoints the school management for the high school.

2. Main part private

schools and private education

1. Section Private schools subject to approval

Art. 60

Concept of private school

Private schools are institutions sponsored by natural persons or legal entities under private law in which a majority of pupils are taught together according to a curriculum.

Art. 61 Private

schools subject to approval

1) Private primary and secondary schools, including schools that conduct Matura examinations, are subject to the licensing requirement.

2) There is no licensing requirement for other private schools.

3) The regulations of the trade, building and foreigners' police as well as the legal regulations on vocational training, higher education and adult education are reserved.

4) Chapter III of the Law on Provision of Services shall not apply to the licensing of private schools.

2. Section Approval procedure

Art. 62

Requirements

1) The school authority shall be granted the establishment and management of a private school pursuant to Art. 61, para. 1, if it proves that the following requirements are met:

a) the school management and teachers must have the same training as public school teachers;

b) the curriculum must be structured in accordance with Art. 8, Para. 2;

c) the material resources necessary for the implementation of the curriculum must be available;

d) The existence of sufficient insurance coverage, which at least covers the occupational risk for teachers.

2) In justified cases, exceptions or deviations from the requirements pursuant to Para. 1 a) and b) are permissible.

Art. 63

Responsibility

The government is responsible for issuing the permit.

Art. 64

Expert opinion

1) The government may obtain an expert opinion to review the request.

2) The costs of preparing an expert opinion may be passed on to the applicant, provided that the applicant is informed of this before the expert opinion is obtained.

3. Section Responsibility

Art. 65

School board

1) The school board is responsible for the organization of the private school.

2) The organization shall ensure that the requirements pursuant to Art. 62 are met at all times.

Art. 66 School management and teachers

1) The school management is responsible for the administrative and pedagogical management of the Pri- vat School. It also has the following duties:

a) Represent the school to school authorities;

b) Reporting of entries and withdrawals of school-age children to the school district;

c) Control of regular school attendance;

d) Reporting unjustified absences of school-age children to the school office if the absence lasts more than one week;

e) Obtaining approval for new teachers (Art. 108, para. 1, subpara. g).

2) School management and teachers are jointly responsible for an orderly school operation, in particular for regular teaching according to the curriculum.

3) Students are under the supervision of school administrators and teachers during all school hours, including, but not limited to, extraordinary school events.

4. Section Right of Publicity

Art. 67

Requirements

A private school as defined in Art. 61, para. 1, may be granted the right of public access if it:

a) is generally accessible;

b) the requirements pursuant to Art. 62 Para. 1 and

c) fulfills an educational task that is in the public interest.

Art. 68

Content

1) By granting the right of publicity, the school acquires the right to issue school certificates, which have the probative force of public documents and the same legal effects as certificates issued by the public school.

2) Retrieved

Art. 69

Responsibility

The government is responsible for granting the right of publicity.

5. Measures section

Art. 70

Measures

1) If the responsibility according to Art. 65 and 66 is not or not correctly fulfilled, the following measures can be ordered against the school board:

a) the warning;

b) the threat of withdrawal of the permit;

c) the withdrawal of the permit.

2) The measures pursuant to paragraph 1 letters a and b shall be combined with the necessary conditions and deadlines.

3) In serious cases, the immediate withdrawal of the permit may be ordered.

Art. 71

Responsibility

The government is responsible for ordering the measures.

Art. 72

Repealed

6. Private lessons section

Art. 73

Authorization requirement

1) Private tuition as individual tuition for the fulfillment of compulsory education requires the approval of the school board. It is subject to the obligation of annual proof of the progress of the lessons.

2) Private instruction may be given only by teachers who have been examined or approved by the School Board.

7. Section

Matura at private schools with public law Art.

73a

Transfer to a private senior high school

The school management of the private school shall ensure that the students transferring to the upper secondary school meet the admission requirements pursuant to Art. 57 Para. 2.

Art. 73b

Matura

The Government shall regulate the Matura at private schools with public law by ordinance, in particular:

a) the conditions for admission;

b) conducting the Matura examinations and awarding the Matura certificates;

c) the representation of the private school with an advisory vote in the Matura Commission according to Art. 58.

3. Main part

compulsory

education

1. Section Group of persons, commencement

and duration Art. 74

Group of persons

School attendance is compulsory for all children residing in Liechtenstein.

Art. 75

Referen

ce date

1) The school year begins in late summer.

2) The government determines by decree the beginning of the school year and the cut-off date for the start of compulsory education.

3) The Government may, by decree, fix a period of not more than six months within which parents are free to decide whether to enroll their child in compulsory education. The deadline for the start of compulsory education must fall in the middle of this period.

4) At the request of the parents, the school board decides whether a child who is capable of attending school and who is neither obliged nor entitled to attend school can be admitted to the school early. The school council obtains the expert opinions necessary for the admission decision.

Art. 76

Duration

1) Compulsory education lasts nine school years.

2) At the request of the parents or the school management, the school council may exempt the child from attending the ninth school year. The school council obtains the expert opinions necessary for the decision.

Art. 77

Voluntary school

years

1) Students who have completed their compulsory education in the ninth year of school by

attending a Real-
or special school, without thereby compromising the educational objective of the school in question.

school type are entitled to continue attending the respective school in the two school years immediately following the end of their compulsory education.

2) Students in the fourth grade of high school are entitled to transfer to the fourth grade of secondary school, provided they meet the requirements of Art. 50.

3) Students in the fourth grade of the Gymnasium are entitled to attend the fourth grade of the Realschule in the school year immediately following the end of their compulsory education.

2. Section Completion of compulsory

education Art. 78

Fulfillment types

1) Compulsory education is fulfilled by attending public schools.

2) It shall also be fulfilled at approved private schools pursuant to Art. 61 Para. 1 Letter b and, subject to Art. 85, at recognized foreign schools or through private tuition.

Art. 79

Admission to elementary school

Children who have become of compulsory school age must be registered by their parents or other legal guardians for enrollment at the elementary school in their school district.

Art. 80

Pupil register

1) Each municipality must keep a register of children of compulsory school age living in its area. Newly arriving children of compulsory school age must be reported to the responsible school management.

2) School administrators must notify the relevant municipality of the entry into and departure from school of each child who is required to attend school.

Art. 80a

Processing of personal data

1) The school board, the public schools and the private schools approved by the government may process or have processed personal data of pupils and parents to the extent necessary for the performance of the tasks assigned to them.

2) They may also process, or arrange for the processing of, personal data revealing the religious convictions of pupils, insofar as this is necessary for the organization of denominational religious education.

3) The Board of Education, public schools, and private schools authorized by the government may process or cause to be processed personal data, including school-related special categories of personal data, in particular health data, for the following purposes:

a) Student Assessment (Art. 9);

b) Ordering special educational and pedagogical-therapeutic measures (Art. 15a and 15b);

c) Integration into mainstream kindergarten (Art. 23a(5)) and mainstream school (Art. 82(2));

d) early admission to kindergarten (Art. 23a par. 2);

e) Skipping a grade (Art. 28);

f) Assignment to a special school (Art. 36);

g) early admission to school (Art. 75 par. 4);

h) early release from compulsory education (Art. 76 par. 2);

i) Deferral (Art. 86);

j) Expulsion from school (Art. 89).

4) The school board, the public schools and the private schools approved by the government may transmit data pursuant to paras. 1 to 3 to the bodies of the school administration (Art. 101) if they are required for their decisions.

5) For the purposes of data processing, the Board of Education, public schools, and private schools approved by the government may operate a data processing system.

6) Retrieved

Art. 81

Statistics, education controlling and research

1) The school board may process or have processed personal data, including school-relevant special categories of personal data, of pupils, teachers and parents for the purpose of educational controlling, educational statistics and educational research, to the extent that this is necessary to fulfill its duties under this Act.

2) The school board may transmit data pursuant to subsection 1 for the purpose of evaluating

an:

a) Authorities compiling official statistics, if they are required to do so by law or state treaty; or

b) recognized research institutions, provided that the requirements of the data protection legislation are met. The assignment and the requirements to be met are to be defined contractually.

3) Retrieved

4) The surveys are to be evaluated and used exclusively for the purpose of student support and for the advancement of instruction, the school, and the school system as a whole.

5) The results of the evaluation may only be made known to the public in an anonymized form, without naming schools, classes, students, teachers or parents, as a statistical evaluation of the overall result.

Art. 82

Attending a special school

1) Children whose development is disturbed or handicapped must attend a special school, subject to the provisions of paragraph 2.

2) At the request of the parents, the school board decides whether a child with a developmental disorder or disability can attend a regular class. It takes into account the special educational needs of the child and the school environment. Before the decision is made, the parents, the principal, the doctor, the school psychological service and, if the child is to be admitted to elementary school, the municipal school board must be consulted. Further details are regulated by ordinance.

Art. 83

School attendance and absenteeism

1) Pupils admitted to a school referred to in Article 3 shall attend classes regularly and punctually during the prescribed school hours, shall also attend classes regularly in the optional subjects for which they were enrolled at the beginning of the school year, and shall participate in the prescribed other school events.

2) Absence from school during school hours is permitted only in the case of justified prevention of the student.

3) Justifiable reasons for a student's absence include, but are not limited to:

a) Illness of the student;

b) Illnesses of members of the student's household associated with risk of contagion;

c) Death of parents and siblings or other close relatives.

4) The employment of students in domestic, agricultural, commercial, or other work shall not be considered a justification for absence.

5) The parents or other legal guardians of the child must notify the class teacher or the principal without delay of any inability of the student to attend. If the student is ill or in need of recuperation, a medical certificate may be required in cases of doubt.

6) Otherwise, permission to be absent for a justified reason may be granted by the school administration. For absences of up to three days, the school administration may delegate this authority to the school's classroom teachers. The school board may issue recommendations or guidelines on the recognition of reasons for absence.

Art. 84

Obligation to register for domestic private schools

If compulsory schooling at domestic private schools is fulfilled, there is an obligation to notify the school authority in accordance with Art. 66 Para. 1 Letter b.

Art. 85

Permit requirement for foreign schools and private tuition

Parents whose children are to complete compulsory education at recognized foreign schools or through private tuition in accordance with Art. 73 must obtain permission from the school board.

3. Section

Deferral from school attendance and exemption from compulsory education

Art. 86

Deferral

1) At the request of the parents or ex officio, the school council decides whether a child who is not yet of school age and who is required to start school in accordance with Art. 75 Para. 2 is to be deferred from school attendance for the first year of his or her compulsory education. The school council obtains the expert opinions necessary for the deferral decision.

2) A child who has been deferred within the meaning of paragraph 1 shall attend kindergarten if justified by the school psychologist.

Art. 87

Exemption

Repealed

4. Section

Responsibility for fulfillment of compulsory education, expulsion from school Art.

88

Responsibility, criminal liability

1) The parents or other legal guardians are obliged to ensure the fulfillment of the compulsory school attendance, in particular the regular school attendance and the observance of the school rules by the student.

2) Failure to comply with the obligations specified in Art. 9a, para. 2, Art. 79, 83, paras. 1, 5 and 6, Art. 84, 85 and in this article shall constitute a misdemeanor. It shall be punished by the school board with a fine of up to 5,000 francs.

3) In minor cases, a penalty may be waived or a warning may be given instead of a fine.

4) In serious cases of non-compliance with the obligations referred to in paragraph 2 of this Article, the Government may order coercion.

Art. 89 Exclusion

from school

1) Children who endanger their classmates morally or physically, or who repeatedly seriously impair the orderly conduct of the school through undisciplined behavior, may be temporarily or permanently excluded from the school by the school board at the request of the school administration.

2) If compulsory education has not yet been completed, the school board shall make the necessary arrangements for the education of the excluded children.

4. Main section

Public school staff

1. SectionTeaching Staff

Art. 90

Employment relationship, salary and insurance

The employment relationship, remuneration and insurance of teachers are regulated by special laws.

2. SectionLeadership

Principal

Art. 91

a) Tasks

1) The principal, in cooperation with the appropriate authorities, is responsible for the administrative, personnel, financial, and educational management and development of the school.

2) In particular, the principal shall have the following duties:

a) Management of the personnel assigned to him;

b) Organization of the school building operation;

c) Leading school development processes;

d) Leadership of the Teachers' Conference;

e) Parenting;

f) Public Relations;

g) Accountability to the relevant authorities and reporting to the public.

3) Articles 30 and 31 of the Teacher Service Act are reserved.

4) The Government shall regulate the details, in particular with regard to reporting, by ordinance.

Art. 92

b) Employment relationship

1) The principal is employed with a contract of service.

2) The provisions of the State Personnel Act shall apply to the employment relationship.

3) Salaries and insurance shall be governed by special laws. Art. 93

Other management personnel

1) The government may, if necessary, allocate posts for additional management personnel to the school managements. In the case of school management for kindergartens and primary schools, the government shall obtain the opinion of the municipal school board.

2) Art. 92 may be applied.

3. SectionOther personnel

Art. 94

Schools sponsored by the state

1) The government may, if necessary, assign additional positions to the principal of a public school sponsored by the state, specifically to perform the following duties:

a) Supervision of the day school;

b) Supervision of the dormitory;

c) Supervision of libraries, laboratories and collections;

d) School Administration and Secretariat.

2) Art. 92 shall apply.

Art. 95

Schools supported by the municipalities

The assignment of additional positions to principals of a community-supported public school is the responsibility of the community.

Art. 96 to 100Discontinued

5. Main section

Organization of school administration, authorities and advisory bodies

1. Section Authorities and advisory bodies

Art. 101

Organs

The organs of the school administration are:

a) Government;

b) School Board;

c) Teaching Commissions;

d) School Board;

e) Community School Board.

Art. 102

Government

1) The Government shall supervise the entire education system. In particular, it monitors the uniform application of the law by its subordinate bodies, supervises the management of the school office and the school board, and promotes educational planning.

2) The Government shall issue the regulations necessary for the implementation of this Act.

3) The Government shall be responsible for all business which the law does not expressly assign to other organs. It shall be entitled to delegate some of these matters to subordinate bodies by decree.

4) The Government may, by decree, delegate to the school boards the duties assigned to the school council in Art. 23a par. 2, Art. 28, 75 par. 4, Art. 76 par. 2 and Art. 86 par. 1, as well as the duties assigned to the school board in Art. 19 and 23a par. 1.

5) The Government may, by decree, amend the provisions of Art. 23a par. 5, Arts. 36, 51, 73, 82 par.
2, Art. 85, 89, 108 Para. 1 and Art. 124 Para. 4 shall be transferred to the School Board.

Art. 103 to 105Discontinued

Art. 106

School Board

The school board is responsible for the following:

a) Maintain and develop school operations in the public schools, specifically:

aa) Planning and ensuring school operations in terms of personnel and organization in cooperation with the school administrators;

bb) Ongoing provision of schools with the resources necessary for school operations;

cc) Management of the school management staff and other staff in accordance with Art. 91 to 94;

dd) Supervision of teaching staff in accordance with Art. 30 et seq. of the Teachers' Service Act;

ee) Management of central services, in particular in the areas of school psychology, pedagogy, school social work, school IT, school media, administration of school management and teaching staff, management of teacher and pupil data, as well as subject administration;

ff) Educational controlling, promotion of quality development and accountability;

gg) Regular exchange of information on important school matters and developments with institutionalized representatives of parents, students and teachers as well as with business associations;

hh) Conducting public relations;

b) Supervision of private schools approved by the government;

c) Informing and advising the government on developments in education and preparing government business;

d) Preparation and execution of the business of the School Board;

e) Determination and procurement of teaching materials for public schools (Art. 10, para. 1);

f) Decisions on the use of school buildings and facilities for non-school purposes (Art. 19);

g) Receipt of notifications in connection with the entry of children into kindergarten (Art. 23a par. 1);

h) Ensuring the necessary requirements for transfer from the secondary school to the upper level of the grammar school (Art. 57, Para. 2);

i) Processing of personal data (Art. 80a and 81);

k) Issuing recommendations or guidelines on the recognition of dispensa- tion grounds (Art. 83 para. 6);

l) Receipt of notifications in case of fulfillment of compulsory education in domestic private schools (Art. 84);

m) punishment of violations (Art. 88 par. 2);

n) Participation in the organization of the pupil transportation service (Art. 124 par. 1);

o) Performing other duties assigned by law and ordinances. Art. 106a

Teaching Commissions

1) The government appoints for a term of 4 years a teaching commission for the grammar school and for the vocational high school, both of which are headed by a representative of the school board.

2) The teaching commissions are responsible for inspecting the grammar school and the vocational secondary school. The government shall regulate the details by means of regulations.

School

board

Art. 107

a) Composition, election and term of office

1) The School Board shall be composed of the Head of the School Board as Chairman and four members. Two additional members are appointed as substitutes.

2) The school board is elected by the government for a term of four years.

Art. 108

b) Responsibility

1) The School Board is authorized to transact the following business independently:

a) Decision in disputes on admission and withdrawal of children from schools and on repetition of a school grade;

b) Decision on exclusion from school and ordering necessary measures for the education of excluded children of school age (Art. 89);

c) Settlement of disputes concerning admission and withdrawal of children from kindergartens;

d) Retrieved

e) Skipping a grade;

f) Placement of students in a different type of school;

g) Examination or approval of private teachers and of teachers at private schools;

h) Placement of a child in special school and reintegration into regular school;

i) Permission to attend a recognized foreign school or to participate in private lessons;

k) Authorization for early entry into kindergarten (Art. 23a par. 2), early entry into school (Art. 75 par. 4) and deferral (Art. 86 par. 1);

l) Retrieved

m) Retrieved

n) Decision on the attendance of the regular kindergarten or the regular class by a child whose development is disturbed or handicapped (Art. 23a, para. 5 and Art. 82, para. 2);

o) Retrieved

p) Decision in case of disputes about the implementation of pedagogical-therapeutic measures;

q) Decision on the scope of reimbursement for travel expenses in accordance with Art. 124 Para. 4.

2) Retrieved

Art. 109

c) Resolution

1) The school council has a quorum when four members are present. Decisions are made by a simple majority of the members present. In the event of a tie, the chairperson has the casting vote.

2) If necessary, the school council shall seek the advice of experts (e.g. doctor, school psychologist, teacher, representative of the Liechtenstein Disability Insurance).

Municipal school board Art. 110

a) Composition and term of office

1) The municipal school board consists of five to seven members. In addition, one member each of the school and kindergarten management have an advisory vote.

2) The election of the municipal school board and the municipal school board chairman shall be carried out by the municipal council. One member of the municipal school council must also be a member of the municipal council.

3) The term of office of the municipal school board coincides with that of the municipal council.

Art. 111

b) Responsibility

1) The Municipal School Board shall be responsible for the following:

a) Approval of job-sharing in kindergarten and elementary school;

b) Establishment of community school districts;

c) Approval of the distribution of lessons among the days of the week in accordance with Art. 12a, Para. 2.

2) The community school board also has the following participation rights.208

a) Right to comment on the appointment of the joint school management for the kindergarten and elementary school;

b) Retrieved

c) Right to comment on integration cases in kindergarten and pri- mar school;

d) Right to comment on co-use of municipally owned school buildings and facilities for non-school purposes.

3) The other duties and participation rights under the special laws, in particular the Teachers' Service Act and the municipal legislation, shall remain reserved.

Art. 112

c) Meetings and decision-making

1) The Municipal School Board shall meet at the invitation of the chairman or at the request of at least half of its members. Minutes shall be kept of the decisions taken.

2) The Municipal School Board has a quorum if at least half of its members are present. Resolutions are passed by simple majority.

by a majority of the members present. In the event of a tie, the chairman shall have the casting vote.

2. Section Remedies

Art. 113

Decisions or 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.

Art. 114

An appeal may be lodged with the government against decisions and orders made by the school office, the school board, the vocational baccalaureate commission and the baccalaureate commission within 14 days of notification.

Art. 115

1) Appeals against decisions of the municipal school board may be lodged with the municipal council within 14 days.

2) A decision of the municipal council rejecting an objection may be appealed to the government.

Art. 116

The appeal procedure shall be governed by the provisions of Section IV of Part II of the Act on the General Administration of the Province.

6. Main section

Health Care

1. Section General provisions Art. 117

Scope

1) Health care in public and private schools includes, in particular:

a) Promoting health awareness among students;

b) the development and promotion of measures for the prevention of illness and accidents;

c) the development and promotion of measures for the early detection of diseases and disabilities.

2) The curricula (Art. 8) take this mandate into account in a way that is adapted to the school levels.

Art. 118

Implementation

The government shall regulate the details of health care at schools by ordinance.

2. Section School Dental Care

Art. 119

Repealed

Art. 120

Repealed

Art. 121

Retrieved

3. Section School Psychological Service

Art. 122

School Psychology Service

The state maintains a school psychological service as an advisory body for parents, school authorities and teachers.

Art. 123

Tasks

The tasks of the school psychological service are regulated by the government by ordinance.

7. Main part

Miscellaneous provisions

Art. 124

Pupil feeder service

1) The "Liechtenstein Bus Establishment" organizes shuttle services in agreement with the school authority for schools whose sponsor is the state. Pupils whose place of residence is more than two kilometers away from the school are entitled to use the school shuttle service.

2) For pupils subject to compulsory education, the state shall bear the costs of the feeder service. For the other pupils, a contribution may be levied to cover the costs at the most.

3) Special education students are also entitled to use a free shuttle service.

4) If the child has to attend a special school away from home or if pedagogical-therapeutic measures cannot be carried out at the school location, the child is entitled to reimbursement of travel costs. The school board determines the extent of the compensation. If there are several means of transport to choose from, the costs of the most favorable variant will be reimbursed.

Day school

Art. 125

a) Affiliation

1) Schools whose sponsor is the state may be affiliated with day schools if necessary.

2) Day schools must provide suitable lunch and study facilities.

Art. 126

b) Costs

For the use of day schools that are affiliated with a public school, a contribution may be levied that at most covers the costs.

Art. 126a

c) Recording

Admission to a day school is subject to meeting the requirements of Art. 9 and the admission criteria specific to the day school as defined by the day school provider. Art. 6 para. 1 does not apply.

Art. 127

Contributions to foreign schools

1) The state may make building and operating cost contributions to foreign schools for the purpose of securing space for students residing in Liech- tenstein.

2) Retrieved

8. Main

section

Financing

1. SectionSubsidization of school boards Art.

128

Retrieved

Art. 129

Private schools

1) Subsidies may be granted to sponsors of private schools approved under Article 62 upon application if:

a) the school has the right of public access and is not in competition with a public educational institution; or

b) the school is generally accessible, has a specific, generally recognized pedagogical or professional orientation and thus meets an educational need of the population.

2) Those who receive subsidies are obliged to disclose their accounts and have them audited by an auditing body approved in accordance with the Auditors Act.

Art. 130

Type and amount of subsidy

1) Subsidies under 129(1)(a) consist of:

a) financial contributions to the construction costs;

b) financial contributions to the operation of the school and to teachers' salaries.

2) The subsidies pursuant to Art. 129, Para. 1, subpara. b consist of financial contributions per school year and pupil, whereby for pupils with a domestic residence 100

of the contribution can be paid. A maximum of 35% of this contribution may be paid to students residing abroad. The government shall determine the respective percentage for each eligible school by decree.

3) The subsidies under subsection 2 may be paid no earlier than two years after the authorization to run a private school granted by the Government, starting from the beginning of the school year following this deadline.

4) The contribution under subsection 2 may not exceed 50% of the personnel costs actually incurred by the State in public schools per pupil and school year in the case of kindergartens and elementary school, and 25% in the case of secondary schools.

Art. 131

Reference

Subsidies to school boards are otherwise governed by the provisions of the Subsidies Act.

2. SectionCommunity shares

Art. 131a

Costs of special education and pedagogical-therapeutic measures

1) The municipalities shall contribute 30% to the costs of special education (art. 23a par. 5, art. 35, art. 82 par. 2) and pedagogical-therapeutic measures (art. 15b) for children who have not reached the age of 12 by December 31 of the accounting year.

2) The costs shall be allocated on the basis of the number of inhabitants. Art.

131b

Salary expenses at public kindergartens and elementary school

The municipalities shall contribute 50% of the salary expenses for school personnel pursuant to Articles 90 to 93, for personnel in charge of school IT and for language assistants at public kindergartens and elementary school.

9. Section Final and

Transitional Provisions

Art. 132

Repeal of existing regulations

Upon the entry into force of this Act, the following provisions shall be repealed, subject to Art. 133 et seq:

a) Ordinance on the Regulation of Punitive Powers in Elementary Schools of February 29, 1864, LGBl. 1864 No. 2;

b) Ordinance concerning the condition and furnishing of school buildings and school and health care of October 3, 1890, LGBl. 1890 No. 3;

c) School Act of November 9, 1929, LGBl. 1929 No. 13;

d) Regulation of the Princely Government of June 29, 1936, concerning school fees at secondary schools, LGBl. 1936 No. 11;

e) Ordinance of November 25, 1940, on the compulsory attendance of church services by school youth and on the duty of teachers to supervise the same in church, LGBl. 1940 No. 19;

f) Law of November 6, 1947 concerning the amendment of the School Act of November 9, 1929, LGBl. 1947 No. 49;

g) Law Concerning Schools of Continuing Education of July 30, 1949, LGBl. 1949 No. 18;

h) Ordinance to the School Act of April 28, 1951, LGBl. 1951 No. 8;

i) Act of April 3, 1952, on the Modification of School Hours, LGBl. 1952 No. 9;

k) Law of November 22, 1956 on the amendment (Art. 17, 29, 30, 54, 55, 56, 57 and 106) of the School Act of November 9, 1929, LGBl. 1956 No. 17.

Art. 133

Regulations remaining in force

Repealed Transitional provisions Art. 134

a) Kindergartens

The competent municipal authorities are obliged to create the necessary personnel and spatial conditions without delay in order to enable two year groups to attend kindergartens or kindergarten departments in accordance with Art. 20 of this law within the period to be determined by the government.

Art. 135

b) High schools and auxiliary schools

1) The competent authorities of the State shall be obliged to create, without delay, the necessary human and spatial conditions to implement the school structure provided for in this Act.

2) As a matter of priority, high schools are to be established and remedial education is to be

enable. On this date, the Government shall put into force Articles 31 to 33, 38 to 43 and Article 81 of this Law. Until then, Articles 42 to 60 of the Education Act of 9 November 1929 shall apply mutatis mutandis.

Art. 136

c) Fifth grade of elementary school

1) Article 27 (1) and (2) of this Act shall be put into effect by the Government upon the establishment of the high schools.

2) Until that time, Articles 42 to 53, 58 to 60 of the School Act of November 9, 1929, LGBl. 1929 No. 13 shall apply mutatis mutandis.

Art. 137

d) Fourth grade of secondary school

As soon as the spatial requirements are met, the Government shall enact Article 47 of this Law.

Art. 138

e) Fall School Commencement

1) As soon as the conditions for the beginning of the fall school term are met, the Government shall enact Art. 75, para. 1.

2) Until that time, the government regulates the beginning of the school year and compulsory education by decree.

Art. 139

f) Compulsory education

As soon as the fourth grade of secondary school is completed, the duration of compulsory education shall be extended to nine years. At that time, the Government shall enact Art. 76. Until then, Art. 53 (1) of the School Act of November 9, 1929, LGBl. 1929 No. 13, shall apply.

Art. 140

g) Organs

1) Upon the entry into force of this Act, the duties provided for in this Act shall be performed by the bodies appointed for this purpose.

2) Matters pending at the time of the entry into force of this Act shall be dealt with by the bodies appointed for this purpose under the previous provisions.

3) Likewise, business arising after the entry into force of this Act shall be conducted by

The new provisions shall apply to all cases in which the bodies previously appointed for this purpose have not yet been appointed in accordance with the new provisions.

Art. 141

h) Board of education, school board, municipal school board

The appointment of the Board of Education, the School Board and the Municipal School Board shall be made no later than two months after the entry into force of this Act.

Art. 142

Entry into force

This Act shall be declared non-urgent and shall enter into force on the day of promulgation, with the exception of Articles 27(1) and (2), 31 to 33, 38 to 43, 47, 75(1), 76 and 81.

XXVI. State Personnel Act (StPG)

from April 24, 2008

on the Employment Relationship of State Personnel (State Personnel Act; StPG).

I. General provisions Art. 1

Subject matter and scope

1) This Act regulates the employment relationship of the State's employees (State per- sonal) and establishes the principles of the State's personnel policy.

2) It applies to:

a) the staff of official bodies under the Law on the Organization of Government and Administration, including diplomatic staff and apprentices, unless otherwise provided by special law;

b) non-judicial employees of the courts and non-prosecutorial employees of the public prosecutor's office, unless otherwise provided by special law.

3) It does not apply to persons who are in a contractual relationship with the state and thereby perform tasks under public law.

Art. 2

Terms

1) For the purposes of this Act shall be deemed to include:

a) "Offices" means all administrative units as defined in Art. 1, para. 2;

b) "Head of Office."

1. the heads of offices and staff units pursuant to the Act on the Organization of Government and Administration with respect to the other personnel of such administrative units;

2. the competent head of the diplomatic mission abroad with regard to the other diplomatic staff of such missions;

3. the superiors responsible in accordance with the provisions of the Judicial Organization Act with respect to non-judicial staff;

4. the head of the public prosecutor's office in relation to non-prosecutorial employees.

2) The members of the Government responsible in each case shall perform the same management functions with regard to the heads of offices and the heads of diplomatic missions abroad as the heads of offices perform for the staff reporting to them.

Art. 3

Applicable law

Unless this Act provides otherwise, the provisions of the General Civil Code (Allgemeines bürgerli- ches Gesetzbuch, ABGB) and the Labor Code shall apply mutatis mutandis to the employment relationship of state employees.

Art. 4

Personnel policy objectives

1) The personnel policy is based on the legal performance mandate of the administration, on the qualification principle and on customer needs. The interests of state employees are to be taken into account appropriately. The personnel policy strives for solutions based on social partnership.

2) The personnel policy has the following objectives in particular:

a) Attracting and retaining qualified and responsible personnel;

b) efficient and customer-oriented fulfillment of state tasks within the framework of legal provisions;

c) Development and realization of team-oriented management models and flexible working time arrangements;

d) Creation of apprenticeships and training positions;

e) Promoting the continuing education of employees, especially managers;

f) Ensuring equal opportunities for women and men;

g) Promote environmentally conscious behavior in the workplace;

h) Working conditions that allow employees to fulfill their responsibilities in family and society;

i) Supporting the inclusion and employment of people with a disability;

k) Climate of openness, trust and fairness;

l) Protection of the personality and health and safety of employees at work;

m) Ensure that employees are fully informed.

Art. 5

Staffing

plan

1) The government shall maintain a staffing schedule containing information on the total number of posts in the administrative units pursuant to Art. 1 Para. 2 Letters a and b as well as their pro- cen- tional staffing.

2) The staffing plan shall be based on the relevant wage bill set out in the national budget and approved by Parliament.

3) The Government shall submit an annual report on the development of the workforce to Parliament for its information as part of the national budget.

4) It shall regulate the details, in particular with regard to the relevant payroll, the monitoring of profits and the reporting to Parliament, by ordinance.

II. Establishment, reorganization and termination of the employment relationship

A. Establishment of the employment relationship

1. General

Art. 6 Legal

nature

The employees have a public-law employment relationship.

Art. 7

Justification

The employment relationship is established with the conclusion of a written employment contract.

2. Employment Art. 8

Appointing authority

State personnel are employed by the government.

Art. 9

Tender

1) Vacant positions shall be advertised by the appointing authority in the official gazette for open applications. As a rule, the advertisement shall be in female and male or gender-neutral form.

2) Public bidding may be waived if:

a) employees are in principle eligible for the vacant position on the basis of their qualifications; in this case, however, an internal advertisement must be made, unless it is a transfer pursuant to Art. 16;

b) employees within the office are particularly suitable for the vacant position due to their qualifications and experience;

c) temporary employment relationships are established;

d) positions are to be filled at diplomatic missions abroad;

e) Internship positions to be filled;

f) Apprentices or other persons employed on a temporary basis following a public call for applications for training within the state administration shall be employed on an unlimited basis after successful completion of the training.

3) In the case of posts of head of office within the meaning of Art. 2(1)(b)(1), a public invitation to tender may be dispensed with only if offices are merged and a head of office of the offices concerned is eligible for the relevant post on the basis of his or her qualifications.

4) If the result of the advertisement is not sufficient, the corresponding position may be filled by the appointing authority by appointing a person suitable for this position.

5) The Government shall regulate the details of public and internal tendering by ordinance.

Art. 10 Conditions of employment

1) Employment requirements are:

a) the professional and personal suitability;

b) Liechtenstein citizenship insofar as sovereign functions are exercised; the Government shall determine the functions by ordinance.

2) The employment requirement under subsection 1(b) may be waived by way of exception if a position cannot otherwise be filled.

3) Further provisions according to the special legislation are reserved.

Art. 11

Oath of

service

Employees shall take the oath of service in accordance with Article 108 of 3. Duration the Constitution.

Art. 12

Permanent

employment

An employment relationship is usually established for an indefinite period.

Art. 13

Temporary

employment

A fixed-term employment relationship shall be established for a maximum period of three years. In justified cases, the government may extend a fixed-term employment relationship by a maximum of two additional years.

Art. 14

Probationary period

1) The first three months of employment are considered a probationary period.

2) The probationary period shall be extended accordingly in the event of illness, accident or fulfillment of a statutory duty not voluntarily assumed.

3) In justified cases, the appointing authority may agree a longer probationary period in consultation with the person concerned. The probationary period may not exceed six months.

4) In the case of an internal job change, the probationary period does not apply.

B. Reorganization of the employment

relationship Art. 15 Assignment of essential new tasks

1) Employees may be assigned an additional task or another reasonable activity within an office by the head of the office beyond the scope of duties set forth in the job description if, in particular:

a) new tasks are assigned to the office;

b) the office is relieved of previous tasks;

c) efficient work design makes this necessary; or

d) expedient employment of the employees requires this.

2) The affected employees and supervisors shall be consulted prior to the assignment of significant other or additional duties.

Art. 16

Transfer

1) The government may transfer employees to another office if:

a) an office can perform the tasks with a smaller staff;

b) tasks are reallocated between offices or offices are fundamentally reorganized;

c) a change of job is in the interest of both the office and the employee; or

d) a change of job is indicated for health reasons.

2) The personal circumstances of the employees shall be taken into account appropriately within the scope of the service. The employees and their superiors in the offices concerned must be consulted prior to the transfer.

3) Employees may also be transferred for other reasons at their own request. There is no entitlement to transfer.

Art. 17

Change in the level of employment

The degree of employment may be increased or reduced by the government in agreement with the head of the office and the employees concerned, provided this does not impair the performance of official duties.

C. Termination of employment Art. 18

Reasons for termination

The employment relationship ends by:

a) Expiration of the contract period;

b) Dissolution by mutual agreement;

c) Termination;

d) dissolution without notice;

e) Disability;

f) Retirement;

g) Death.

Art. 19

Expiration of the contract period

Fixed-term employment contracts end without notice at the end of the period stipulated in the employment contract.

Art. 20

Dissolution by mutual agreement

The employment relationship may be terminated at any time by mutual agreement.

Cancellation

Art. 21

a) Form, deadlines and dates

1) Fixed-term and permanent employment relationships may be terminated in writing by either party. Termination by the government shall be in the form of an order.

2) The employment relationship may be terminated:

a) during the probationary period without giving reasons to the end of a week with seven days' notice;

b) after the end of the probationary period to the end of a month, subject to a notice period of:

1. two months in the first year of service;

2. three months from the second year of service.

3) For employees with management functions, the notice period after the end of the probationary period is six months. The government shall designate management functions by ordinance.

4) By mutual agreement, the notice periods pursuant to Paragraph 2(b) and Paragraph 3 may be shortened or extended.

Art. 22

b) Grounds for termination and protection

1) The Government may terminate an employment relationship after the expiration of the probationary period for objectively sufficient reasons. Such reasons are in particular:

a) Violation of important legal or official duties;

b) Deficiencies in performance or conduct;

c) lack of personal or professional suitability to perform the agreed or assigned work;

d) unwillingness to perform the agreed work or reasonable other work;

e) substantial operational or economic reasons, in particular the loss of financial resources, provided that the person concerned cannot reasonably be offered other work;

f) Discontinuation of a statutory or contractual condition of employment;

g) Inability to perform duties due to illness or accident; Art. 25 remains reserved.

1a) Termination under subsection 1(b) and (d) may only take place if:

a) the employee has been made aware of the complaint during an appraisal interview in accordance with Articles 49 and 50; and

b) the complaint has not been rectified within a period of at least three months.

2) The termination may neither be abusive nor untimely within the meaning of the ABGB.

3) In the event of discrimination on the grounds of gender or disability, protection against dismissal is governed by the Equal Opportunities Act and the Disability Equality Act.

Art. 23

c) Consequences of unjustified or abusive termination

1) If the Government's termination proves to be abusive or unfounded and reinstatement is not effected, a dismissal shall be

compensation. The compensation shall be determined according to the circumstances of the individual case and shall not exceed six months' salary.

2) The legal consequences of untimely termination are governed by the provisions of the Austrian Civil Code (ABGB), those of termination on the grounds of gender or disability by the Equal Treatment Act (Gleichstellungsgesetz) or the Disability Equality Act (Behindertengleichstellungsgesetz).

Art. 24

Termination without notice

1) The employment relationship may be terminated at any time by either party for good cause in writing, stating the reasons, without notice. Termination by the government shall be in the form of an order.

2) Good cause shall be deemed to be any circumstance which, in good faith, makes the continuation of the employment relationship unreasonable.

3) If the termination without notice proves to be abusive or unfounded, the person concerned shall be entitled to compensation for what he or she would have earned if the employment relationship had been terminated in compliance with the notice period. If the employment is not reinstated, compensation shall be paid in accordance with Art. 23 Para. 1.

4) If an employee fails to take up employment without good cause or leaves employment without notice, the State as employer shall be entitled to compensation equal to one-fourth of one month's salary; in addition, the State shall be entitled to compensation for further damage.

Art. 25

Termination in the event of disability

1) The employment relationship shall end without notice if the disability insurance determines by order a disability-related restriction in the area of employment of 100 %.

2) In the event of partial disability, the existing employment relationship shall be continued or restructured. If continuation or reorganization is not possible or not reasonable, the employment relationship shall be terminated by the Government in compliance with the periods and dates pursuant to Art. 21.

Art. 26

Termination due to retirement

1) The employment relationship ends at the end of the month following the completion of the regular AHV retirement age or due to early retirement.

2) Continued employment beyond the regular AHV retirement age is permissible for a limited period in justified cases.

Art. 27

Severance pay

1) Employees whose employment relationship is terminated on the basis of Art. 22 Para. 1 Letter e are entitled to a severance payment provided that the employment relationship has lasted uninterruptedly for at least five years prior to its termination. Employees with support obligations may be paid a severance payment before the expiry of this period in the event of imminent hardship.

2) In the event of termination of the employment relationship by mutual agreement, a severance payment may also be made.

3) There is no entitlement to severance pay if parts of the state administration are outsourced and the employees concerned are taken on by the new employer on equivalent terms.

4) The severance payment is determined by the government according to the circumstances of the individual case and amounts to a maximum of twelve months' wages.

5) The government shall regulate the details by ordinance.

III. Rights and obligations arising from the employment relationship

A. Right

Art. 28

Protection of personality

1) The state respects the personality of employees and protects them.

2) He shall take the necessary measures to protect the life, health and personal integrity of his employees.

3) State employees may not be discriminated against in response to a complaint of violation of rights related to the employment relationship or to the initiation of proceedings to enforce such rights. This also applies if 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 employee concerned. The compensation shall be determined according to the circumstances of the individual case and shall not exceed two months' salary. Articles 22 and 23 shall remain unaffected.

Art. 29

Protection against unjustified attacks and claims

1) The state protects its employees from unjustified attacks and claims if they are related to the performance of their official duties.

2) The government regulates by decree the full or partial assumption of the

Cost of legal protection for employees.

Art. 30 Salary

Employees are entitled to remuneration in accordance with the provisions of the Remuneration Act.

Art. 31

Vacatio

n

1) Employees are entitled to vacations.

2) Vacations shall be scheduled so as not to interfere with service operations.

3) The government shall regulate the details, in particular the duration of the vacations, by ordinance.

Vacati

on Art.

32

a) Principle

1) Employees may be granted paid and unpaid leave.

2) The Government shall, by decree, designate the cases in which leave shall be granted and regulate the conditions and scope of the leave.

Art. 33

b) Deployments in international organizations

1) Employees may be granted leave for a maximum of three years for deployment in international organizations if such deployment serves the interests of the state.

2) In justified cases, the leave may be extended. The total duration of the leave of absence may not exceed six years.

3) The government shall regulate the details by ordinance.

Art. 34

Days off

1) Saturdays, Sundays and public holidays are considered days off. The government may declare additional days off for special reasons and determine whether the monthly target working time is reduced or remains unchanged.

2) Special regulations for employees who must maintain service outside normal working hours are reserved.

Art. 35

Participation rights

1) The government informs the employees and the staff association comprehensively and in a timely manner about all important personnel matters.

2) It shall consult the Staff Association in particular:

a) before enacting and amending laws of particular importance to state personnel;

b) before enacting and amending implementing regulations to these laws;

c) before the creation and modification of systems for processing data concerning personnel;

d) before an intended transfer of parts of the management to a third party;

e) in connection with occupational safety and health care issues.

3) Employees shall be guaranteed the right to participate in general matters concerning the organization of employment relationships. They shall exercise this right through the staff association and personally.

4) The representatives of the staff association may not be disadvantaged during the mandate and after its termination due to the exercise of this activity.

5) The staff association may, with the consent of the person complained against, represent that person in proceedings initiated 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. 36

Job reference

1) Employees may at any time request a report from their superiors concerning the nature and duration of their employment, their duties and their performance and conduct.

2) Upon special request of the employee, the certificate shall be limited to information on the nature and duration of the employment relationship.

3) The Government shall regulate the details, in particular the content and form of the employment certificates, by ordinance.

B. Duties Art. 37

General official duties

1) Employees shall perform the duties assigned to them personally, conscientiously, diligently, economically, in a customer-friendly manner and impartially. They shall safeguard the legitimate interests of the state.

2) Employees shall assist and represent each other in the performance of official duties and, when circumstances require, shall at times perform work other than that which is part of their regular duties.

3) In particular, employees are required to:

a) to comply with the Constitution, laws, regulations and service rules as well as to follow the instructions of superiors conscientiously and reasonably;

b) to use the working time for official duties;

c) behave in a polite, respectful, helpful and non-discriminatory manner when on duty;

d) manage and use the entrusted assets, equipment and materials carefully and cost-efficiently.

Art. 38

Official Secrets

1) Employees are obliged to maintain secrecy about official matters which by their nature or according to special regulations must be kept secret. This obligation remains in force even after termination of the employment relationship.

2) Subject to other statutory provisions, official communications within the administration and the provision of information to superiors and supervisory bodies are exempt from the duty of confidentiality.

3) Employees may only speak as parties, witnesses and court experts on official matters that are subject to confidentiality if they are authorized to do so in writing by the head of the office.

4) The authorization is granted if the statement does not contribute to the welfare of the country any

would cause significant disadvantages and would not seriously jeopardize or significantly impede the fulfillment of public tasks.

5) If the head of the office intends to refuse authorization, the prior consent of the government must be obtained.

6) Official secrecy does not preclude the duty to report under Art. 38a and the duty to report under Section 53 of the Code of Criminal Procedure.

7) The Government shall regulate the details, in particular with regard to the grounds for refusal under paragraph 4, by ordinance.

Art. 38a

Reporting of judicially punishable acts

1) If, in the course of their duties, employees become aware of a reasonable suspicion of a criminal act to be prosecuted ex officio that relates to the legal scope of the office to which they belong, they must report this immediately to the head of the office.

2) A person who makes a report in good faith in accordance with subsection 1 or who testifies as a witness may not be disadvantaged in his or her professional position for this reason.

Art. 39

Gifts and other benefits

1) Employees are prohibited from demanding, accepting or being promised gifts or other benefits for themselves or a third party in connection with official matters.

2) Minor customary courtesies shall not be considered gifts or other benefits. The Government shall regulate the details by ordinance.

Art. 39a

Independence

1) The Appointing Authority may agree with employees of offices that make or prepare supervisory, assessment or award decisions or decisions of comparable scope that these employees may not work for an employer or for a client that was significantly affected by one of the aforementioned decisions in the two years prior to termination of the employment relationship for a maximum of two years after termination of their employment relationship.

2) In the event of a breach of the prohibition under paragraph 1, contractual penalties of up to one gross annual salary may be agreed.

3) The government shall regulate the details by ordinance.

Art. 40

Secondary employment

1) Employees who wish to engage in secondary employment shall notify the Head of Office.

2) The head of the office shall prohibit the exercise of secondary employment if it interferes with the performance of official duties or is incompatible with the official position.

3) The Government may, by ordinance, determine that the exercise of certain secondary occupations shall require its prior consent.

Art. 41

Public offices

1) Employees who wish to apply for a public office shall notify the head of the office and the responsible member of the government, who shall inform the government accordingly.

2) The government may prohibit the holding of a public office if it interferes with the performance of official duties or is incompatible with official position.

Art. 42

Domicile

The Government may require employees to take up residence in Liechtenstein if their function so requires.

Art. 43

Continuing education

Employees are obliged to undergo appropriate continuing professional education. The government shall regulate the details by ordinance.

Art. 44

Working time

1) The government shall determine the weekly target working hours and their allocation. It may provide for different regulations for individual categories of personnel.

2) Employees are obliged to work temporarily outside normal working hours if the service requires it and it is reasonable.

3) Longer-term overtime work ordered by a supervisor must be compensated whenever possible. If compensatory time is not possible, the overtime may be compensated.

4) The government shall regulate the details by ordinance.

IV. Data protection

Art. 45

Processing of personal data

1) The Office of Personnel and Organization and the supervisors may, subject to para. 2, process or cause to be processed personal data of employees, including personal data on criminal convictions and criminal offenses, to the extent necessary for the performance of their duties under this Act.

2) By way of derogation from Article 9(1) of Regulation (EU) 2016/679, the processing of special categories of personal data is permitted if:

a) it is necessary for the exercise of rights or the fulfillment of legal obligations arising from labor law, social security law and social protection law; and

b) there is no reason to assume that the data subject's legitimate interest in the exclusion of processing is overridden.

3) The data pursuant to paras. 1 and 2 must be correct and, insofar as the purpose of the processing requires, complete. If possible, it must be obtained from the person concerned.

4) Data in accordance with Paragraphs 1 and 2 may be created with a view to filling a position insofar as it is necessary and suitable for assessing the fulfillment of the requirements for the advertisement, the suitability, the performance and the behavior for the employment relationship. In the event of non-employment, this data must be returned or destroyed if the person concerned does not consent to its further retention.

Art. 46

Transfer of personal data Data pursuant

to Art. 45 par. 1 and 2 may be transferred:

a) if a legal basis permits it, or if it is necessary in individual cases to fulfill

of a public task of the beneficiaries is necessary;

b) if the data subject has consented in the individual case;

c) to secure employees' entitlements under insurance law;

d) for state calendars, directories of authorities and similar reference works; as well as

e) for internal administrative information purposes.

Art. 47

Retention after leaving government service

1) After leaving government service, the relevant agencies continue to retain personnel files.

2) The government shall determine by decree which data pursuant to Art. 45 paras. 1 and 2 shall be retained and which data pursuant to Art. 45 paras. 1 and 2 shall be destroyed after a certain period of time.

3) The personnel files subject to retention shall be handed over to the National Archives after the expiry of five years after the normal retirement age.

Art. 48

Employee rights

1) In accordance with data protection legislation, employees have the right to:

a) information about the data concerning them according to art. 45 par. 1 and 2;

b) rectification or destruction of the data referred to in Art. 45 paras. 1 and 2 that are inaccurate, incomplete or have been processed unlawfully;

c) affixing an endorsement if neither the accuracy nor the inaccuracy of the data under Art. 45 paras. 1 and 2 can be proven;

d) Blocking of the disclosure of certain data in accordance with Art. 45 Para. 1 and 2, insofar as an interest worthy of protection is credibly demonstrated.

2) Information on data pursuant to Art. 45 paras. 1 and 2 may be refused or restricted in order to protect overriding public interests or private interests that merit protection. Reasons must be given for any refusal or restriction. In such cases, the employees concerned shall be informed of the essential content.

V. Employee review and appraisal Art. 49

Principle

1) At least once a year, supervisors must conduct an employee interview and an employee appraisal with the employees who report to them.

2) The employee appraisal is used for personnel development, review of the work situation and target agreement. The employees

can provide feedback to supervisors on their leadership behavior as part of the performance review process.

3) The employee appraisal includes the periodic review of the agreed objectives.

4) The following persons are responsible for conducting the appraisal interview and the employee appraisal:

a) in the case of salaried employees, the heads of the offices;

b) in the case of heads of offices and directly subordinate state employees, the member of the government responsible in each case.

5) In the offices with a corresponding organizational structure, the appraisal interview and the employee appraisal are delegated to the direct supervisors.

6) The government may regulate the details of the appraisal interview and the appraisal of employees by ordinance.

Art. 50

Complaints

Complaints must be presented to the employee in writing as part of an appraisal interview and reasons must be given; measures must be defined to remedy them within a reasonable period of time.

VI. Procedure and legal

protection Art. 51

Principle

Unless otherwise provided for in this Act, the procedure shall be governed by the provisions of the Act on General State Administration.

Art. 52

Disputes arising from the employment relationship

1) If no agreement can be reached in disputes arising from the employment relationship

the competent authority shall issue an order.

2) The first-instance proceedings as well as the appeal proceedings before the government are free of charge, except in cases of wantonness.

3) Before issuing a ruling in accordance with para. 1, the competent body may, in agreement with the parties involved in the proceedings, submit the dispute arising from the employment relationship to the Staff Commission. The commission shall be composed of equal numbers of employer and employee representatives of both sexes.

4) The Personnel Commission shall attempt to reach an agreement between the parties involved in the procedure. If this does not succeed, it shall record this in writing and may submit a recommendation to the competent body.

5) The government shall regulate the details by ordinance.

Art. 53

Right to be heard

1) The employees must be heard before an order is issued that would incriminate them. If an immediate decision is necessary in the public interest, the hearing must be held as soon as possible.

2) The hearing may be held orally or in writing. In the case of an oral hearing, employees may be assisted by a trusted third party.

Art. 54

Precautionary measures

1) The government may temporarily exempt employees when:

a) there are sufficient indications for the existence of good cause to terminate the employment relationship;

b) criminal proceedings have been instituted for a felony or misdemeanor; or

c) substantial public interests so require.

2) The superiors are responsible for ordering precautionary measures that cannot be postponed. The order must be submitted to the government for approval without delay.

3) The government decides on the continuation, reduction or discontinuation of the salary.

4) A decision on subsequent payment or repayment shall be made at the latest when the decision on continuation or termination of the employment relationship is made.

Art. 55

Appeals

1) Appeals against decisions and orders of the competent body may be lodged with the Government within 14 days from the date of service.

2) Decisions and orders of the Government may be appealed to the Government or to the Administrative Court within 14 days from the date of notification.

3) An appeal to the Administrative Court may only be directed against unlawful action and execution or against findings of fact that are contrary to the record or incomplete.

Art. 56

Suspensive effect

Appeals against rulings on precautionary measures or the termination of the employment relationship do not have a suspensive effect.

VII. Organization and implementation Art. 57

Government

The enforcement of this Act shall be the responsibility of the Government, unless otherwise expressly provided.

Art. 58 Heads of offices

1) The heads of the offices are responsible for the management of the employees who report to them; they issue the necessary directives.

2) The heads of the offices shall perform the duties assigned to them in accordance with this Act, in particular:

a) the assignment of new essential tasks;

b) Conducting the employee appraisal and review.

3) The heads of the offices shall be consulted by the competent body on all personnel matters affecting them, in particular:

a) the advertisement of positions;

b) of employment;

c) Transfers;

d) the change in the level of employment;

e) Terminations;

f) Repealed;

g) the granting of leave; and

h) Repealed.

4) The government regularly informs the heads of the offices about essential personnel issues. It may do so by means of circular letters or orally on the occasion of conferences of heads of offices.

Art. 59

Office for Personnel and Organization

1) The Office of Personnel and Organization is the responsible office for personnel matters.

2) The Office of Personnel and Organization is responsible for preparing personnel matters. It shall cooperate with the offices responsible for personnel pursuant to Art. 2 and support them in personnel matters. In particular, it shall ensure the uniform application of personnel law.

3) Within the scope of its duties, the Office of Personnel and Organization may make specifications regarding the uniform handling of personnel management systems. These must be brought to the attention of the government in advance.

VIII. Transitional and final provisions Art. 60

Executive Orders

The Government shall issue the regulations necessary for the implementation of this Law, in particular on:

a) the relevant payroll as well as credit monitoring and reporting in relation to the personnel budget (Art. 5);

b) the requirements related to public and internal tendering (Art. 9);

c) the determination of sovereign functions (Art. 10);

d) the designation of management functions (Art. 21);

e) severance pay upon termination of employment (Art. 27);

f) the assumption of the costs of legal protection for employees (Art. 29);

g) the duration of vacations (Art. 31);

h) the conditions and scope of leave (Art. 32);

i) the granting of leave for assignments in international organizations (Art. 33);

k) the employer's reference (Art. 36);

l) release from official secrecy (Art. 38);

m) the exceptions to the ban on accepting gifts and other benefits (Art. 39);

n) the secondary employment subject to approval (Art. 40);

o) continuing professional education (Art. 43);

p) the working time (Art. 44);

q) the retention and destruction of the data referred to in Art. 45 paras. 1 and 2 after leaving the state service (Art. 47);

r) the staff commission (Art. 52);

s) the delegation of business (Art. 61).

Art. 61

Business delegation

1) The Government may, by ordinance, delegate certain personnel matters to the Office of Personnel and Organization or to the heads of the offices for sole or consensual performance, subject to appeal to the Government, in particular:

a) the employment of personnel of certain categories; the Government shall determine the categories of personnel by ordinance;

b) the employment of temporary staff or trainees for a maximum period of one year;

c) increasing or decreasing the level of employment of employees;

d) the granting of paid and unpaid leave.

2) If the Office of Personnel and Organization and the heads of the offices are to settle the matter by mutual agreement and such agreement cannot be reached, the business shall be submitted to the Government for decision.

Art. 62

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 previous law shall apply to employment relationships that have already been terminated but not yet dissolved when this Act comes into force.

3) For proceedings pending at the time of the entry into force of this Act, the previous law shall apply.

Art. 63 Repeal of previous law

It is repealed:

a) Civil Servants Act of February 10, 1938, LGBl. 1938 No. 6;

b) Act of December 28, 1962, amending the Act on the Employment Relationship and Salary of State Officials,

State Employees and Teachers of February 10, 1938, LGBl. 1963.

No. 6;

c) Act of December 16, 1994, amending the Act on the Employment Relationship and Remuneration of State Officials, State Employees and Teachers, LGBl. 1995 No. 29;

d) Act of October 22, 1998, amending the Act on the Employment Relationship and Remuneration of State Officials, State Employees and Teachers, LGBl. 1998 No. 217;

e) Act of 27 November 2003 on the amendment of the Civil Servants Act, LGBl. 2004 No. 43;

f) Articles 13a to 13e of the Act of 17 July 1973 on the Administrative Organization of the State, LGBl. 1973 No. 41, as amended by the Act of 21 March 1996, LGBl. 1996 No. 62.

Art. 64

Terminology and change of designations

1) If the term "civil servants" is used in other laws or in regulations, it shall be understood to mean state employees within the meaning of this Act, unless otherwise specified.

2) In Art. 15 of the Police Act, Art. 4(2) of the Land Registry and Public Registry Act and Art. 4(2) of the Legal Guardian Act, the term "Civil Servants Act" shall be replaced by the term "State Personnel Act", in the grammatically correct form in each case.

Art. 65 Entry into force

1) Subject to subsections (2) and (3), this Act shall enter into force on July 1, 2008.

2) Art. 5 shall enter into force on January 1, 2011 and shall apply for the first time to the 2012 accounting year.

3) The repeal of Art. 13a of the Law on the Administrative Organization of the State shall enter into force on January 1, 2009.

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XXVII. Scholarship Act (StipG)

from 20 October 2004

on State Education Grants (Scholarship Act; StipG).

I hereby give my consent to the following resolution adopted by the Diet:

I. General provisions Art. 1

Purpose

1) The State shall, in accordance with the provisions of this Act, provide educational assistance to persons undergoing training for the purpose of taking up and pursuing gainful employment.

2) Scholarships and loans are considered training aid.

Art. 2

Scholarships

Scholarships are educational grants with no repayment obligation.

Art. 3

Loan

Loans are training grants that are granted to the applicant free of interest on the basis of a loan agreement with the state and are repayable.

Art. 3a Registered partnership

As long as a registered partnership lasts, it is treated the same as a marriage in this law.

Ia. Eligibility requirements

A. Personal requirements Art. 45

Residence

1) Entitlement to training grants is granted to persons resident in Liechtenstein who, at the time of commencement of the training to be supported or of the training phase to be supported, can prove at least three years' continuous residence in Liechtenstein or a total of at least five years' ordinary residence in Liechtenstein; paragraph 2 remains reserved.

2) In cases of social hardship, an educational grant may be awarded before the expiry of the deadlines specified in paragraph 1. The scholarship office may refuse to grant the

Make educational assistance contingent upon a recommendation to that effect from the Office of Social Services.

Art. 4a Maximum age and IV pensions

Eligible persons are exclusively those who:

a) have not yet reached the regular AHV retirement age; or

b) do not receive an IV pension due to total disability.

Art. 5 Suitability

1) Training allowances are only granted if there is an existing suitability for the chosen training.

2) Subject to subsection 3, aptitude for the selected training shall be deemed to have been demonstrated if:

a) The admission and graduation requirements of the educational institution are met; or

b) an apprenticeship or training contract exists.

3) No training grants will be awarded if:

a) the applicant has already dropped out of the training twice or has been excluded from it twice;

b) the previous education is obviously insufficient for an intended training;

c) the educational institution disregards admission or promotion requirements for the training in question; or

d) in the case of gymnasium education, the applicant is a minor and does not meet the admission or graduation requirements for the Liechtenstein gymnasium.

B. Training-related requirements Art. 6 Types of training supported

1) Training grants are awarded for:

a) initial and secondary school and vocational training;

b) Continuing education.

2) Initial training is defined as training up to the completion of a vocational training program or a course of study.

3) Secondary education is defined as the pursuit of a second degree after a completed initial education, which could also have been achieved as initial education.

4) Continuing education is defined as:

a) Training courses that require a completed apprenticeship and serve to supplement, expand or specialize the knowledge acquired;

b) Training courses for professional reorientation;

c) Language and computer science courses.

5) Training at foreign upper secondary schools can only be supported if it differs significantly in its objectives and content from domestic training. At the request of the scholarship office, the government determines which courses may be supported. The scholarship office keeps a list of these.

6) Upper secondary education includes schools that follow compulsory schooling and lead to a baccalaureate, a vocational baccalaureate, a specialized secondary school diploma or a vocational qualification.

7) Internships are supported if they are mandatory components of funded training.

Art. 6a

Scope of the training

1) Training courses must comprise at least 15 training days of at least 6 hours or at least 90 hours per training year. The time for the courses to be completed according to the study plan or curriculum at the educational institution, including exercises, colloquia and excursions, is decisive. The time for individual learning, exam preparation, homework and the like cannot be credited.

2) A single language stay must have a minimum duration of one month. Paragraph 1 does not apply.

Art. 7

Recognized training

1) Training shall be deemed recognized, subject to paragraph 3, if:

a) the training center has a Liechtenstein state operating license and/or is supported by Liechtenstein state operating cost contributions;

b) the professional or academic degree is recognized in Liech- tenstein on the basis of international agreements;

c) the host state or a professional organization recognized by the host state recognizes the foreign training institution and/or qualification; or16

d) there is a certification or accreditation of the training institution and/or qualification recognized by the country of domicile.

2) It is the responsibility of the applicant to prove that the requirements of paragraph 1(c) or (d) have been met. In case of doubt, the scholarship office shall decide on the basis of an expert opinion arranged by it.

3) Not recognized as training:

a) Training in the area of state-regulated professions that do not meet the legal requirements for professional licensing in Liechtenstein;

b) Training outside of educational institutions;

c) Research conducted under employment and/or contract relationships;

d) professional training in the overriding interest of the employer;

e) autodidactic studies and research.

Art. 8 Duration of support

1) Support is provided for training following compulsory schooling and during the minimum period of training specified in the study regulations of the training institution up to completion of the profession or degree plus one year of extension or repetition.

2) If an apprenticeship is not completed during the regular duration of the apprenticeship according to para. 1 due to illness, birth of a child, taking care of own children or another compelling reason, the duration of support according to para. 1 may be extended by a maximum of three years beyond the minimum duration of the apprenticeship.

3) Language stays are supported for a maximum of 12 months in total.

4) Post-secondary education is supported for a maximum of eight years. All post-secondary education courses count towards this duration, regardless of whether an education grant has been applied for. Applicants are required to provide the scholarship office with complete proof of the periods of study completed after upper secondary school.

Art. 8a

Retrieved

II. Assessment of training aid

A. Principle

Art. 9

Calculation rules

1) The training allowance is the difference between the sum of the allowable costs and the sum of the own contributions.

2) The training allowance is paid as follows:

a) up to and including the applicant's 32nd birthday, partly as a loan and partly as a stipend. The ratio of scholarship and loan depends on the sum of the personal contributions according to the table in the appendix. Art. 22 remains reserved;

b) as a loan after the applicant has reached the age of 32.

3) The total loan debt per person may not exceed the maximum amount of 100,000 francs.

4) Loan amounts of 500 to 1,000 francs will only be paid out at the request of the applicant. Loan amounts of less than 500 francs and scholarships of less than 100 francs will not be paid.

B. Recognizable costs

1. Classroom teaching

Art. 10

School fees

Up to the maximum amount of 10,000 Swiss francs are recognized as school fees:

a) the fees for attending an educational institution;

b) the examination fees;

c) the cost of additional mandatory training events. Costs for room and board

Art. 11

a) Accommodation abroad

1) If it is unreasonable to travel from the Liechtenstein place of residence to the place of training, the following shall be recognized:

a) the costs of accommodation away from home, up to a maximum of CHF 7,000;

b) the cost of meals away from home, up to a maximum of 5,000 francs.

2) The government determines the criteria of reasonableness by decree.

Art. 12

b) Accommodation inland

The costs of room and board at the place of residence in the home country are recognized up to the respective maximum amount according to Art. 11, provided that:

a) the person making the request:

1. runs his or her own household and has reached the age of 25;

2. has been in full-time employment for a total of at least three years from the age of 18; or

3. is married or has children of their own;

b) no contributions are paid to it in accordance with Art. 11; and

c) the training lasts more than half a year and more than three full training days per week.

Art. 13

Teaching material costs

1) A contribution to the costs of teaching materials that are absolutely necessary for the training is recognized up to a maximum of 1,500 Swiss francs.

2) If the training necessarily requires the purchase of a personal instrumentary, an additional one-time contribution not exceeding the amount of the unused tuition fee contribution (Art. 10) will be recognized.

Art. 14

Travel expenses

Travel costs for the regular journey between the place of residence, accommodation away from home and the place of training are recognized up to a maximum of 2,800 Swiss francs, taking into account the cheapest public transport fares.

Art. 15

Base costs

1) For applicants who have reached the age of 18, other living expenses are recognized at a rate of CHF 6,000 for the following training courses:

a) in the case of initial and secondary school and vocational training following upper secondary education;

b) in the case of first and second-level secondary school and vocational training, provided that the applicant has been in full-time employment for a total of at least three years from the age of 18.

2) Par. 1 does not apply to:

a) Doctoral and similar programs;

b) Training that is less than half a year and less than three full days of training per week.

Art. 16 Maximum amount that can be recognized

1) The allowable costs under Articles 10 to 15 shall be recognized up to a total amount not exceeding 25,000 francs.

2) Retrieved

Art. 17 Credibility of the costs

The costs according to Art. 10 to 14 must be made credible at the time of application.

Art. 18 Support by third parties

1) If the applicant is supported by third parties, this support must be deducted from the eligible costs in accordance with Art. 16.

2) Third-party supports include, but are not limited to:

a) Social security benefits and state benefits for the purpose of vocational integration;

b) Contributions by employers, private individuals and institutions in Germany and abroad.

3) Not considered third party support:

a) Support from parents or spouse;

b) European Union Scholarships.

4) The person making the application is obliged to disclose third-party support. Art. 19

Time frame of reference

1) The maximum contributions specified in Art. 10 to 16 refer to a training year of 40 weeks of 5 days.

2) If the duration of training is shorter, the contributions pursuant to Articles 11, 12 and 15 shall be reduced accordingly. The Government shall regulate the details by ordinance.

3) Tuition fees pursuant to Art. 10 exceeding 5,000 francs must relate to at least half a training year of 20 weeks of 5 days.

2. Distance learning Art. 19a Principle

1) If education or training is completed mainly by means of distance learning, only the costs pursuant to Art. 10 and 13 shall be recognized.

2) In all other respects, Art. 17, 18 and 19 paras. 1 and 3 shall apply mutatis mutandis.

C. Own contributions

Art. 20

Significant own contributions

1) The significant own work results from:

a) the personal contributions of both parents, regardless of marital status, until the applicant reaches the age of 25, subject to Art. 22 Para. 4; and

b) the personal contribution of the applicant from the age of 18, including the spouse if married.

2) The parental own contribution is not taken into account if the applicant:

a) has own children; or

b) has been gainfully employed on a full-time basis for a total of at least three years from the age of 18. Employment of less than six months' continuous duration is not taken into account. Vocational apprenticeships and internships do not count as gainful employment.

3) Subject to subsection 4, the calculation of the training allowance shall be based on the age of the applicant at the time of commencement of the training or training period.

4) The education allowance will be recalculated to the next possible semester start date if:

a) reaches the age of 25 after the relevant date pursuant to paragraph 3;

b) the 32nd birthday is reached after the relevant date pursuant to para. 3.

5) The recalculation of the training allowance shall be made upon request in the cases referred to in subsection 4(a), and ex officio in the cases referred to in subsection 4(b).

Art. 21
Determination of own contribution

1) The own contribution is determined on the basis of the chargeable acquisition and asset ratios from the table in the annex to this Act.

2) In order to determine the chargeable income and assets, one twentieth of the total assets and the taxable net income of legal entities in which the applicant, his/her spouse, his/her parents or one of his/her parents hold an interest of at least 5% shall be added to the total income excluding the debit income of the taxable assets and the following deductions shall be made from this amount:

a) profit costs recognized for tax purposes from the dependent acquisition;

b) Tax-approved maintenance contributions;

c) 10,000 francs in the case of the parents for children making the application (parental deduction); Art. 20 Para. 2 remains reserved;

d) 10,000 francs for married claimants (married deduction);

e) 10,000 francs for single parents (single-parent deduction);

f) 7,000 Swiss francs for each child living in the joint household who is not gainfully employed until the child reaches the age of 25 (child deduction); if the child receives social security benefits, in particular due to unemployment or illness, the deduction is halved;

g) CHF 7,000 for each child living in the joint household who is not gainfully employed and in education from the age of 18 until the age of 25 (additional child deduction).

3) In the case of more than one child, the reasonable contribution of the parents is divided equally among the children who have not yet reached the age of 25, are not gainfully employed and are undergoing training after compulsory education or training in accordance with Article 23.

4) If a parent applies for an education allowance for himself/herself, the personal contribution shall be divided equally between him/her and those children who meet the requirements of paragraph 3. This applies only to the calculation of the education allowance of the applying parent, not of his/her children.

5) Subject to Art. 21a, the creditable income and assets according to para. 2 are determined on the basis of the legally binding tax assessment of the calendar year that was concluded by the tax administration in the year prior to the start of the training or the training period.

6) The own contribution based on a foreign tax assessment must be determined using an official form. The taxable person must submit this form

and attach it to the application together with the foreign tax assessment.

Art. 21a

Change in income and asset situation

If the applicant provides credible evidence or if the scholarship office has reason to believe that the income and asset situation will change by at least 30% during the training year compared to the tax assessment relevant under Art. 21 Para. 5, the personal contribution will be determined on the basis of the evidence provided by the applicant or the information available to the scholarship office and a provisional training allowance will be paid in the form of a loan. Once the legally binding tax assessment for the training year is available, the definitive training allowance for the applicant will be determined, taking into account the loan already paid out.

Art. 22

Missing documents

1) If the applicant is unable to provide the documents necessary for the determination of the personal contributions through no fault of his/her own, the entire training allowance will be paid in the form of a loan.

2) If the documents referred to in paragraph 1 are subsequently submitted by the applicant within one year of the conclusion of the loan agreement, the requested training allowance shall be recalculated retroactively in accordance with Art.

9. loans already disbursed must be taken into account.

3) If the time limit under paragraph 2 has expired, a maximum of 50% of the loan may be converted into a scholarship, provided that the applicant:

a) Receives an advance under the Advance Child Support Act; or

b) was not able to submit the documents in due time through no fault of his own.

4) A parent's own contribution is disregarded if:

a) this is unknown;

b) whose whereabouts are unknown; or

c) the applicant receives an advance payment under the Advance Maintenance Payment Act.

Art. 23

Retrieved

III. Procedure

Art. 24

Application

1) Training grants must be applied for at the Scholarship Office using an official form.

2) The official form shall be used to obtain from the applicant all the information necessary for determining the education allowance. Art. 32 para. 2 remains unaffected.

3) The form must be completed in full and signed by the person making the application. The signature confirms the accuracy of the information provided. If the applicant is under age, the application must also be signed by the person with parental authority.

4) The form must be accompanied by all the supporting documents requested therein. Proof of normal residence in accordance with Art. 4 Para. 1 must be provided with:

a) a confirmation of residence from the municipality in which the applicant is duly registered; and

b) a residence permit in accordance with the Aliens Act or the Freedom of Movement Act in the case of foreign nationals.

4a) Applicants up to the age of 25 are obliged to inform their parents about the application, except for persons who meet the requirements of Article 20, paragraph 2.

5) Applications submitted more than one year after the start of the training or training period shall be rejected as late.

Art. 25

Disposition of educational assistance; loan agreement.

1) The training allowance is granted for the duration of one year of school or study, or for the entire course of training if the duration is shorter.

2) The order will be sent to the person making the application. If the parental contribution is taken into account when determining the education allowance for a person of age, his/her parents will receive a copy of this order.

3) Educational grants will be paid upon presentation of a school contract, enrollment confirmation, or other equivalent evidence as follows:

a) Scholarships no earlier than eight weeks before the start of the training or training period;

b) Loan earliest:

aa) three weeks after the conclusion of the loan agreement; and

bb) eight weeks before the start of the training or training period.

4) All training grants are paid by the state treasury.

5) The conclusion of the loan agreement requires that it be concluded within a period of three months from the date of notification.

6) Loan agreements must be signed by the person making the application, and additionally by the legal representative in the case of persons under the age of majority making the application.

Art. 25a

Expiry of the right to receive an education allowance

1) Entitlement to a training allowance shall cease if the supporting documents required under Art. 25, para. 3, are not submitted within six months of notification of the decision on the training allowance.

2) A renewed application for the same training or for the same training section is excluded.

Art. 26

Modalities of loan repayment

1) Repayment of the total amount of loans granted for education or training shall be made in six consecutive annual installments of equal amounts of at least 1,200 francs each; any balance shall be repaid with the last installment.

2) The first installment is due 18 months after completion or discontinuation of the supported training, but no later than 18 months after the expiry of the support period according to Art. 8 par. 1 and 2.

3) At the written request of the person taking out the loan, the scholarship office may determine repayment in seven or eight annual instalments, provided that an annual instalment calculated in accordance with paragraph 1 exceeds 9,600 Swiss francs. Such a request must be submitted to the scholarship office within eight months after completion or discontinuation of the training, but no later than the expiry of the support period pursuant to Art. 8 Para. 1 and 2.

4) Repayment contributions exceeding the amount of one annual installment are allowed and will result in the appropriate adjustment of repayment terms by the Bursar's Office.

5) The scholarship office may grant a one-time deferral of repayment for one year if important reasons such as illness, unemployment, birth of a child, care of own children, etc. can be substantiated in writing.

6) The government may defer repayment for a maximum of two more years if there are special reasons worthy of consideration. In cases of particular hardship, especially in the event of the death of the person taking out the loan, the government may defer repayment for a maximum of two years.

The loan debt may be waived in whole or in part in accordance with the income and asset situation to be disclosed.

7) In all other respects, the provisions of the Austrian Civil Code shall apply to the loan agreement. Loan claims of the state are to be asserted by way of civil law.

Art. 27

Evidence of training

1) After completion of the supported training or training period, the applicant must submit proof of complete attendance of the training and examination events to the scholarship office without being requested to do so.

2) No further educational assistance shall be paid until the proof referred to in paragraph 1 has been submitted.

Art. 28

Significant change in the circumstances

1) If the applicant's personal or financial circumstances have changed significantly since the grant was awarded, he or she must inform the grant office immediately.

2) The training allowance must be recalculated on the basis of the changed circumstances.

3) Substantial changes within the meaning of paragraph 1 include, in particular, subsequent support by third parties (Art. 18) as well as a change, discontinuation or interruption of the training.

Art. 29

Reimbursement of training allowances

1) Training grants must be reimbursed by the applicant if they:

a) has obtained them unlawfully by providing false or incomplete information or in any other way;

b) fails to provide the evidence pursuant to Art. 27 Para. 1 within the period set by the scholarship office;

c) has used them inappropriately.

1a) If the calculation pursuant to Art. 28, para. 2, shows that the applicant has received too high an education allowance, the excess amount shall be recovered.

2) The refusal of further contributions as well as criminal prosecution remain reserved.

Art. 30

Legal remedies

1) Appeals against decisions and orders of the Scholarship Office may be lodged with the Appeals Commission for Administrative Matters within 14 days of notification.

2) Appeals against decisions and orders of the Appeals Commission for Administrative Matters or the Government may be lodged with the Administrative Court within 14 days of service.

2a) Subject to para. 3, parents of applicants do not have an independent right of appeal.

3) In the case of minors, the filing of a complaint requires the cooperation of the person entitled to raise the minor.

IV. Organization and implementation

A. Enforcement authorities

Art. 31

Enforcement

The enforcement of this law is incumbent upon:

a) of the scholarship office established at the school office;

b) Retrieved

c) of the government.

Art. 32

Scholarship office

1) The Scholarship Office is responsible in particular for:

a) Providing counseling to individuals who wish to apply for an educational grant;

b) deciding on the granting and reimbursement of training aid;

c) the preparation of loan agreements, the determination of repayment modalities and the deferral of repayment;

d) The budgeting of training grants;

e) annual reporting to the government, in particular on the use of funds;

f) advising private scholarship institutions domiciled in Liechtenstein while maintaining official secrecy;

g) the submission of applications to the Government in accordance with Art. 6 par. 5 and Art. 26 par. 6;

h) the keeping of the register according to Art. 6 par. 5.

2) Retrieved

Art. 33

Government

1) The Government shall in particular:

a) the definition of supported education at foreign upper secondary schools in accordance with Art. 6, Para. 5;

b) deferment and cancellation of the loan debt in accordance with Art. 26 par. 6.

2) The Government may, by decree, delegate the business assigned to it under subsection 1 to the competent member of the Government.

B. Data protection and cooperation

Art. 34

Processing of personal data

The bodies entrusted with the implementation, control or supervision of the implementation of this Act may process or have processed personal data, including special categories of personal data, to the extent necessary for the performance of their tasks under this Act, namely in order to:

a) To clarify entitlements, calculate, determine and pay training allowances and coordinate them with benefits from social welfare institutions;

b) The company is able to make settlements, reclaims, refunds, and additional payments;

c) to exercise supervision over the implementation of this Act;

d) To compile and publish statistics;

e) Defer or forgive loans.

Art. 35

Transmission of personal data

1) Unless there is an overriding private interest to the contrary, bodies entrusted with the implementation, control or supervision of the implementation of this Act may transfer personal data, including special categories of personal data:

a) other bodies entrusted with the implementation, control or supervision of the execution of this Act, to the extent necessary for the performance of their statutory duties;

b) social security institutions, insofar as the data is required for the determination, amendment, reclaiming or offsetting of benefits or for the prevention of unjustified payments;

c) the tax administration, insofar as the data are necessary for the application of the tax legislation;

d) the Office of Social Services, insofar as the data are necessary for the determination, modification or reclaiming of benefits or for the prevention of unjustified withdrawals;

e) the Office of Statistics for statistical purposes;

f) the Aliens and Passport Office, insofar as the data is required for the enforcement of aliens legislation;

g) the courts and the public prosecutor's office, insofar as the data is required in particular for the clarification of criminal acts or for the assessment of claims to social security benefits or a family or inheritance dispute;

h) the municipal authorities, insofar as this is necessary for the fulfillment of their statutory duties;

i) the Office for Vocational Education and Training and Vocational Guidance, insofar as the data are required for the enforcement of vocational education and training legislation.

2) As a rule, the data transmission takes place in writing.

Art. 35a

Information system

1) The Scholarship Office shall operate an information system to fulfill its duties under this Act and for statistical purposes.

2) The Government shall regulate the details of the management of this information system, in particular the data to be collected, by ordinance.

Art. 35b

Administrative assistance

1) To the extent that the necessary information and data cannot be obtained from the applicant, the Bursar's Office is authorized to obtain the information and data necessary for the calculation of training grants from the following authorities:

a) by the municipal authorities and the Aliens and Passport Office for the determination of residence (Art. 4 and 24 Para. 4);

b) from the Office of Social Services for the determination of a hardship case (Art. 4 Par. 2) or the verification of third-party support (Art. 18 Par. 2 let. a);

c) from the AHV/IV/FAK institutions for the determination of disability (Art. 4a) as well as the verification of third-party support (Art. 18 para. 2 let. a) and own contributions (Art. 21 para. 2 let. f);

d) from the Office of National Economy for the verification of third-party support (Art. 18 para. 2 let. a) and own contributions (Art. 21 para. 2 let. f);

e) by the school board for the clarification of eligibility for gymnasium education (Art. 5, Para. 4) and the verification of school fees (Art. 10);

f) from the Office for Vocational Education and Counseling for the verification of the school money (Art. 10);

g) from the Civil Registry Office for the verification of the civil status of the persons to be included in the calculation of the education allowance (Articles 20 and 21).

2) The Scholarship Office is entitled to obtain the tax data necessary for the determination of own contributions directly from the municipalities and the tax administration.

V. Financing

Art. 36 Funding

Funding for training grants comes from general state appropriations.

Art. 37 Index adjustment

The amounts pursuant to Art. 9 Para. 3, Art. 10 to 16, Art. 21 Para. 2 Letters c to g, Art. 22 Para. 1 and Art. 23 Para. 3 shall be adjusted by the Government by decree in line with inflation as soon as the consumer price index has increased by at least 5 %.

VI. Transitional and final provisions

Art. 38 Executive Orders

The Government shall issue the regulations necessary for the implementation of this Act.

Art. 39 Transitional provisions

1) For the calculation of the maximum duration according to Art. 8 Para. 3, initial and secondary education as of August 1, 2000 shall be taken into account.

2) Applications pending when this Act comes into force shall be dealt with in accordance with this Act.

3) Orders and agreements issued or concluded prior to the entry into force of this Act shall continue to be valid. The following are reserved prior to the August 1, 2003 decreed assurances for training grants where payment has not been made.

4) For loans disbursed under the previous law for which no repayment agreement exists at the time of the entry into force of this Act, the repayment modalities shall be governed by Art. 26.

5) Upon the entry into force of this Act, the term of office of the existing Scholarship Commission shall terminate; however, it shall continue to conduct business until a new Scholarship Commission is appointed in accordance with the provisions of this Act.

Art. 40 Repeal of previous law

It is repealed:

a) Act of May 9, 1972, on State Training Grants, LGBl. 1972 No. 33;

b) Act of July 2, 1974, amending the Act on State Education Grants, LGBl. 1974 No. 47;

c) Act of June 30, 1977, on the Amendment of the State Education Grants Act, LGBl. 1977 No. 45;

d) Act of December 3, 1980, amending the Act on State Education Grants, LGBl. 1981 No. 16;

e) Act of June 12, 1985, on the Amendment of the State Education Grants Act, LGBl. 1985 No. 44;

f) Act of December 16, 1987, concerning the amendment of the Act on State Training Grants, LGBl. 1988 No. 2;

g) Act of March 26, 1992, on the Amendment of the Act on State Education Grants, LGBl. 1992 No. 46;

h) Act of December 12, 1996, concerning the amendment of the Act on State Training Grants, LGBl. 1997 No. 56;

i) Act of May 12, 2004, on the Amendment of the Act on State Training Grants, LGBl. 2004 No. 143.

Art. 41 Entry into force

This Act shall enter into force on August 1, 2005.

XXVIII. Convention against Torture

and other cruel, inhuman or degrading treatment or punishment Concluded in New York, December 10, 1984.

Approval by Parliament: September 12, 1990 Entry into force for the Principality of Liechtenstein: December 2, 1990

The States Parties to this Convention,

Considering that, according to the principles proclaimed in the Charter of the United Nations, the recognition of the equality and inalienability of the rights of all members of human society is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Considering that the Charter, in particular Art. 55, obliges States to promote universal respect for and realization of human rights and fundamental freedoms,

Having regard to Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Having regard also to the Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on December 9, 1975,

Desiring to make the fight against torture and other cruel, inhuman or degrading treatment or punishment more effective throughout the world,

have agreed as follows:

Part I Art. 1

1) For the purposes of this Convention, "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, to punish him for an act he or a third person has committed or is suspected of having committed, to intimidate or coerce him or a third person, or for any other reason based on discrimination of any kind, when such pain or suffering is inflicted by a public official or other person acting in an official capacity.

The term does not include pain or suffering that is caused by, at the instigation of, or with the express or tacit consent of a person acting in the capacity of a person acting in the capacity of a person acting in the capacity of a person acting in the capacity of a person. The term does not include pain or suffering that merely results from, is part of, or is associated with sanctions permitted by law.

2) This Article shall be without prejudice to any international agreement or national legislation containing more extensive provisions.

Art. 2

1) Each State Party shall take effective legislative, administrative, judicial or other measures to prevent torture in all areas under its jurisdiction.

2) Exceptional circumstances of whatever nature, whether war or threat of war, domestic political instability or other public emergency, may not be invoked as a justification for torture.

3) A directive issued by a superior or a holder of public authority may not be invoked as a justification for torture.

Art. 3

1) A State Party shall not expel, deport or extradite a person to another State if there are substantial grounds for believing that he or she would be in danger of being subjected to torture there.

2) In determining whether such grounds exist, the competent authorities shall take into account all relevant considerations, including the fact that there is a consistent practice of gross, flagrant or mass violations of human rights in the State concerned.

Art. 4

1) Each State Party shall ensure that all acts of torture are criminal offences under its criminal law. The same shall apply to attempted torture and to acts committed by any person which constitute complicity or participation in torture.

2) Each State Party shall punish such offences with appropriate penalties which take into account the gravity of the offence.

Art. 5

1) Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in Article 4 in the following cases:

a) if the offense is committed in a territory under the jurisdiction of that state or on board a vessel or aircraft registered in that state;

b) if the suspect is a national of the state in question;

c) if the victim is a national of the State concerned, if that State deems it appropriate.

2) Similarly, each State Party shall take such measures as may be necessary to establish its jurisdiction over such offences in the event that the suspect is in a territory under the jurisdiction of that State and it does not extradite him to one of the States referred to in paragraph 1 of this article in accordance with the provisions of Article 8.

3) This Convention does not exclude criminal jurisdiction exercised under national law.

Art. 6

1) If a State Party in whose territory a person suspected of having committed an offence referred to in Article 4 is present, considers it justified in view of the circumstances, after considering the information available to it, it shall detain him or take other legal measures to ensure his presence. Detention and other legal measures shall be in accordance with the law of that State and shall be maintained only for such time as may be necessary to permit the institution of criminal or extradition proceedings.

2) That State shall immediately conduct a preliminary investigation to determine the facts of the case.

3) A person detained under subsection 1 shall be granted every facility to enable him to communicate directly with the nearest competent representative of the State of which he is a national or, if he is a stateless person, with the representative of the State in which he habitually resides.

4) When a State has detained a person under this article, it shall immediately notify the States referred to in Article 5, paragraph 1, of the fact that the person is detained and of the circumstances justifying the detention. The State conducting the preliminary investigation referred to in paragraph 2 of this article shall promptly inform the said States of the result of the investigation and whether it intends to exercise its jurisdiction.

Art. 7

1) The State Party exercising jurisdiction over the territory in which the suspect of an offence referred to in article 4 is found shall, if it does not extradite the person concerned, submit the case to its competent authorities for the purpose of prosecution in the cases referred to in article 5.

2) These authorities shall make their decision in the same manner as in the case of a common law crime of a serious nature under the law of that state. In the cases referred to in Art. 5, para. 2, for the prosecution and conviction may be

no less stringent standards of proof shall be applied than in the cases referred to in Art. 5 par. 1.

3) Everyone against whom proceedings are conducted for any of the offenses referred to in Article 4 shall be guaranteed fair treatment throughout the proceedings.

Art. 8

1) The offences referred to in Article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include these offenses as extraditable offenses in any extradition treaty to be concluded between them.

2) If a Contracting State which makes extradition conditional upon the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall, moreover, be subject to the conditions provided for by the law of the requested State.

3) States Parties which do not make extradition conditional upon the existence of a treaty shall recognize among themselves such offences as being subject to extradition, subject to the conditions provided by the law of the requested State.

4) Such crimes shall be treated for the purposes of extradition between Contracting States as if they had been committed not only in the place where they occurred but also in the territories of the States required to establish their jurisdiction under Article 5(1).

Art. 9

1) States Parties shall afford each other the widest measure of assistance in connection with criminal proceedings instituted in respect of any of the offences referred to in Article 4, including the furnishing of all evidence available to them and necessary for the proceedings.

2) The Contracting States shall fulfill their obligations under paragraph 1 in accordance with any treaties on mutual legal assistance that may exist between them.

Art. 10

1) Each State Party shall ensure that the teaching and education but the prohibition of torture are included as a fully valid part of the training of civilian and military personnel involved in law enforcement, me-

The following shall be included in the list of persons who may be involved in the custody, interrogation or treatment of a person subject to arrest, detention, imprisonment or any other form of deprivation of liberty: medical personnel, members of the public service and other persons.

2) Each State Party shall include this prohibition in the regulations or instructions governing the duties and functions of all such persons.

Art. 11

Each State Party shall, in all territories under its jurisdiction, subject the rules, instructions, methods and practices applicable to interrogation and the arrangements for the detention and treatment of persons subjected to arrest, detention, imprisonment or any other form of deprivation of liberty to regular systematic review with a view to preventing any case of torture.

Art. 12

Each State Party shall ensure that its competent authorities promptly conduct an impartial investigation whenever there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction.

Art. 13

Each State Party shall ensure that anyone who alleges that he has been subjected to torture in a territory under the jurisdiction of that State has the right to have his case referred to the competent authorities and to have it examined promptly and impartially by those authorities. Provisions shall be made to ensure that the complainant and witnesses are protected from any ill-treatment or intimidation on account of their complaint or statements.

Art. 14

1) Each State Party shall ensure in its legal system that the victim of an act of torture receives reparation and has an enforceable right to just and adequate compensation, including the means for the fullest possible rehabilitation. If the victim dies as a result of the act of torture, his or her survivors shall be entitled to compensation.

2) This Article shall be without prejudice to any right of the victim or any other person to compensation under national law.

Art. 15

Each State Party shall ensure that statements proven to have been induced by torture shall not be used as evidence in any proceeding except against a person accused of torture as evidence that the statement was made.

Art. 16

1) Each State Party undertakes to prevent, in any territory under its jurisdiction, other acts constituting cruel, inhuman or degrading treatment or punishment, not amounting to torture within the meaning of Article 1, when committed by, at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity. The obligations regarding torture set forth in Articles 10, 11, 12 and 13 shall apply mutatis mutandis to other forms of cruel, inhuman or degrading treatment or punishment.

2) Nothing in this Convention shall affect the provisions of other international instruments or domestic laws prohibiting cruel, inhuman or degrading treatment or punishment or relating to extradition or expulsion.

Part II

Art. 17

1) There shall be established a Committee against Torture (hereinafter referred to as the "Committee") which shall perform the functions hereinafter set forth. The Committee shall be composed of ten experts of high moral standing and recognized expertise in the field of human rights, acting in their personal capacity. The experts shall be chosen by the States Parties, taking into account a balanced geographical distribution and the advisability of the participation of persons with legal experience.

2) The members of the Committee shall be elected by secret ballot from a list of persons proposed by the States Parties. Each State Party may propose one of its nationals. In so doing, States Parties shall take into account the desirability of proposing persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.

3) The election of Committee members shall take place every two years at meetings of States Parties convened by the Secretary-General of the United Nations. In

At these meetings, which shall constitute a quorum when two-thirds of the States Parties are represented, the candidates who obtain the highest number of votes and the absolute majority of the votes of the representatives of the States Parties present and voting shall be considered elected to the Committee.

4) The first election shall be held not later than six months after the entry into force of this Convention. At least four months before each election, the Secretary-General of the United Nations shall invite States Parties in writing to propose their candidates within three months. The Secretary-General shall prepare and transmit to the States Parties an alphabetical list of all persons so nominated, indicating the States Parties which have nominated them.

5) The committee members are elected for four years. They may be re-elected upon renewed nomination. However, the term of office of five of the members elected at the first election shall expire after two years; immediately after the first election, the names of these five members shall be drawn by lot by the chairman of the meeting referred to in paragraph 3.

6) In the event of the death or resignation of a member of the Committee, or if for any other reason he or she is no longer able to perform his or her duties on the Committee, the State Party which proposed him or her shall appoint, subject to the approval of a majority of the States Parties, another expert of its nationality to serve on the Committee for the remainder of the term of office. The approval shall be deemed to have been given unless at least half of the States Parties object within six weeks after they have been informed by the Secretary-General of the United Nations of the proposed appointment.

7) States parties shall pay for expenses incurred by committee members in the performance of committee duties.

Art. 18

1) The Committee elects its Executive Board for a term of two years. Re-election of the members of the Board of Directors is permissible.

2) The committee shall adopt rules of procedure, which shall include, but not be limited to, the following provisions:

a) The committee has a quorum if six members are present;

b) the Committee adopts its resolutions by a majority of the members present.

3) The Secretary-General of the United Nations shall provide the Committee with the staff and facilities necessary for the effective performance of the functions incumbent upon it under the present Convention.

4) The Secretary-General of the United Nations shall convene the first meeting of the Committee. After its first meeting, the Committee shall meet at the times provided for in its rules of procedure.

5) States Parties shall meet expenses incurred in connection with the holding of meetings of States Parties and meetings of the Committee, including reimbursement of all expenses, such as costs of personnel and facilities, incurred by the United Nations under paragraph 3 of this article.

Art. 19

1) States Parties shall submit to the Committee, through the Secretary-General of the United Nations, within one year of the entry into force of the present Convention for the State Party concerned, reports on the measures they have taken to fulfill their obligations under the Convention. Thereafter, States Parties shall submit supplementary reports every four years on any further measures and any other reports requested by the Committee.

2) The Secretary-General of the United Nations shall transmit the reports to all States Parties.

3) The Committee shall examine each report; it may accompany it with such general comments as it deems appropriate and shall forward them to the Contracting State concerned. The latter may submit to the Committee any comments it wishes to make.

4) The Committee may, at its discretion, decide to include its observations under paragraph 3 of this article, together with the comments received thereon from the State Party concerned, in its annual report prepared in accordance with article 24 of this article. At the request of the State Party concerned, the Committee may also include a copy of the report submitted in accordance with paragraph 1 of this article.

Art. 20

1) If the Committee receives reliable information which, in its opinion, contains well-founded indications that torture is systematically taking place in the territory of a State party, the Committee shall invite that State party to cooperate in the examination of the information and, to that end, to submit comments on the information.

2) If the Committee deems it warranted, taking into account the comments made by the Contracting State concerned and any other relevant information available to it, it may instruct one or more of its members to conduct a confidential investigation and report to it immediately.

3) When an investigation is conducted pursuant to paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned. With the agreement of that State Party, such an investigation may include a visit to its territory.

4) After considering the results of the investigation submitted by its member or members in accordance with paragraph 2 of this article, the Committee shall transmit them to the State Party concerned together with any comments or suggestions it deems appropriate in view of the situation.

5) The entire proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential and the participation of the State Party concerned shall be sought at each stage of the proceedings. After the completion of the procedure related to an investigation pursuant to paragraph 2 of this article, the Committee may decide, after consultation with the State Party concerned, to include a summary of the results of the procedure in its annual report prepared in accordance with article 24 of this article.

Art. 21

1) A State Party may at any time declare under this article that it accepts the competence of the Committee to receive and consider communications in which a State Party alleges that another State Party is failing to fulfil its obligations under this Convention. Such communications may be received and considered in accordance with the procedures set forth in this article only if they are submitted by a State Party which has, for itself, accepted the competence of the Committee by declaration. The Committee shall not consider any communication under this article which relates to a State Party which has not made such a declaration. The following procedure shall apply to communications received under this article:

a) If a Contracting State considers that another Contracting State is not implementing the provisions of this Convention, it may draw the attention of the other State to this fact by means of a written communication. Within three months after the receipt of the communication, the receiving State shall send to the State which sent the communication a written statement or other opinion in respect of the matter, which shall, as far as possible and appropriate, contain a reference to the domestic proceedings and remedies which have been carried out, are pending or are available in respect of the matter;

b) If the case is not settled to the satisfaction of both parties within six months from the date of receipt of the initiating communication by the receiving State

If the matter is not settled by the parties to the contract, each of the two States shall have the right to submit the matter to the Committee by notifying the Committee and the other State accordingly;

c) the Committee shall not consider a matter referred to it under this article until it is satisfied that all domestic remedies in the matter have been sought and exhausted in accordance with generally recognized principles of international law. This shall not apply if the procedure in applying the remedies has been unreasonably protracted or is unlikely to provide effective relief to the person who has been the victim of a violation of this Convention;

d) the Committee shall discuss communications under this Article in closed session;

e) provided that the requirements of subparagraph (c) above are met, the Committee shall make its good offices available to the States Parties concerned with a view to reaching an amicable settlement of the matter on the basis of compliance with the obligations provided for in this Convention. For this purpose, the Committee may, if necessary, establish an ad hoc conciliation commission;

f) the Committee may, in any case submitted to it under this article, request the States Parties concerned referred to in subparagraph (b) to provide any relevant information;

g) the States Parties concerned referred to in subparagraph (b) above shall have the right to be represented and to make oral and/or written submissions when the matter is being considered by the Committee;

h) the Committee shall submit a report within twelve months after receipt of the notice provided under subsection (b):

i) If a regulation within the meaning of subparagraph (e) has been reached, the committee shall limit its report to a brief statement of the facts and the regulation reached;

ii) if a settlement within the meaning of subparagraph (e) has not been reached, the Committee shall limit its report to a brief statement of the facts; the written comments and the record of the oral comments of the States Parties concerned shall be annexed to the report.

In any case, the report shall be transmitted to the States Parties involved.

2) The provisions of this article shall enter into force when five States Parties have made declarations in accordance with paragraph 1 of this article. These declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may at any time be

by notification addressed to the Secretary General. Such a withdrawal shall not affect the consideration of a matter which is the subject of a communication already made under this article, and no further communication by a State Party under this article shall be accepted after receipt by the Secretary-General of the notification of withdrawal of the declaration, unless a new declaration has been made by the State Party concerned.

Art. 22

1) A State Party may at any time declare under this article that it accepts the competence of the Committee to receive and consider communications from or on behalf of individuals subject to the jurisdiction of that State who claim to be victims of a violation of this Convention by a State Party. The Committee shall not receive any communication concerning a State Party which has not made such a declaration.

2) The Committee shall declare inadmissible any communication submitted under this article which is anonymous or which it considers to be an abuse of the right to make such communications or inconsistent with the provisions of this Convention.

3) Subject to the provisions of paragraph 2 of this article, the Committee shall bring any communication submitted to it under this article to the attention of the State Party which has made a declaration under paragraph 1 of this article and which is alleged to have violated a provision of this Convention. The receiving State shall, within six months, submit to the Committee written explanations or observations in order to clarify the matter and shall communicate the remedial measures, if any, which it has taken.

4) The Committee shall consider communications received by it under this article, taking into account any information submitted to it by or on behalf of the individual and by the State Party concerned.

5) The Committee shall not consider communications from an individual under this Article until it is satisfied,

a) that the same matter has not already been or is not being examined in another international investigation or dispute settlement proceeding;

b) that the individual has exhausted all available domestic remedies; this shall not apply if, in applying the remedies, the proceedings have been unreasonably protracted or are unlikely to provide effective relief to the person who has been the victim of a violation of this Convention.

6) The Committee shall discuss communications under this Article in closed session.

7) The Committee shall communicate its views to the State Party concerned and to the individual.

8) The provisions of this article shall enter into force when five States Parties have made declarations in accordance with paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification addressed to the Secretary-General. Such withdrawal shall not affect the consideration of any matter which is the subject of a communication already made under this article, and no further communication made by or on behalf of any individual under this article shall be accepted after the receipt by the Secretary-General of the notification of the withdrawal of the declaration, unless a new declaration has been made by the State Party concerned.

Art. 23

The members of the Committee and of the ad hoc conciliation commissions who may be designated in accordance with article 21, paragraph 1(e), shall be entitled to the facilities, privileges and immunities provided in the relevant sections of the Convention on the Privileges and Immunities of the United Nations for experts acting on behalf of the United Nations.

Art. 24

The Committee shall submit to the States Parties and to the General Assembly of the United Nations an annual report on its activities under this Convention.

Part III Art. 25

1) This Convention is open for signature by all States.

2) This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Art. 26

This Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Art. 27

1) This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2) For each State ratifying or acceding to this Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit of its own instrument of ratification or accession.

Art. 28

1) Any State may, at the time of signature or ratification of or accession to this Convention, declare that it does not recognize the competence of the Committee provided for in Article 20.

2) Any State Party which has made a reservation in accordance with paragraph 1 of this article may withdraw such reservation at any time by notification addressed to the Secretary-General of the United Nations.

Art. 29

1) Any State Party may propose an amendment to this Convention and submit its proposal to the Secretary-General of the United Nations. The Secretary-General shall then transmit the proposed amendment to the States Parties with a request that they advise him whether they are in favor of a conference of States Parties to consider and vote on the proposal. If, within four months from the date of such communication, at least one-third of the States Parties favor such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all States Parties for acceptance.

2) An amendment adopted under paragraph 1 of this article shall enter into force when two thirds of the Contracting States have notified the Secretary-General of the United Nations that they have accepted the amendment in accordance with the procedures laid down in their constitutions.

3) When the amendments enter into force, they shall be binding on the Contracting States which have accepted them, while the provisions of this Convention and any amendments previously accepted by them shall continue to apply to the other Contracting States.

Art. 30

1) Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled by negotiation shall, at the request of one of those States, be submitted to arbitration. If, within six months from the date on which the arbitration was requested, the parties are unable to agree on its organization, any of them may submit the dispute to the International Court of Justice by making a request in accordance with its Statute.

2) Any State may, at the time of signature or ratification of, or accession to, this Convention, declare that it does not consider itself bound by paragraph 1 of this article. The other Contracting States shall not be bound by paragraph 1 of this article in respect of a Contracting State which has made such a reservation.

3) A State Party which has made a reservation in accordance with paragraph 2 of this article may withdraw that reservation at any time by notification addressed to the Secretary-General of the United Nations.

Art. 31

1) A State Party may denounce this Convention by written notification addressed to the Secretary-General of the United Nations. Such denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2) Such denunciation shall not relieve the State Party of its obligations under this Convention in respect of acts or omissions committed before the denunciation takes effect, nor shall the denunciation affect the further consideration of a matter which was before the Committee before the denunciation took effect.

3) After the date on which the denunciation of a State Party becomes effective, the Committee may not begin consideration of a new matter concerning that State.

Art. 32

The Secretary-General of the United Nations shall inform all Member States of the United Nations and all States which have signed or acceded to this Convention,

a) of the signatures, ratifications and accessions referred to in Articles 25 and 26;

b) from the date of entry into force of this Convention in accordance with Article 27 and from the date of entry into force of amendments in accordance with Article 29;

c) from the terminations under Art. 31.

Art. 33

1) This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2) The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

Declarations by Liechtenstein Declaration on Art. 21 para. 1

The Principality of Liechtenstein recognizes the competence of the Committee against Torture to receive and consider communications from a State Party alleging that Liechtenstein is not complying with its obligation under the present Convention.

Explanation to Art. 22 para. 1

The Principality of Liechtenstein recognizes the competence of the Committee against Torture to receive and consider communications from or on behalf of individuals within its jurisdiction who claim to be victims of a violation of the Convention by Liechtenstein.

XXIX. Convention on the Transfer of Sentenced Persons

Concluded in Strasbourg on March 21, 1983

Approval by Parliament: October 23, 1997

Entry into force for the Principality of Liechtenstein: May 1, 1998

The member States of the Council of Europe and the other States signatory to this Agreement,

guided by the consideration that the aim of the Council of Europe is to bring about a closer connec- tion between its members;

in the desire to further develop international cooperation in criminal law matters;

Considering that such cooperation should serve the interests of justice and promote the social reintegration of sentenced persons;

Considering that these objectives require that foreigners deprived of their liberty for committing a crime be given the opportunity to serve the sentence imposed on them in their home country;

Considering that this objective can best be achieved by transferring them to their own country,

have agreed as follows:

Art. 1
Definitions

For the purposes of this Convention, the following definitions shall apply

a) "Sanction" means any custodial sentence or measure imposed by a court for a criminal offense for a definite period of time or for an indefinite period of time;

b) "Judgment" means a decision of a court imposing a sanction;

c) "sentencing State" means the State in which the sentence was imposed on the person who may be or has been transferred;

d) "Executing State" means the State to which the sentenced person may be transferred or has been transferred to execute the sentence imposed on him or her.

Art. 2 General principles

1) The Parties undertake to cooperate to the fullest extent possible under this Convention with respect to the transfer of sentenced persons.

2) A person sentenced in the territory of a Contracting Party may be transferred under this Convention to the territory of another Contracting Party for the purpose of enforcement of the sentence imposed on him. For this purpose, he or she may be transferred to the

State of judgment or of the executing State to be transferred in accordance with this Convention.

3) The request for transfer may be made either by the sentencing State or by the executing State.

Art. 3 Conditions for the transfer

1) A sentenced person may be transferred under this Convention only under the following conditions:

a) that she is a national of the executing State;

b) that the judgment is final;

c) that at the time of receipt of the request for transfer at least six months of the sanction imposed on the sentenced person are still to be executed or that the sanction is of indefinite duration;

d) that the sentenced person or, if either State deems it necessary in view of his age or physical or mental condition, his legal representative, consents to his transfer;

e) that the acts or omissions in respect of which the sentence has been imposed constitute an offense under the law of the executing State or would constitute an offense if committed in its territory;

f) that the sentencing and executing states have agreed on the transfer.

2) In exceptional cases, the contracting parties may also agree on a transfer if the duration of the sanction still to be imposed on the sentenced person is shorter than that provided for in subsection 1(c).

3) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, make known its intention to exclude in its relations with other Contracting Parties the application of any of the procedures provided for in Article 9, paragraph 1, sub-paragraphs (a) and (b).

4) Any State may, at any time, by a declaration addressed to the Secretary General of the Council of Europe, define for its own territory the term "national" within the meaning of this Convention.

Art. 4 Duty to inform

1) Any sentenced person to whom this Convention may apply shall be informed by the sentencing State of the essential content of this Convention.

2) If the sentenced person has expressed to the sentencing State a wish to be transferred in accordance with this Convention, the sentencing State shall inform the executing State thereof as soon as possible after the judgment has become final.

3) The communication contains:

a) Name, birthday and place of birth of the convicted person;

b) their address in the executing State, if applicable;

c) a statement of the facts on which the sanction is based;

d) The type and duration of the sanction and the start of its enforcement.

4) If the sentenced person has expressed to the executing State his or her wish to be transferred, the sentencing State shall, at the request of the executing State, send the notification referred to in paragraph 3.

5) The sentenced person shall be informed in writing of what has been ordered by the sentencing or executing State pursuant to the preceding paragraphs, as well as of any decision taken by either State pursuant to a request for transfer.

Art. 5

Requests and responses

1) Requests for transfer and responses must be in writing.

2) Requests are sent by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State. The replies shall be sent by the same means.

3) Any Contracting Party may, by a declaration addressed to the Secretary General of the Council of Europe, give notice that it will use an alternative means of transmission.

4) The requested State shall promptly inform the requesting State of its decision whether to grant or refuse the request for transfer.

Art. 6

Documents

1) At the request of the sentencing State, the executing State shall provide it with the following documents:

a) a document or declaration stating that the sentenced person is a national of the executing State;

b) a copy of the law of the executing State showing that the acts or omissions for which the sentence was imposed in the sentencing State constitute, under the law of the executing State, a criminal offence.

criminal offense or would constitute if committed in its territory;

c) a statement containing the notification referred to in Art. 9, para. 2.

2) If transfer is requested, the sentencing State shall provide the executing State with the following documents, unless either State has already given notice that it will not comply with the request:

a) a certified copy of the judgment and the legislation applied;

b) a statement indicating which part of the sanction has already been executed, including notification of pre-trial detention, sentence reduction and any other circumstances essential for the execution of the sanction;

c) a declaration containing the consent to the transfer referred to in Art. 3 para. 1 letter d;

d) where appropriate, reports from doctors or social workers on the sentenced person, communications concerning his or her treatment in the sentencing State and recommendations for his or her further treatment in the executing State.

3) Either State may request the transmission of the documents or statements referred to in paragraph 1 or 2 above before requesting transfer or making a decision whether to grant or refuse the request for transfer.

Art. 7 Consent and verification

1) The sentencing State shall ensure that the person who is required to consent to the transfer in accordance with Article 3(1)(d) gives his or her consent voluntarily and in full awareness of the legal consequences. The procedure for this consent is governed by the law of the sentencing state.

2) The sentencing State shall give the executing State the opportunity to satisfy itself, through a con- sul or other official designated in agreement with the executing State, that consent has been given in accordance with the conditions set forth in paragraph 1.

Art. 8

Effects of the transfer for the sentencing state

1) The takeover of the sentenced person by the authorities of the executing state suspends the execution of the sentence in the sentencing state.

2) The sentencing state may not continue to enforce the sanction if the enforcing state considers the enforcement of the sanction to be completed.

Art. 9

Effects of the transfer for the executing state

1) The competent authorities of the executing State

a) continue the execution of the sanction directly or on the basis of a judicial or administrative decision under the conditions contained in Art. 10, or

b) shall, in a judicial or administrative proceeding, convert the decision imposing the sanction into a decision of that State under the conditions contained in Article 11, substituting for the sanction imposed in the sentencing State a sanction provided for by the law of the administering State for the same offense.

2) The executing State shall, at the request of the sentencing State, inform the sentencing State which of these procedures it will use before transferring the sentenced person.

3) Enforcement of the sanction shall be governed by the law of the executing State, and that State alone shall be competent to make all necessary decisions.

4) Any State which, under its domestic law, cannot avail itself of one of the procedures referred to in paragraph 1 of this article for the enforcement of measures imposed in the territory of another Contracting Party on persons who, by reason of their mental condition, have been found not criminally responsible for the commission of the offence, and which is prepared to receive such persons for further treatment, may, in a declaration addressed to the Secretary General of the Council of Europe, specify the procedures which it will follow in such cases.

Art. 10

Continuation of enforcement

1) In the event of continued enforcement, the executing State shall be bound by the legal nature and duration of the sentence as determined by the sentencing State.

2) However, if the nature or duration of that sanction is incompatible with the law of the executing State, or if the law of that State so requires, that State may, by judicial or administrative decision, adapt the sanction to the penalty or measure provided for by its own law for an offense of the same nature. Such penalty or measure shall correspond as far as possible in its nature to the penalty imposed by the decision to be enforced. It may not, by its nature or duration, aggravate the sanction imposed in the sentencing State and may not exceed the maximum provided for by the law of the executing State.

Art. 11

Conversion of the sanction

1) In the case of conversion of the sanction, the procedure provided for by the law of the executing state shall be applied. In case of conversion

a) the competent authority shall be bound by the findings of fact insofar as they are expressly or impliedly derived from the judgment rendered in the sentencing State;

b) the competent authority may not convert a custodial sanction into a fine or penalty;

c) the competent authority shall take into account the total period of deprivation of liberty already served on the sentenced person;

d) the competent authority shall not aggravate the criminal situation of the sentenced person and shall not be bound by any minimum measure that may be provided under the law of the executing State for the offense or offenses committed.

2) If the conversion proceedings take place after the transfer of the sentenced person, the executing State shall detain him or otherwise ensure his presence in the executing State until the completion of such proceedings.

Art. 12

Pardon, amnesty, modification of the sanction

Each Party may, in accordance with its constitution or other laws, grant a pardon, an amnesty, or a modification of the sanction by grace.

Art. 13

Resumption

The sentencing State alone has the right to decide on a motion to reopen against the judgment.

Art. 14

Termination of execution

The executing State shall terminate the enforcement of the sentence as soon as the sentencing State has notified it of a decision or measure as a result of which it ceases to be enforceable.

Art. 15 Information

on enforcement

The executing State shall inform the sentencing State of the execution of the sanction.

tion,

a) when he considers the execution of this sanction to be completed;

b) if the sentenced person escapes from custody before the completion of the execution of this sanction, or

c) if the sentencing State requests a special report.

Art. 16 Transit

1) A Party shall comply with a request for the transit of a sentenced person through its territory in accordance with its law if such a request is made by another Party which has itself agreed with another Party or with a third State on the transfer of that person to or from its territory.

2) A contracting party, may refuse transit,

a) if the sentenced person is one of its nationals, or

b) if the act for which the sanction was imposed does not constitute a criminal offense under its law.

3) Requests for transit and replies shall be transmitted by the means specified in Article 5, paragraphs 2 and 3.

4) A Contracting Party may accept a request from a third State for the transit of a sentenced person through its territory if that State has agreed with another Contracting Party on the transfer to or from its territory.

5) The Party requested to authorize transit may detain the sentenced person only for the time necessary for transit through its territory.

6) The Contracting Party requested to grant transit may be requested to give an assurance that the sentenced person will not be tried, detained or subjected to any other restriction of his or her personal liberty in the territory of the State of transit for an act committed or a sentence imposed before leaving the sentencing State.

7) A request for transit shall not be required if the transfer is made by air over the territory of a Contracting Party and no stopover is provided for therein. However, any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, request that it be no- tified of such transit via its territory.

Art. 17

Language and costs

1) Communications under paragraphs 2 to 4 of Article 4 shall be made in the language of the Party to which they are addressed or in one of the official languages of the Council of Europe.

2) Subject to paragraph 3, translation of requests for transfer and documents shall not be required.

3) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, request that requests for transfer and documents be transmitted to it with a translation into its own language or into one of the official languages of the Council of Europe or into the official language designated by it. He may thereby declare his readiness to accept translations into any other language besides the official language or languages of the Council of Europe.

4) Subject to Article 6(2)(a), documents transmitted under this Convention shall not require authentication.

5) Costs incurred in the application of this Convention shall be borne by the executing State, except for costs incurred exclusively in the territory of the sentencing State.

Art. 18 Signature

and entry into force

1) This Convention shall be open for signature by member States of the Council of Europe and by non-member States which have participated in its elaboration. It shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

2) The Convention 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 three member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 1 of this article.

3) In respect of any signatory State which subsequently expresses its consent to be bound by it, the Convention 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. 19

Accession by non-member states

1) After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consultation with the Contracting States, invite any State which is not a member of the Council and is not referred to in Article 18, paragraph 1, to accede to the Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe and with the unanimous consent of the representatives of the Contracting States entitled to sit on the Committee.

2) In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Art. 20 Territorial scope

1) Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention 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 Convention to any other territory specified in the declaration. In respect of such territory the Convention 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 by notification addressed to the Secretary General. Such withdrawal 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 such notification by the Secretary General.

Art. 21

Temporal scope

This Agreement shall apply to the enforcement of sanctions imposed before or after its entry into force.

Art. 22

Relationship to other conventions and agreements

1) This Convention shall not affect the rights and obligations under extradition treaties and other treaties on international cooperation in criminal matters which provide for the surrender of arrested persons for the purpose of examination or testimony.

2) However, if two or more Contracting Parties have already concluded or are concluding an agreement or a treaty on the transfer of sentenced persons or have otherwise regulated or are regulating their relations in this field, they shall be entitled to apply the agreement, treaty or regulation instead of this Convention.

3) This Convention shall not affect the right of States Parties to the European Convention on the International Validity of Criminal Judgments to conclude bilateral or multilateral agreements among themselves on matters governed by that Convention in order to supplement it or to facilitate the application of the principles contained therein.

4) If both this Convention and the European Convention on the International Validity of Criminal Judgments or another agreement or treaty on the transfer of sentenced persons apply to a request for transfer, the requesting State shall, when making the request, designate the instrument on which the request is based.

Art. 23

Amicable settlement

The European Committee on Crime Problems of the Council of Europe shall monitor the implementation of this Convention and shall facilitate, as necessary, the amicable settlement of any difficulties which may arise from its implementation.

Art. 24

Termination

1) Any Contracting Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.

2) The denunciation shall take effect 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.

3) However, this Convention shall continue to apply to the enforcement of sanctions against persons transferred in accordance with the Convention before the date on which the denunciation takes effect.

Art. 25

Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in the elaboration of this Convention and any State which has acceded to this Convention,

a) any signature;

b) any deposit of an instrument of ratification, acceptance, approval or accession;

c) any date of entry into force of this Convention in accordance with Article 18, paragraphs 2 and 3, Article 19, paragraph 2, and Article 20, paragraphs 2 and 3;

d) any other act, declaration, notification or communication in connection with this Agreement.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention.

Done at Strasbourg, this 21st day of March 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, to any State which has participated in the elaboration of this Convention and to any State invited to accede to it.

(Signatures follow)

Declarations of the Principality of Liechtenstein Declaration on Art. 3 para. 3:

"The Principality of Liechtenstein excludes the application of the procedure under Article 9(1)(b) of the Convention."

Explanation to Art. 5 para. 3:

"The Principality of Liechtenstein declares that the Government of the Principality of Liech- tenstein is the competent transmitting and receiving authority within the meaning of Article 5(3)."

Explanation to Art. 6 para. 2 let. a:

"The Principality of Liechtenstein interprets Article 6(2)(a) as requiring that a certificate of enforceability be attached to the certified copy of the judgment."

Explanation to Art. 17 para. 3:

"The Principality of Liechtenstein shall require that requests for transfer addressed to the Principality of Liechtenstein and the accompanying documents, if not in German, be accompanied by a translation into that language."

XXX. Convention on the Elimination of All Forms of Discrimination against Women

Completed in New York on December 18, 1979 Approval
of the Landtag: October 31, 1995.
Entry into force for the Principality of Liechtenstein: January 21, 1996

Preamble

The States Parties to this Convention -

Considering that the Charter of the United Nations reaffirms the belief in the fundamental rights of man, in the dignity and worth of the human personality, and in the equal rights of men and women;

Considering that the Universal Declaration of Human Rights reaffirms the principle of the inadmissibility of discrimination and solemnly declares that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth in the said Declaration without distinction of any kind, including distinction based on sex;

Considering that the States Parties to the International Covenants on Human Rights are obliged to ensure the equality of men and women in the exercise of all economic, social, cultural, civil and political rights;

Considering the International Conventions for the Promotion of Equality between Men and Women concluded under the auspices of the United Nations and the Son- organizations;

Having regard also to the resolutions, declarations and recommendations of the United Nations and specialized agencies for the promotion of equality between men and women;

however, concerned that women are still widely discriminated against despite these various documents;

Recalling that discrimination against women violates the principles of equality and respect for human dignity, prevents women from participating on an equal footing with men in the political, social, economic and cultural life of their country, hinders the growth of the prosperity of society and the family, and makes it difficult for women to fully develop their abilities in the service of their country and humanity;

Concerned that where poverty exists, women are most likely to be disadvantaged in accessing food, health care facilities, education, training and employment opportunities, and in meeting other needs;

Convinced that the establishment of the new world economic order based on equality and justice will contribute significantly to the promotion of equality between men and women;

Emphasizing that the elimination of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggres- sion, foreign occupation and domination, and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women;

Reaffirming that the consolidation of international peace and security, international détente, cooperation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the enforcement of the principles of justice, equality and mutual benefit in inter-State relations, and the realization of the right of peoples living under foreign and colonial domination and foreign occupation to self-determination, self-reliance and self-reliance, are the basic principles of the international community, of equality and mutual benefit in relations between States, and the realization of the right to self-determination and independence of peoples living under foreign and colonial domination and foreign occupation, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and thus contribute to the realization of full equality between men and women;

Convinced that the greatest possible and equal participation of women in all spheres is a prerequisite for the full development of a country, for the welfare of the world and for the cause of peace;

Mindful of the significant contribution of women to the well-being of the family and the development of society, which has not yet been fully recognized, of the social importance of motherhood and the role of both parents in the family and in raising children, and aware that the role of women in procreation must not be a reason for discrimination and that childrearing is a task in which men and women and society as a whole must share;

Aware that the traditional role of men and the role of women in society and in the family must change if the full equality of men and women is to be achieved;

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, to this end, to implement the measures necessary for the

to take the measures required to eliminate any form or manifestation of such discrimination.

have agreed as follows:

Part

I Art.

1

In this Convention, "discrimination against women" means any distinction, exclusion or restriction based on sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their civil status, of human rights and fundamental freedoms based on equality between men and women, in the political, economic, social, cultural, civic or any other field.

Art. 2

The States Parties to the present Covenant condemn all forms of discrimination against women; they agree to pursue without delay, by all appropriate means, policies aimed at the elimination of discrimination against women and undertake to that end:

a) to incorporate the principle of equality between men and women in their State Constitutions or in other appropriate legislation, if they have not already done so, and to ensure the effective implementation of this principle through legislative and other measures;

b) prohibit, by appropriate legislative and other measures, including sanctions where appropriate, any discrimination against women;

c) To ensure the legal protection of women's rights on the basis of equality with men and to protect women effectively from any discriminatory act through the competent national courts and other public institutions;

d) To refrain from acts or practices that discriminate against women and to ensure that all government agencies and public institutions act in accordance with this obligation;

e) to take all appropriate measures to eliminate discrimination against women by persons, organizations or companies;

f) to take all appropriate measures, including legislative measures, to amend or repeal all existing laws, regulations, customs and practices that constitute discrimination against women;

g) Repeal all national criminal law provisions that discriminate against the

nization of women.

Art. 3

States Parties shall take all appropriate measures in all fields, in particular in the political, social, economic and cultural fields, including legislative measures, to ensure the full development and advancement of women so as to ensure that they may exercise and enjoy human rights and fundamental freedoms on an equal basis with men.

Art. 4

1) Temporary special measures taken by States Parties to accelerate the achievement of de facto equality between men and women shall not be considered discriminatory within the meaning of this Convention, but shall in no case result in the maintenance of unequal or segregated standards; such measures shall be discontinued as soon as the objectives of equality of opportunity and treatment have been attained.

2) Special measures taken by States Parties - including the measures referred to in this Convention - to protect maternity shall not be deemed to be discrimination.

Art. 5

States Parties shall take all appropriate measures:

a) to bring about a change in the social and cultural patterns of behavior of men and women in order to eliminate prejudices and traditional and all other practices based on the idea of the inferiority or superiority of one sex or the other or the stereotypical distribution of roles between men and women;

b) to ensure that family education contributes to a proper understanding of motherhood as a social task and to the recognition of the shared responsibility of men and women for the upbringing and development of their children, it being understood that the interest of children must be given priority in all cases.

Art. 6

States Parties shall take all appropriate measures, including legislative measures, to eliminate all forms of trafficking in women and exploitation of prostitution of women.

Part

II Art.

7

States Parties shall take all appropriate measures to eliminate the dis- crimination of women in the political and public life of their country, and in particular shall grant to all women equal rights with men:

a) the right to vote in all elections and referendums and the right to stand for election to all publicly elected bodies;

b) the right to participate in the formulation of government policy and its implementation, and to hold public office and perform all public functions at all levels of government activity;

c) the right to participate in non-governmental organizations and associations concerned with the public and political life of their country.

Art. 8

States Parties shall take all appropriate measures to ensure that women have the opportunity, under the same conditions as men and without discrimination, to represent their government at the international level and to participate in the work of international organizations.

Art. 9

1) The States Parties shall grant women the same rights as men with regard to the acquisition, change or retention of nationality. In particular, States Parties shall ensure that neither by marriage to a foreigner nor by a change of nationality of the husband in the course of the marriage shall the nationality of the wife be changed without further ado, shall she become stateless, or shall the nationality of her husband be imposed upon her.

2) States Parties shall grant women the same rights as men with regard to the nationality of their children.

Part

III Art.

10

States Parties shall take all appropriate measures to eliminate the discriminatio- n against women in order to guarantee them the same rights as men in the field of education and to ensure, in particular, the following on the basis of equality between men and women:

a) equal conditions in vocational guidance, admission to education and obtaining certificates in educational institutions of any kind, both in rural and urban areas; this equality shall apply with regard to pre-schools, general schools, technical schools, general and technical educational institutions at the tertiary level, as well as to any kind of vocational training;

b) Admission to the same educational programs and examinations and to teachers with equivalent qualifications and to school facilities and equipment of the same quality;

c) Eliminate any stereotypical view regarding the role of men and women at all levels of education and in all forms of teaching by promoting the

coeducation and other forms of education that contribute to the achievement of this goal, in particular also by revising textbooks and curricula and by adapting teaching methods;

d) Equal opportunity in obtaining scholarships and other educational grants;

e) equal opportunities for access to continuing education programs, including programs for adult illiterates and functional literacy, especially to reduce any educational gap between men and women as soon as possible;

f) Reducing the percentage of women who drop out of education, as well as organizing programs for girls and women who leave school early;

g) equal opportunities for active participation in sports and physical education;

h) Access to specific educational information that contributes to family health and well-being, including family planning education and counseling.

Art. 11

1) States Parties shall take all appropriate measures to eliminate the discrimination of women in professional life in order to ensure equal rights for them on the basis of equality between men and women, in particular:

a) the right to work as an inalienable right of every human being;

b) the right to the same job opportunities, including the application of the same selection criteria for recruitment;

c) the right to free choice of occupation and employment, the right to career advancement, job security and all benefits and working conditions, and the right to vocational training and retraining, including apprenticeship, continuing vocational training and ongoing education;

d) the right to equal pay, including other benefits, and to equal treatment for work of equal value and equal treatment in the evaluation of the quality of work;

e) the right to social security, in particular to benefits in the event of retirement, unemployment, sickness, disability and old age or other incapacity for work, and the right to paid leave;

f) the right to protection of health and safety at work, including protection of reproductive capacity.

2) In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure them an effective right to work, States Parties shall take appropriate measures:

a) the prohibition - with the threat of sanctions - of dismissal on the grounds of pregnancy or maternity leave and of discrimination on the grounds of marital status in the event of dismissal;

b) to introduce paid maternity leave or maternity leave with comparable social benefits without loss of previous job, seniority or social allowances;

c) to promote the provision of the necessary supportive social services to enable parents to reconcile their family responsibilities with their professional duties and with participation in public life, in particular by promoting the establishment and expansion of a network of childcare facilities;

d) to provide special protection for women during pregnancy in types of employment that have been found to be harmful to pregnant women.

3) The laws for the protection of women in the areas referred to in this Article shall be reviewed periodically in the light of scientific and technical knowledge and, if necessary, amended, repealed or extended.

Art. 12

1) States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure women's access to health services, including those related to family planning, on an equal basis with men.

2) Without prejudice to the provisions of paragraph 1 of this article, the States Parties shall provide adequate and, if necessary, free care for the woman during pregnancy, as well as during and after childbirth, and adequate nutrition during pregnancy and lactation.

Art. 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other spheres of economic and social life in order to guarantee women the same rights as men in accordance with the principle of equality, in particular:

a) the right to family allowances;

b) the right to take out bank loans, mortgages and other financial credits;

c) the right to participate in recreational activities, sports and all aspects of cultural life.

Art. 14

1) States Parties shall take into account the special problems of rural women and the important role played by such women in the economic survival of their families, including their work in non-monetary sectors of the economy, and shall take all appropriate measures to ensure that the provisions of the present Convention also apply to rural women.

2) States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure that they may participate on an equal basis with men in rural development and in the benefits arising therefrom, and shall in particular guarantee them the right to:

a) Participation - at all levels - in the preparation and implementation of development plans;

b) Access to appropriate health services, including education and counseling services and other facilities in the field of family planning;

c) direct benefits from social security programs;

d) school and extracurricular training and education of any kind, including functional literacy, as well as the use of all community and popular education facilities, especially to expand their professional knowledge;

e) Organizing self-help groups and cooperatives to achieve economic equality of opportunity through self-employment or employment;

f) Participation in all community activities;

g) Access to agricultural credit and loans, marketing facilities, and appropriate technologies, as well as equal treatment in the context of land and agrarian reforms and rural resettlement schemes;

h) adequate living conditions, especially with regard to housing, sa- nitary facilities, electricity and water supply, and transport and communication links.

Part IV Art. 15

1) States Parties shall place women on an equal footing with men before the law.

2) States Parties shall grant to woman the same legal capacity as to man in matters of civil law and the same opportunities for the exercise of such legal capacity. In particular, they shall grant to women equal rights with regard to the

The Company shall be entitled to enter into contracts and manage assets, and shall be granted equal treatment at all stages of judicial proceedings.

3) The Contracting States agree that all contracts and all other pri- vate instruments whose legal effect is to restrict the legal capacity of women shall be null and void.

4) The Contracting States shall grant men and women equal rights with regard to legislation on freedom of movement and the free choice of their place of residence and domicile.

Art. 16

1) States Parties shall take all appropriate measures to eliminate the discrimination of women in matters of marriage and family life and shall ensure in particular the following rights on the basis of equality between men and women:

a) equal right to marry;

b) equal right to freely choose a spouse and to marry only with free and full consent;

c) equal rights and obligations in marriage and in its dissolution;

d) equal rights and duties as parents, regardless of their marital status, in all matters concerning their children; in all cases, the interests of the children shall be given priority;

e) equal right to decide freely and responsibly on the number and age difference of their children and to have access to the information, educational facilities and resources necessary to exercise these rights;

f) equal rights and duties in matters of guardianship, conservatorship, care of persons and property, adoption of children or similar legal institutions, to the extent that national law recognizes such legal institutions; in any case, the interests of the children shall be given priority;

g) the same personal rights as spouses, including the right to choose a family name, a profession and employment;

h) equal rights of both spouses with regard to the ownership of property and its acquisition, management, administration and use, as well as the disposal thereof, whether gratuitously or for consideration.

2) The betrothal and marriage of a child shall have no legal effect; all necessary measures, including legislative measures, shall be taken to establish a minimum age for marriage and to make the registration of marriage in an official register mandatory.

Part

Art. 17

1) For the purpose of examining progress in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women (hereinafter referred to as the "Committee") consisting, at the time of the entry into force of the Convention, of eighteen and, after ratification or accession by the thirty-fifth State Party, of twenty-three experts of high moral standing and competence in the field covered by the Convention. The experts shall be chosen by the Contracting States from among their nationals and shall serve in a personal capacity, taking care to ensure equitable geographical distribution and representation of the various forms of civilization and of the principal legal systems.

2) The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one of its own nationals.

3) The first election shall be held six months after the entry into force of this Convention. At least three months before each election, the Secretary-General of the United Nations shall invite States Parties in writing to submit their nominations within two months. He shall then draw up and submit to the States Parties an alphabetical list of all persons so nominated, indicating the States Parties nominating them.

4) The election of members of the Committee shall take place at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At such meeting, a quorum being present when two-thirds of the States Parties are represented, those candidates shall be considered elected to the Committee who receive the highest number of votes and an absolute majority of the votes of the representatives of the States Parties present and voting.

5) The members of the Committee shall be elected for four years. However, the term of office of nine of the members elected at the first election shall expire after two years; immediately after the first election, the names of these nine members shall be drawn by lot by the Chairman of the Committee.

6) The election of the five additional members of the Committee shall take place in accordance with paragraphs 2, 3 and 4 of this article after the ratification or accession of the thirty-fifth State Party. The term of office of two of the additional members elected on this occasion shall expire after two years; the names of these two members shall be drawn by lot by the Chairman of the Committee.

7) To fill an unexpected vacancy, the State Party whose expert has ceased to be a member of the Committee shall, with the approval of the Committee, appoint another expert from among its nationals.

8) The members of the Committee shall, with the approval of the General Assembly, receive emoluments from United Nations funds, the details of which shall be determined by the General Assembly having regard to the importance of the functions of the Committee.

9) The Secretary-General of the United Nations shall provide the Committee with such staff and facilities as it may require for the effective discharge of its functions under the present Convention.

Art. 18

1) The States Parties undertake to submit to the Secretary-General of the United Nations, for the consideration of the Committee, a report on the legislative, judicial, administrative and other measures taken to implement the present Convention and the progress made in this respect, as follows

a) within one year of the entry into force of the Convention for the State concerned, and

b) thereafter at least every four years and as often as the Committee may require.

2) The reports may refer to factors and difficulties affecting the extent of compliance with the obligations provided for in this Convention.

Art. 19

1) The Committee shall adopt its own rules of procedure.

2) The Committee elects its Board of Directors for a two-year term.

Art. 20

1) The Committee shall normally meet annually for not more than two weeks to consider the reports submitted pursuant to Article 18.

2) The meetings of the Committee shall normally be held at the Headquarters of the United Natio- ns or at such other convenient place as the Committee may determine.

Art. 21

1) The Committee shall report annually to the General Assembly of the United Nations, through the Economic and Social Council, on its activities and may, on the basis of the examination of reports and information received from States Parties, make proposals and general recommendations. These shall be included in the report of the Committee together with any comments made by States Parties.

2) The Secretary General shall transmit the committee reports to the Commission for

Legal status of women for reference.

Art. 22

The specialized agencies shall have the right to be represented in advising on the implementation of those provisions of this Convention which fall within the scope of their activities. The Committee may request the specialized agencies to submit reports on the implementation of the Convention in fields falling within the scope of their activities.

Part

VI Art.

23

This Convention shall be without prejudice to provisions more appropriate for the achievement of equality between men and women, which include

a) in the legislation of a Contracting State, or

b) in other international conventions, treaties or agreements applicable to that State.

Art. 24

States Parties undertake to take all measures necessary at the national level for the full realization of the rights recognized in the present Convention.

Art. 25

1) This Convention is open for signature by all States.

2) The Secretary-General of the United Nations is designated as the depositary of this Convention.

3) This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

4) This Convention shall be open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Art. 26

1) A State Party may at any time request a revision of this Convention by written notification addressed to the Secretary-General of the United Nations.

2) The General Assembly of the United Nations shall decide on any steps to be taken with regard to such a request.

Art. 27

1) This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2) For each State ratifying or acceding to this Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification or accession.

Art. 28

1) The Secretary-General of the United Nations shall receive and transmit to all States the text of any reservations made by a State at the time of ratification or accession.

2) Reservations incompatible with the object and purpose of this Convention shall not be permitted.

3) Reservations may be withdrawn at any time by notification to that effect to the Secretary-General of the United Nations, who shall then inform all States. The notification shall take effect on the date of its receipt.

Art. 29

1) If a dispute arises between two or more Contracting States concerning the interpretation or application of this Convention which cannot be settled by negotiation, it shall, at the request of either party, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on its form, a party may refer the dispute to the International Court of Justice by submitting an application in accordance with its Statute.

2) Any Contracting State may, at the time of signature or ratification of the Convention or of its accession thereto, declare that it does not consider itself bound by paragraph 1 of this article. The other Contracting States shall not be bound by paragraph 1 in respect of a Contracting State which has made such a reservation.

3) A State Party which has made a reservation in accordance with paragraph 2 of this article may withdraw it at any time by means of a notification addressed to the Secretary-General of the United Nations.

Art. 30

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Convention.

Annex

Reservations of Liechtenstein

Reservation to Art. 1

In the light of the definition as contained in Art. 1 of the Convention, Liechtenstein reserves the right to apply all the obligations assumed by the Convention with regard to Art. 3 of the National Constitution.

Reservation to Art. 9 Para. 21

XXXI. Agreement establishing EFTA

from January 4, 1960

establishing the European Free Trade Association (EFTA) Concluded at Stockholm, January 4, 1960.

Consolidated version of the Vaduz Agreement of June 21, 20011 Approval by Parliament: March 14, 2002

Entry into force: June 1, 2002

The Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation (hereinafter referred to as the "Member States");

Recalling the conclusion of the Convention establishing the European Free Trade Association of 4 January 1960 (hereinafter referred to as the "Convention").

The Agreement is concluded between the Republic of Austria, the Kingdom of Denmark, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation and the United Kingdom of Great Britain and Northern Ireland;

Mindful of the Association of the Republic of Finland and its accession on January 1, 1986, and of the accessions of the Republic of Iceland on March 1, 1970, and of the Principality of Liechtenstein on September 1, 1991;

Bearing in mind the successive withdrawals from the Convention by the Kingdom of Denmark and the United Kingdom on January 1, 1973; by the Republic of Portugal on January 1, 1986; by the Republic of Austria, the Republic of Finland and the Kingdom of Sweden on January 1, 1995;

mindful of the free trade agreements between Member States on the one hand and third parties on the other;

Confirming the high priority given to the special relations between the EFTA States and to facilitating the continuation of their good trade relations with the European Union, which are based on rapprochement, long-established common values and European identity;

Resolved - with due regard for the principles of fair competition - to deepen the cooperation established within the framework of the European Free Trade Association, to further facilitate the free movement of goods, to progressively achieve the free movement of persons and the liberalization of services and investment, to further open public procurement markets in the EFTA States and to ensure adequate protection of intellectual property rights;

based on the respective rights and obligations arising from the Agreement establishing the World Trade Organization and other multinational and bilateral instruments of cooperation;

Recognizing the need for mutual support of trade and environmental policies for the purpose of achieving the goal of sustainable development;

Reaffirming their commitment to observe recognized minimum labor standards and their efforts to promote such standards in the appropriate multilateral fora, and expressing their conviction that economic growth and development, through increased trade and further trade liberalization, can contribute to the development of these standards;

have agreed on the following:

Chapter I

Objective

Art. 1

The association

This Convention establishes an international organization called the European Free Trade Association, hereinafter referred to as "the Association".

Art. 2

Objective

The association has as its goal:

a) a continuous and balanced strengthening of trade and economic relations under conditions of fair competition, and

to promote in recognition of equivalent rules within the Association;

b) to realize the free movement of goods;

c) to gradually liberalize the free movement of persons;

d) gradually liberalize trade in services and capital;

e) to provide for fair competitive conditions that promote trade between the parties;

f) open up the public procurement markets of the member states;

g) to ensure adequate protection of intellectual property rights in accordance with the highest international standards.

Chapter II

Free movement of goods

Art. 3

Import and export duties and charges having equivalent effect

Customs duties on imports and exports and all charges having equivalent effect between member states are prohibited. This also applies to fiscal duties.

Art. 4

Internal taxes

1) No Member State shall impose internal taxes of any kind, directly or indirectly, on products of other Member States in addition to those imposed directly or indirectly on like domestic products.

2) Furthermore, no Member State imposes internal taxes of any kind on products of other Member States which are indirectly capable of protecting other products.

3) For products exported to the territory of a Member State, the refund for domestic taxes may not exceed the taxes levied directly or indirectly on those products.

Art. 5

Rules of origin and administrative cooperation

The provisions on rules of origin and methods of administrative cooperation are set out in Annex A.

Art. 6

Mutual administrative assistance in customs matters

1) Member States shall assist each other, in accordance with the provisions of Annex B, in customs matters to ensure the correct application of their customs legislation.

2) Annex B applies to all products, regardless of whether they are covered by the provisions of the Convention.

Art. 7

Quantitative import and export restrictions and measures of equivalent effect

Quantitative restrictions on imports and exports and measures having equivalent effect between Member States are prohibited.

Art. 8

Agricultural products

In view of the special considerations applicable to agriculture, Articles 2, 3, 4 and 7, as well as Chapter IV on State aid, Chapter VI on competition rules and Chapter XII on government procurement, do not apply to agricultural products under Chapters 1-24 of the International Convention on the Harmonized Commodity Description and Coding System of 14 June 1983 (HS) or under Annex X, subject to the provisions of:

a) Annex V on basic agricultural products; or

b) Annex W on processed agricultural products.

Art. 9

Repealed

Art. 10

Fish and other marine products

The provisions of this Convention shall apply to fish and other marine pro- ducts.

Art. 11

Seeds and organic farming

1) Specific provisions on seeds are listed in Appendix E.

2) Specific provisions on organic agriculture are listed in Appendix F.

Art. 12

Sanitary and phytosanitary measures

The rights and obligations of the Member States with regard to sanitary and phytosanitary measures are regulated in Annex G.

Art. 13

Exceptions

The provisions of Article 7 shall not preclude prohibitions or restrictions on the import, export or transit of goods, provided that they are justified on grounds of public morality; public policy or public security; the protection of human, animal or plant life or health, or of the environment; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of property.

are. Such prohibitions or restrictions must not constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Chapter III

Technical barriers to trade

Art. 14

Notification of draft technical regulations

1) Member States shall notify the Council as early as possible in the preparatory stage of all draft technical regulations and amendments to such regulations.

2) The details of the notification procedure are set out in Annex H.

Art. 15

Mutual recognition of conformity assessments

Without prejudice to Art. 7, Switzerland, on the one hand, and Iceland, Liechtenstein and Norway, on the other hand, mutually recognize reports, certificates, approvals, conformity markings and declarations of conformity of manufacturers in accordance with the provisions of Annex I.

Chapter IV State

aid Art. 16

State aid

1) The rights and obligations of Member States with respect to State aid are governed by Art. XVI of the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures, which form an integral part of these agreements, unless otherwise provided in Annex Q.

2) In accordance with Article 36 of this Agreement, Member States shall refrain from applying countervailing measures under Part V of the WTO Agreement on Subsidies and Countervailing Measures in their relations with each other.

3) Member States shall review the scope of this chapter with a view to extending the state aid regime to the service sector in line with international developments. To this end, this chapter shall be subject to an annual review.

Chapter V

Public Enterprises and Monopoly Rights Art. 17

Public enterprises and monopoly rights

1) Member States shall ensure that public companies refrain from the following practices:

a) Measures which have the effect of affording protection to domestic production which would be incompatible with this Convention if it were obtained by means of customs duties or charges having equivalent effect, quantitative restrictions or State aids; or

b) Discrimination in trade on grounds of nationality to the extent that it frustrates the benefits expected from the elimination or absence of customs duties and quantitative restrictions in trade between Member States.

2) For the purposes of this Article, "public undertakings" means central, regional or local authorities, public undertakings and any other organization through which a Member State controls or appreciably influences, in law or in fact, imports from or exports to the territory of another Member State.

3) The provisions of paragraph 1 of Art. 18 shall also apply to the activities of public undertakings or undertakings granted special or exclusive rights by the State, provided that the performance of certain assigned public functions is not legally or factually impeded thereby.

4) Par. 3 of this Article is also applicable to Annex Q. Member States shall review the scope of this chapter with a view to extending the subsidy regime to the services sector in line with international developments. For this purpose, this chapter shall be subject to an annual review.

5) Member States shall ensure that no new practices of the type described in paragraph 1 of this Article are introduced.

6) Where Member States do not have the necessary legal powers to exercise decisive influence over the activities of regional or local authorities or undertakings dependent upon them, they shall nevertheless endeavor to ensure that such authorities or undertakings comply with the provisions of this Article.

Chapter VI

Competition Rules

Art. 18

Competition

1) Member States recognize that the following practices are incompatible with this Convention to the extent that they frustrate the benefits to be derived from the Convention:

a) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;

b) the abuse by one or more undertakings of a dominant position in the whole or a substantial part of the territory of the Contracting Parties.

2) If a Contracting Party considers that a practice is incompatible with the provisions of this article, it may, in accordance with the procedure laid down in article 47, request consultations and, under the conditions laid down in paragraph 2 of article 40, take appropriate measures with a view to dealing with difficulties arising from the practice in question.

Chapter VII

Protection of Intellectual Property

Art. 19

1) Member States shall grant and ensure adequate and effective protection of intellectual property rights. They shall take measures to protect such rights against infringement, counterfeiting and imitation in accordance with the provisions of this Article of Annex J and the international conventions referred to therein.

2) Member States shall accord to nationals of other Member States treatment no less favorable than that accorded to their own nationals. Exceptions to this obligation must be in accordance with the substantive provisions of Article 3 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as the "TRIPS Agreement").

3) Member States shall accord to nationals of other Member States treatment no less favorable than that accorded to nationals of any other Member State.

treatment granted by any other country. Exceptions to this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5 thereof.

4) Member States agree to review, at the request of any Member State, the provisions on the protection of Intellectual Property contained in this Article and in Annex J with the aim of further improving the level of protection and avoiding or eliminating trade distortions caused by the current level of protection of Intellectual Property.

Chapter VIII

Free movement of persons

Art. 20

Passenger transport

1) The free movement of persons shall be ensured among the Member States in accordance with the provisions of Annex K and the Protocol to Annex K on the free movement of persons between Switzerland and Liechtenstein.

2) The purpose of this Article for the benefit of nationals of the Member States is as follows:

a) Granting the right of entry, residence, access to paid employment and establishment as a self-employed person, as well as the right to remain in the territory of the Member States;

b) Facilitating the provision of services in the territory of the member states; in particular, the liberalization of short-term services;

c) Granting a right of entry and residence in the territory of the Member States to persons who are not gainfully employed in the host country;

d) Granting the same living, employment and working conditions as for nationals.

Art. 21

Coordination of social security systems

In order to establish the free movement of persons, the Member States shall regulate the coordination of social security schemes in accordance with Appendix 2 to Annex K and by the pro- tocol to Annex K on the free movement of persons between Liechtenstein and Switzerland, in order to guarantee in particular the following:

a) Equal treatment;

b) Determination of the applicable legislation;

c) Aggregation of all insurance periods taken into account under the various national legislations for the purpose of acquiring and retaining the right to benefits and for the calculation of benefits;

d) Payment of benefits to persons residing in the territory of the Member States;

e) Administrative assistance and cooperation between authorities and institutions.

Art. 22

Mutual recognition of professional qualifications

In order to make it easier for nationals of the Member States to take up and continue professional activities as employees or self-employed persons, the Member States shall take the necessary measures as laid down in Annex 3 and in the Protocol to Annex K on the free movement of persons between Liechtenstein and Switzerland concerning the mutual recognition of diplomas, certificates and other formal qualifications, as well as the coordination of laws, regulations or administrative measures concerning the taking up and continuation of activities by employed and self-employed persons.

Chapter IX

Investments

Part 1 Branch

Art. 23

Principles and scope

1) Within the framework and subject to the provisions of this Agreement, the right of establishment of companies formed in accordance with the laws of a Member State and having their registered office, central administration or principal place of business in the territory of the Member States shall not be subject to any restrictions. This applies equally to the establishment of agencies, branches or subsidiaries by companies of a member state established in the territory of another member state.

The right of establishment shall include the right to establish, acquire and manage undertakings, in particular companies within the meaning of paragraph 2, under the same conditions as those provided by the law of the Member State in which the establishment is located for its own undertakings, but subject to the following provisions.

2) For the purposes of this chapter mean:

a) Subsidiary of a company: a company that is actually controlled by the first company;

b) Companies: companies under civil or commercial law, including cooperatives, and other legal persons governed by public or private law, except those which are non-profit-making; to be recognized as an enterprise of a Member State, it must have a real and continuous link with its economy.

3) Annexes L to O contain specific provisions and exceptions relating to the right of establishment. Member States shall progressively seek to eliminate the discrimination resulting from the reservation in Annexes L to O and still remaining. They also agree to implement the present provision, including the annexes, within two years of the entry into force of this Agreement,

which supplements the EFTA Convention of 21 June 2001, with a view to reducing and completely eliminating the remaining restrictions.

4) From the entry into force of this Agreement, which supplements the EFTA Convention of 21 June 2001, no Member State may introduce new or further discriminatory measures concerning the establishment and operation of companies of another Member State, as compared to the treatment of its own companies.

5) Apart from the areas covered by Annexes L to O, each Member State will grant to the companies of another Member State treatment no less favorable than that which it accords to third countries outside the European Community. Subject to a decision by the Council, Member States also mutually undertake to extend to each other the benefits of agreements newly concluded by one Member State with the European Community.

6) Subject to the special provisions and exceptions contained in Annexes L and M, the right of establishment in the road, rail and air transport sectors shall be governed by the provisions of Article 35 and Annexes P and Q.

7) The right of establishment of natural persons is determined by the provisions of Art. 20, Annex K and the Protocol to Annex K on the Movement of Persons between Liechtenstein and Switzerland.

Art. 24

National Treatment

1) Within the scope of this chapter and without prejudice to the following special provisions:

a) Member States shall accord each other treatment no less favorable than that accorded to their own companies;

b) each Member State may, within its territory, lay down rules concerning the approval and operation of companies, provided that such rules do not place the companies of other Member States at a disadvantage compared with its own companies.

2) The provisions of this Article shall not preclude a Member State from applying, in respect of the establishment and operation within its territory of branches and agencies of companies not registered in the territory of the first Member State, special rules which are justified by legal and technical differences between such branches and agencies and the similar branches and agencies of companies registered in its territory. This difference in treatment does not go beyond what is strictly necessary, insofar as it results from such legal or technical reasons.

Art. 25

Regulation of the financial market

1) With regard to financial services, this Chapter shall not exclude the right of Member States to take measures which are necessary for prudential reasons in order to ensure the protection of investors, account holders, policy holders or persons to whom a fiduciary duty is owed, or the integrity and stability of the financial system. These measures must not put companies of other member states at a disadvantage compared to their own companies.

2) Nothing in this chapter shall be construed to require a member state to disclose information concerning the transactions and accounting records of individual customers or other confidential or proprietary information held by public entities.

Art. 26

Recognition

1) A Member State which accedes to an existing treaty or agreement with a particular country for the purpose of fulfilling the recognition of standards or criteria for the authorization, licensing or attestation of service providers shall give another Member State a reasonable opportunity to decide upon the

negotiate accession to, or similar negotiation with, any such agreement or arrangement.

2) Where a Member State unilaterally grants recognition under paragraph 1, it shall give any other Member State a reasonable opportunity to demonstrate that the professional experience, approvals or certifications are

acquired or fulfilled in the territory of the other Member State. These are to be recognized.

3) A Member State shall not grant recognition in a manner that would constitute a means of discrimination between different countries or a disguised restriction on admission in the services sector in the application of standards or criteria for the authorization, licensing or certification of service providers.

Art. 27

Exceptions

1) The provisions of this Chapter shall not apply to activities which, in the territory of a Member State, are connected, even occasionally, with the exercise of official authority.

2) This Chapter and the measures taken pursuant thereto shall not affect the applicability of laws, regulations and administrative provisions that provide for special regulation of foreign companies and are justified on grounds of public order, safety, health or environmental protection.

3) Provided that measures are not applied in a manner that would constitute a means of arbitrary or unjustifiable discrimination among countries where like conditions prevail or a disguised restriction on trade in services, this Convention does not prevent the adoption or enforcement of measures by a Member State:

a) incompatible with Article 24, provided that the difference in treatment with respect to the services or service suppliers of the other Member States serves to ensure the fair or efficient assessment or collection of direct taxes;

b) incompatible with Art. 23, para. 5, provided that the difference in treatment results from a double taxation treaty or from provisions for the avoidance of double taxation in another international agreement by which the Member is bound.

Part 2 Capital movements

Art. 28

1) Under this chapter, there are no restrictions on the movement of capital between Member States with respect to establishment in the territory of another Member State for a company of that Member State.

2) The movement of capital between the Member States, which does not relate to permanent establishment, is ensured in accordance with the international agreements of which they are members.

3) Member States agree to review this provision within two years of the entry into force of this Agreement, which supplements the EFTA Convention of 21 June 2001, with a view to extending the scope of application to capital movements and eventually removing remaining restrictions on capital movements.

Chapter X

Trade in services Art. 29

Principles and scope

1) Within the framework and subject to the provisions of this Agreement, the right to provide services in the territory of the Member States shall not be restricted for natural persons and companies of the Member States who are residents of a Member State other than that of the provider.

2) For the purposes of this Chapter, the term services means "services" under this Convention which are normally provided for remuneration:

a) from the territory of one Member State to the territory of another Member State;

b) in the territory of one Member State to the service user of another Member State in accordance with paragraph 7 of this Article;

c) by a service provider of a Member State by natural persons of that Member State in the territory of another Member State in accordance with paragraph 7 of this Article.

3) Annexes L to O contain specific provisions and exceptions relating to the right to provide services. Member States will progressively implement the

eliminate the discrimination resulting from the reservation in Annexes L to O and still remaining. They also agree to review this provision, including the Annexes, within two years of the entry into force of this Agreement, which supplements the EFTA Convention of 21 June 2001, with a view to reducing and completely eliminating the remaining restrictions.

4) Upon the entry into force of this Agreement, which replaces the EFTA Convention of 21 June 2001, no Member State may introduce new or further discriminatory measures against services and service suppliers of another Member State compared to the treatment of its own services and service suppliers.

5) Apart from the areas covered by Annexes L to O, each Member State shall accord to services and service suppliers of another Member State treatment no less favorable than that it accords in like circumstances to services and service suppliers of third countries outside the European Community. Subject to a decision by the Council, Member States also mutually undertake to extend to the other Member States the benefits of agreements newly concluded by one Member State with the European Community.

6) Subject to the special provisions and exceptions contained in Annex M, the right to provide road, rail and air transport services shall be governed by the provisions of Article 35 and Annexes P and Q.

7) The provision and consumption of services by natural persons under paragraph 2 b) and c) shall be governed by the relevant provisions of Art. 20, Annex K and the Protocol to Annex K on the Movement of Persons between Liechtenstein and Switzerland in accordance with the principles hereby established.

Art. 30

National Treatment

Within the scope of this chapter and without prejudice to the special provisions below:

a) Member States shall accord to each other treatment no less favorable than that accorded to their own natural persons and companies for the supply of services;

b) each Member State may lay down rules within its territory relating to service activities, provided that such rules do not affect the natural persons

and companies of the other Member States in comparison with their own natural persons and companies.

Art. 31

Regulation of the financial market

1) With regard to financial services, this Chapter does not exclude the right of Member States to take measures which are necessary for prudential reasons in order to ensure the protection of investors, account holders, policy holders or persons to whom a fiduciary duty is owed, or the integrity and stability of the financial system. These measures shall not discriminate against natural persons and companies of other Member States in comparison with their own natural persons and companies.

2) Nothing in this chapter shall be construed to require a member state to disclose information concerning the transactions and accounting records of individual customers or other confidential or proprietary information held by public entities.

Art. 32

Recognition

1) The mutual recognition between the Member States of diplomas, certificates and other evidence of formal qualifications and the co- ordination of rules governing the taking up and pursuit of activities by natural persons established by law, regulation or administrative act in the Member States.

are determined according to the relevant provisions of Art. 22, its Annex K, its Appendix 3 and the Protocol on the Movement of Persons between Liech- tenstein and Switzerland.

2) A Member State which accedes to an existing treaty or agreement with a particular country for the purpose of fulfilling the recognition of standards or criteria for the authorization, licensing or certification of service providers shall give another Member State a reasonable opportunity to negotiate, or to negotiate with it, accession to such an agreement or arrangement.

3) Where a Member State unilaterally grants recognition under paragraph 2, it shall give each other Member State a reasonable opportunity to demonstrate that the professional experience, approvals or certificates have been acquired or fulfilled in the territory of the other Member State. These shall be recognized.

4) A member state shall not grant recognition in a manner that would constitute a means of discrimination between different countries or a disguised restriction on trade in services in the application of standards or criteria for the authorization, licensing or certification of service providers.

Art. 33

Exceptions

1) The provisions of this Chapter shall not apply to activities which, in the territory of a Member State, are connected, even occasionally, with the exercise of official authority.

2) The provisions of this Chapter and the measures taken pursuant thereto shall not affect the applicability of laws, regulations and administrative provisions providing for special regulation of foreign service providers and justified on grounds of public policy, public security, public health or the protection of the environment.

3) Provided that these measures are not applied in such a way as to result in arbitrary or unjustifiable discrimination, where the circumstances are the same, or in a disguised restriction on trade in services between Member States, the Convention does not prevent the introduction or maintenance of measures by a Member State:

a) which are incompatible with Art. 30, provided that the difference in treatment with respect to the services or service suppliers of the other Member States serves to ensure the fair or efficient assessment or collection of direct taxes; or

b) incompatible with Art. 29, para. 5, if the difference in treatment results from a double taxation treaty or from provisions for the avoidance of double taxation in another international agreement by which the Member State is bound.

Art. 34

Public procurement

Nothing in this Chapter shall be construed as imposing obligations on Member States with respect to public procurement.

Art. 35

Traffic

Member States shall liberalize reciprocal access to their transport markets for the carriage of passengers and goods by road, rail and civil aviation in accordance with the provisions of Annexes P and Q.

Chapter XI Dumping

Art. 36

Anti-dumping measures, countervailing measures and measures directed against unlawful trade practices of third countries are not applied with respect to Member States.

Chapter XII Public procurement

Art. 37

1) Member States confirm their rights and obligations under the WTO Government Procurement Agreement (GPA). In the framework of these agreements, Member States extend the scope of their obligations under the WTO Agreement on Government Procurement with the aim of continuing the liberalization of government procurement markets in accordance with Annex R.

2) To this end, Member States shall ensure non-discriminatory, transparent and reciprocal access to their procurement markets and open and effective competition based on the principle of equal treatment.

Chapter XIII Current payments

Art. 38

Current payments in connection with the movement of goods, persons, services or capital, as defined in Article 28, between Member States under the provisions of this Agreement shall be exempt from any restrictions.

Chapter XIV Exceptions and safeguards

Art. 39

Exceptions for safety reasons

Nothing in this Convention shall prevent a Member State from taking measures:

a) necessary to prevent the disclosure of information contrary to its essential security interests;

b) relating to the production of or trade in arms, munitions or war material and in other goods and materials intended for use, directly or indirectly, by a military establishment, or to research, development or production indispensable for defense purposes, provided that such measures do not restrict competition in respect of goods and services.

Carry materials not specifically intended for military installations;

c) which it deems necessary to ensure its own security in cases where law and order are threatened by serious internal tensions, or which are taken in time of war or serious tension in international relations, or which are necessary to fulfill its obligations to maintain international peace and security.

Art. 40

Protective measures

1) In the event of continuing serious economic, social and environmental difficulties affecting a particular area or sector of the economy, a Member State may unilaterally take appropriate measures in accordance with the provisions of Art. 41.

2) The protective measures shall not exceed in purpose and duration what is necessary to remedy the difficulties which have arisen. In the choice of protective measures, priority shall be given to those which least interfere with the provisions of this Convention.

3) The protective measures are to be directed against all member states.

4) This Article shall not prejudice the application of special safeguard clauses in accordance with Annexes to this Agreement or specific safeguard clauses in accordance with Article 5 of the WTO Agreement on Agriculture.

Art. 41

1) A Member State wishing to take safeguard measures under Article 40 shall immediately inform the other Member States through the Council and provide all relevant information.

2) The Member State shall immediately negotiate with the Council with a view to finding a solution acceptable to

find a solution that is acceptable to all.

3) The Member State concerned shall not apply the safeguard measures until one month has elapsed after the notification referred to in paragraph 1, unless the consultations referred to in paragraph 2 have been completed before that period. If exceptional circumstances preclude the immediate application of the protective measures, the

If the Member State concerned considers that a prior check is not necessary, it may take the necessary precautionary measures without delay.

4) The Member State concerned shall immediately inform the Council of the measures taken and shall supply all relevant information.

5) Any safeguard measures adopted pursuant to this Article shall be the subject of consultations within the Council every three months from the date of their application, in particular with a view to their abolition as soon as possible before the expiry of the specified period or to the limitation of their scope.

Any Member State may at any time request the Council to reconsider such measures.

Chapter XV

Cooperation within the framework of economic and monetary policy Art. 42

The member states exchange opinions and information regarding the implementation of this convention and the influence of integration on economic events in the states and on their economic and monetary policies. They can also discuss macroeconomic conditions, policies and views. The exchange of views and information takes place on a non-binding basis.

Chapter XVI

Institutional Provisions

Art. 43

The Council

1) It is incumbent upon the Council to,

a) exercise such powers and activities as are conferred upon it by this Agreement;

b) decide on amendments to this Convention in accordance with their provisions;

c) monitor the application of this Convention and supervise its implementation on an ongoing basis;

d) to consider whether Member States should take further measures to promote the achievement of the objectives of the Association;

e) facilitate the establishment of closer relations with other states or associations of states;

f) seek to establish such relations also with other international organizations that facilitate the achievement of the objectives of the Association;

g) To negotiate trade and cooperation agreements between the member states and other states, associations of states or international organizations;

h) To seek the settlement of disputes relating to the interpretation and applicability of this Convention; and

i) consider any other matter that may affect the implementation of this Agreement.

2) Each member state is represented in the Council and has one vote.

3) The Council may determine to create such boards, committees, and other commissions as it deems necessary to assist it in the performance of its duties. Such boards, committees and other commissions are enumerated in Appendix S.

4) In the exercise of its duties under paragraph 1 of this Article, the Council may take decisions which shall be binding on all Member States and may make recommendations to Member States.

5) Unanimity shall be required for decisions and recommendations of the Council, unless otherwise provided for in this Agreement. Decisions or recommendations shall be considered unanimous if no Member State casts a negative vote. Decisions and recommendations for which a majority of votes is required shall require the affirmative vote of three member States.

6) In the event of a change in the number of Member States, the Council may decide to reassess the number of votes required for decisions and recommendations for which a majority of votes is required.

Art. 44

Administrative arrangements of the association

The Council adopts resolutions to

a) establish the rules of procedure of the Council and of all other organs of the Association, which may provide for majority voting on procedural matters;

b) To make arrangements for secretarial services required by the Association;

c) to make the necessary financial arrangements for the administrative expenses of the Association, the procedure for drawing up the budget and the distribution of these expenses among the Member States.

Art. 45

Legal capacity, privileges and immunities

1) The legal capacity and privileges and immunities recognized and granted by the Member States in connection with the Association shall be laid down in a Protocol to this Convention.

2) The Council may, on behalf of the Association, conclude an agreement with the Government of the State in whose territory the seat of the Association will be located, concerning the legal capacity and the privileges and immunities recognized and granted in connection with the Association.

Chapter XVII

Consultations and dispute settlement

Art. 46

Application and scope

Except where there are provisions elsewhere in this Convention relating to scope and application, this Chapter shall apply to all matters arising in connection with this Convention.

Art. 47

Consultations

1) Member States shall at all times endeavor to arrive at a mutually agreeable interpretation and application of this Agreement and shall make every effort, through cooperation and consultation, to find a mutually satisfactory solution to any matter which may affect the implementation of this Agreement.

2) Any Member State may bring any question relating to the application and interpretation of this Agreement before the Council. With a view to reaching a mutually agreed solution, the Council shall be provided with all information necessary for

an in-depth review of the matter is necessary with a view to reaching a satisfactory solution. To this end, the Council shall review all possibilities for the good functioning of this Agreement.

3) A Council meeting will be held within 30 days of receipt of the consultation request.

Art. 48

Arbitration

1) If a Member State considers that a measure applied by another Member State is in breach of the Convention and the dispute has not been settled within 45 days of the conclusion of the consultations referred to in Article 47, the dispute may be referred to arbitration by one or more Contracting States which are parties to it by written notification to the offending party. A copy of such notification shall be sent to all member States so that they may decide whether the matter substantially affects their interests. If the submission of disputes on the same issue with the same Contracting State is requested by more than one Member State, a single arbitral tribunal shall, if practicable, decide on all disputes.

2) A Member State not party to the dispute shall be permitted, by service of written notification on the disputing Member States, to submit written submissions to the arbitral tribunal, to receive written submissions from the Member States party to the dispute, to attend all hearings and to make oral submissions.

3) The arbitral award shall be final and binding on the member state parties to the dispute. They shall comply with the award without delay.

4) The provisions of Appendix T govern the establishment and operation of the arbitral tribunal and the implementation of arbitration awards.

Chapter XVIII

General provisions

Art. 49

Obligations under other international agreements

1) Nothing in this Convention shall be construed as exempting any Member State from the obligations it has assumed under agreements with third States or under multilateral agreements to which it is a party.

2) This Agreement shall in no way affect the rules of the Agreement on the European Economic Area, the Nordic Cooperation and the Customs Union between Switzerland and Liechtenstein as applied to the Member States.

Art. 50

Rights and obligations of the member states

Member States shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement. They shall refrain from any measures which might jeopardize the attainment of the objectives of this Convention.

Art. 51

Transparency

1) Member States shall publish their legislation or otherwise make publicly available their laws, regulations and administrative and procedural provisions and their judgments of general application. The same applies to international agreements that may affect the functioning of this Agreement.

2) Member States shall promptly answer specific questions and, upon request, inform each other of matters referred to in paragraph 1.

Art. 52

Secrecy

Representatives, delegates and experts of the Member States, as well as officials and other servants acting under this Convention, shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their financial structures.

Art. 53

Attachments

1) The Annexes, Appendices and Protocols to this Convention shall form an integral part thereof.

2) The Annexes to this Convention are as follows Annex A Rules of origin and administrative cooperation Annex B Mutual administrative assistance in customs matters

Annex E Seeds Annex F

Organic farming

Annex G Sanitary and phytosanitary measures

Annex H Notification procedure for draft technical regulations and rules on information society services

Annex I Mutual recognition of conformity assessment Annex J Intellectual property protection

Annex K Free movement

Annex L Reservations by Iceland concerning investment and services

Annex M Reservations by Liechtenstein concerning investments and services

Annex N Reservations by Norway concerning investments and services

Annex O Reservations of Switzerland concerning investments and services Annex

P Land transport Annex Q Air transport

Appendix R Public Procurement

Annex S Bodies, Committees and Other Bodies Assisting the Council

Annex T Arbitration Annex U Territorial Application Annex V Basic Agricultural Products

Annex W Processed agricultural products

Annex X Agricultural products not falling within Chapters 1 to 24 of the Harmonized System (HS)

3) The Council shall have the power to amend the provisions of subsection 2.

4) The Council shall have the power to amend Annexes A, H, S, T, V, W, and X, and the Appendices to Annexes E, F, K, P, Q, and R, except as otherwise provided in the Annexes.

res was determined.

Art. 54

Ratification

1) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited with the Government of Sweden, which shall notify all the

other signatory states a corresponding notification is sent.

2) The Government of Norway shall act as Depositary as from November 17, 1995.

3) The Council shall have the power to amend the provisions of this Article. Art. 55

Entry into force

This Convention shall enter into force as soon as all signatory States have deposited their instruments of ratification.

Art. 56

Accession and association

1) Any State may accede to this Convention provided that its accession is approved by decision of the Council and subject to the terms and conditions laid down in that decision. The instrument of accession shall be deposited with the depositary, which shall send a notification to that effect to all other member States. With respect to an acceding State, this Convention shall enter into force on the date specified in the decision of the Council.

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2) The Council may negotiate an agreement between the member states and any other state, association of states, or international organization establishing an association with such mutual rights and obligations, common action, and special procedures as may be deemed appropriate. Such conventions shall be submitted to the member states for acceptance and shall enter into force if accepted by all member states. Instruments of acceptance shall be deposited with the depositary, which sends a corresponding notification to all other member states.

3) Each State acceding to this Convention shall endeavor to become a party to free trade agreements concluded between Member States with third States, associations of States or international organizations.

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Art. 57

Resignation

1) Any Member State may withdraw from this Convention provided that it gives twelve months' written notice of its withdrawal to the depositary.

state. The latter shall inform the other member states thereof.

2) Before the resignation takes effect, member states shall agree on appropriate arrangements and equitable sharing of the resignation-related standing costs.

Art. 58

Spatial scope

This Convention shall apply to the territory of the Member States, with the exception of the territories listed in Annex U.

Art. 59

Amendments to the Convention

Unless otherwise specified in this Agreement, the Council shall adopt a decision amending the provisions of this Agreement, which shall be submitted to the Member States for approval in accordance with their internal legal procedures. Unless otherwise specified, the amendment shall enter into force on the first day of the second month following the deposit of the instruments of approval by the Member States with the depositary State. The depositing State shall inform the other Member States thereof.

In witness whereof, the undersigned, being duly authorized thereto, have signed the present Convention.

Done at Stockholm, this 4th day of January 1960, in English and French, both texts being equally authoritative, in a single copy which shall be deposited with the Government of Sweden, which shall transmit a certified copy to each of the other signatory and acceding States.

Revised at Vaduz, June 21, 2001, in a single authentic text in the English language, which shall be deposited with the Government of Norway.

XXXII. Treaty between Switzerland and Liechtenstein

on the annexation of the Principality of Liechtenstein to the Swiss customs territory

from 29 March 1923

The Swiss Federal Council and

His Serene Highness the Reigning Prince of Liechtenstein

Inspired by the desire to make the friendly relations existing between Switzerland and the Principality of Liechtenstein stronger and more intimate, and with the intention of concluding a treaty on the annexation of the Principality of Liechtenstein to Switzerland, the Principality of Liechtenstein has signed a treaty with the Principality of Liechtenstein.

stein to the Swiss customs territory, subject to the sovereign rights of His Serene Highness the Prince of Liechtenstein,

have appointed as proxies for this purpose:

The Swiss Federal Council Mr.

Federal Council

Dr. jur. Giuseppe Motta,

Head of the Federal Department of Political Affairs, His

Serene Highness the Reigning Prince of Liechtenstein Dr.

jur. Emil Beck,

Princely Liechtenstein Chargé d'Affaires in Switzerland,

Who, having found their proxies in good and due form, have agreed upon the following provisions:

1. Section General Provisions

Art. 1

1) The territory of the Principality of Liechtenstein is annexed to the Swiss customs territory and forms part of the Swiss customs territory.

2) At the Swiss-Liechtenstein border, therefore, no levies may be imposed by either side during the term of this treaty, nor may restrictions and prohibitions on imports and exports be imposed, unless such restrictions and prohibitions are

declared permissible in traffic from canton to canton.

Art. 2

1) All taxes levied in application of the federal legislation in force in the Principality pursuant to Art. 4 of this Agreement and of the international treaties in force pursuant to Art. 7, as well as fines imposed in application of federal law, shall be paid in Swiss currency.

2) The Swiss Confederation, for its part, shall also pay the amounts to be paid to the Principality in accordance with the provisions of this Agreement in Swiss currency.

Art. 3

The written communication between the federal and the princely Liechtenstein authorities may take place directly and without recourse to the diplomatic channel, as far as it concerns the application of the present treaty.

2. Section

Federal legislation applicable in Liechtenstein Art. 4

1) As a result of the Customs Union, the provisions in force at the time of the entry into force of this Agreement and in force during its term shall apply in the Principality of Liechtenstein in the same way as in Switzerland:

1. of the entire Swiss customs legislation;

2. other federal legislation, insofar as the customs union requires their application.

2) These provisions shall not apply to all provisions of federal legislation which create an obligation on the part of the Confederation to make contributions.

Art. 5

1) The Principality of Liechtenstein shall, should the Swiss Federal Council deem it necessary, for the territory of the Principality of

1. put into force for the territory of the Principality the federal legislation on industrial, literary and artistic property, as well as all other federal legal enactments which are subsidiarily applicable in their application, and recognize the competence of the federal authorities arising from these laws and the federal ordinances relating to them also for the territory of Liechtenstein;

2. the international conventions on industrial, literary and artistic property to which Switzerland is a party, as well as the agreements concluded by Switzerland through these conventions.

The Parties shall apply the special agreements concluded with other countries in the areas of law referred to in Article 7 of the Treaty.

2) The Swiss Confederation will, if the Principality of Liechtenstein for its part should first express the will to recognize the provisions of the law for the territory of Liechtenstein set forth in the present article and to apply the aforementioned international agreements in the Principality, at any time offer its assistance to a corresponding arrangement.

Art. 6

With regard to the legislation applicable in the Principality in accordance with Articles 4 and 5, the Principality of Liechtenstein shall have the same legal status as the Swiss cantons.

Art. 7

By virtue of the present treaty, the trade and customs treaties concluded by the Principality of Liechtenstein with third countries shall apply in the same manner as in Switzerland, Switzerland reserving its obligations arising from existing treaties.

Art. 8

1) The Principality of Liechtenstein shall not independently conclude trade or customs treaties with any third state during the period of validity of this treaty.

2) The Principality of Liechtenstein authorizes the Swiss Confederation to represent it in negotiations with third countries on the conclusion of trade and customs treaties which take place during the period of validity of the present treaty and to conclude these treaties with effect for the Principality.

3) In the case of trade and customs agreements with Austria, the Princely Government must be consulted before the agreements are concluded.

Art. 8bis

1) The right of the Principality of Liechtenstein itself to become a Contracting State to international conventions or a Member State of international organizations to which Switzerland is a party shall not be restricted by this Treaty.

2) If Switzerland is not a member of such conventions or organizations, membership of the Principality of Liechtenstein shall be subject to a special agreement between the Swiss Confederation and the Principality of Liechtenstein.

Art. 9

1) The federal decrees applicable in the Principality of Liechtenstein upon the entry into force of this Agreement are listed in Annex I, and the international treaties applicable in Liechtenstein are listed in Annex II to this Agreement.

2) The Princely Government shall give public notice of these provisions in an appropriate manner prior to the entry into force of the contract.

Art. 10

1) All additions and amendments to the Federal Law mentioned in Annex I and to the State Treaties mentioned in Annex II shall be communicated by the Swiss Federal Council to the Princely Government, which shall also make them public.

2) The same procedure shall apply with respect to the federal laws, federal resolutions and ordinances which come into legal effect during the term of this Agreement and which are covered by Article 4 of this Agreement, as well as with respect to the international treaties which the Swiss Confederation, as the authorized representative of the Principality of Liechtenstein, shall conclude with third States during the term of this Agreement.

3. Section

The Customs

Service

Art. 11

Customs protection of the Liechtenstein-Austrian border is provided by the Swiss Customs Administration.

Art. 12

At the request of the Swiss customs authorities, the Princely Government will see to it that the course of the border against Vorarlberg is made easily visible by means of boundary stones and similar aids.

Art. 13

The customs offices to be established in the Principality of Liechtenstein will be designated as "Swiss Customs Offices in the Principality of Liechtenstein" and will bear the coats of arms of the two states.

Art. 14

The customs offices and guard posts to be established in the Principality of Liechtenstein as well as the customs roads shall be determined by the Swiss Directorate General of Customs with notification to the Princely Government.

Art. 15

1) Customs offices are set up at the Schaan - Vaduz and Nendeln stations for customs clearance in rail traffic to and from the Principality.

2) The Swiss Customs Administration will determine the clearance powers of these customs offices according to the needs of traffic.

3) For express trains not stopping on the territory of the Principality, customs clearance takes place in Buchs.

4) The Schaanwald stop will be cancelled.

Art. 16

1) The Princely Government will procure the necessary customs office buildings and maintain them in usable condition.

2) The costs of furnishing, heating and lighting the offices shall be borne by the Swiss Customs Administration.

Art. 17

1) The Swiss Customs Administration bears the costs for the accommodation of the border guards.

2) Should the Swiss Customs Administration not be able to procure the necessary accommodation for the border guard personnel, the Princely Government will arrange for the accommodation. In this case, the Swiss Customs Administration will pay a compensation corresponding to the local rent for the premises used.

Art. 18

All authorities of the Principality of Liechtenstein shall provide the same assistance to Swiss customs officers and employees in their official duties as the cantonal authorities do on Swiss territory.

4. Section The customs personnel

Art. 19

1) Customs officers and employees in the Principality of Liechtenstein are appointed, paid and dismissed by the Swiss authorities. They shall be subject exclusively to the Swiss authorities in all service matters, in particular with regard to discipline.

2) The Princely Government will provide the customs officers and employees who perform their duties in the territory of the Principality with credentials.

Art. 20

The Swiss border guards in the Principality of Liechtenstein also wear the uniform

Art. 21

1) Any change in the status of Swiss personnel working in the Principality of Liechtenstein shall be notified to the Princely Government. Any changes expressed

and armament of the Swiss Border Guard Corps.

justified concerns about the stationing of an official or employee in the territory of the Principality shall be taken into account by the Swiss Customs Administration.

2) Likewise, the Swiss authorities will, as far as possible, take into account any requests made by the Princely Government for the transfer of civil servants and employees stationed in the territory of the Principality for public reasons.

Art. 22

Swiss civil servants and employees stationed in the Principality of Liechtenstein are exempt from all taxes and personnel benefits, provided they have Swiss citizenship, with the exception of:

1. of indirect taxes,

2. of property taxes.

Art. 23

Swiss civil servants and employees stationed in the Principality of Liechtenstein and their dependants living in the same household as them, provided they are Swiss nationals, have their place of residence under civil law in Buchs.

Art. 24

1) Criminal acts committed in the Principality of Liechtenstein by Swiss officials and employees of Swiss nationality stationed there and by members of the Swiss na- tionality living in the same household as them shall be prosecuted and judged by those authorities who would be competent to prosecute and judge if the criminal acts had been committed in the district of Werdenberg. In these cases, the criminal law 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 the prosecution of such criminal acts are authorized to enter the territory of the Principality of Liechtenstein and to perform official acts there after prior notification to the Princely Government.

Art. 21

1) Any change in the status of Swiss personnel working in the Principality of Liechtenstein shall be notified to the Princely Government. Any changes expressed

5) This article does not apply to members of the Swiss Border Guard Corps, subject to Art. 25 para. 4.

Art. 25

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.

2) The organs of the Swiss military justice system shall be entitled to enter the territory of the Principality 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 federal military criminal law, Article 24 also applies to members of the Border Guard Corps.

Art. 26

1) Liechtenstein nationals may be employed in the Swiss Customs Service in a number to be determined by the Customs Administration, with the exception of service in the Border Guard Corps.

2) The Swiss Customs Administration reserves the right to use Liechtenstein nationals employed in the Swiss Customs Service also outside the territory of the Principality.

5. Section

Prosecution and punishment of violations of the federal legislation applicable in Liechtenstein.

Art. 27

1) Violations of the federal legislation applicable by virtue of this treaty in the territory of the Principality of Liechtenstein shall be prosecuted and judged in accordance with the Federal Act on the Procedure for the Violation of Federal Fiscal and Police Laws of June 30, 1849, insofar as this procedure is provided for in the federal legislation.

2) The Cantonal Court of the Canton of St. Gallen shall be the appellate court pursuant to Art. 17 (5) of the Federal Act of June 30, 1849, and the Court of Cassation pursuant to Art. 18

Art. 28

1) Those offences against the federal legislation applicable in the Principality of Liechtenstein by virtue of this treaty which are not to be prosecuted in accordance with the Federal Act on Proceedings for the Violation of Federal Fiscal and Police Laws of June 30, 1849, shall be judged by the Princely Court of Justice, insofar as the judgment of such offences is either assigned directly to the cantonal courts by federal legislation or is transferred to the Princely Court of Justice by resolution of the Federal Council or an authority designated by it.

2) An appeal against the sentences handed down by the Princely District Court shall be made to the Cantonal Court of the Canton of St. Gallen in application of the criminal procedure law of St. Gallen.

3) The right to appeal in cassation pursuant to Art. 160 et seq. of the Federal Act on the Organization of the Federal Judiciary of March 22, 1893/October 6, 1911 is reserved.

Art. 29

In the cases referred to in Articles 27 and 28, the rights and duties of the Princely authorities are the same as those of the cantonal authorities.

Art. 30

The jurisdiction of the Federal Criminal Court is reserved insofar as it is given in accordance with the federal legislation in force in the Principality of Liechtenstein on the basis of Art. 4 of this Agreement.

Art. 31

With regard to the enforcement of penalties pronounced in accordance with the federal legislation applicable in the territory of the Principality of Liechtenstein by virtue of the present treaty, the Principality shall have the same legal status as the Swiss cantons.

Art. 32

The right to pardon shall be vested exclusively in the Swiss authorities in respect of sentences passed in application of the federal legislation in force in the territory of the Principality of Liechtenstein by virtue of the present treaty.

6. Section Handling of

the Aliens Police

Art. 33

1) The Swiss Confederation declares its willingness to waive the exercise of border control by the aliens police at the Liechtenstein-Swiss border.

determined by the Court of Cassation of the Swiss Federal Supreme

border, provided and as long as the Principality of Liechtenstein ensures that the circumvention of Swiss regulations on aliens police, settlement, residence, etc. is avoided.

2) In such cases, the Swiss customs authorities will carry out border controls by the aliens police at the Liechtenstein-Vorarlberg border free of charge on the basis of agreements between the two governments.

3) Should, however, the Liechtenstein Government have to increase the number of customs personnel for the performance of border controls as a result of special measures not imposed by the Swiss Federal Council, the Princely Government shall bear the costs arising therefrom.

4) The final decision as to whether the measures taken by the Principality of Liechtenstein in accordance with para. 1 of this article are sufficient shall rest exclusively with the Swiss Federal Council.

5) The two Governments shall agree on the execution of this article, both in general and in the event of any discrepancies in individual cases.

Art. 34

1) The Swiss Confederation reserves the right to reintroduce border control by the aliens police at the Swiss-Liechtenstein border if the measures taken by the Principality of Liechtenstein are deemed insufficient by the Federal Council.

2) The Principality of Liechtenstein undertakes to reimburse the Swiss Confederation for any costs arising from the need to carry out border controls by the aliens police at the Swiss-Liechtenstein border.

7. Section

Federal financial benefits to the Principality of Liechtenstein Art. 35

1)

1. As a share of the revenue from customs duties and fees levied in application of the federal legislation in force in the Principality of Liechtenstein pursuant to this Treaty, the Principality of Liechtenstein shall be paid the same amount per capita of its resident population as would result for Switzerland if the revenue of the Swiss Customs Administration less its expenditure were divided by the total resident population of Switzerland and Liechtenstein.

shares of the Principality of Liechtenstein, but excluding the revenue amounts for un- term rentals and customs and monopoly fines. The expenditure of the Customs Administration shall be deemed to be the expenditure amounts shown in the State Accounts of the Swiss Confederation under the title "Customs Administration".

The resident population is defined as the population determined to be resident in Switzerland or Liechtenstein according to the results of the last census.

2) Included in the share sum are any contributions of the Confederation which would be justified by the federal legislation taken over but which are not paid in the Principality pursuant to Art. 4, para. 2 hereof, subject to Art. 37 of the Treaty.

Art. 36

The method of calculation of Liechtenstein's share of the revenue from customs duties and fees and of the contribution to the costs of the Customs Administration provided for in Article 35, paragraph 1, may be modified by agreement between the two Governments if a substantial change in the relevant factual circumstances so requires.

Art. 37

The Federal Tax Administration keeps a special account of the revenue received from the Principality of Liechtenstein on the basis of the Federal Law of 27 June 1973 on Stamp Duties. Every year, at the end of the calendar year, these revenues are accounted for and the amount of the pure revenues, reduced by the share of administrative costs, is paid to the Princely Government. The Swiss Confederation's share of the administrative costs consists of 1% of the pure revenues and a fixed annual lump sum of 30,000 francs.

8. Section

Transitional and final provisions Art. 38

Prior to the entry into force of this Treaty, the Principality of Liechtenstein shall enact the implementing provisions necessary for the execution of the federal legislation applicable in Liechtenstein. These shall be subject to the approval of the Federal Council to the extent that such approval is provided for the corresponding cantonal implementing provisions.

Art. 39

The Swiss Customs Administration will issue the necessary implementing regulations for this agreement.

Art. 40

(2) The revenue of the Customs Administration shall be deemed to be the revenue entered in the State Account of the Swiss Confederation.

The revenue amounts reported under the title "Customs Administration" by the

During the transitional period, the Princely Government undertakes to take all precautionary measures required by the Swiss customs authorities to prevent the speculative import of goods into the Principality and the circumvention of the federal regulations prohibiting the import of foreign silver coins and notes.

Art. 41

1) The current contract is concluded for a period of five years.

2) Provided that neither of the high contracting parties has given notice of its intention to terminate the contract one year before the expiry of this period, the contract shall remain in force without further notice after the expiry of the five years, both parties having the right to terminate the contract at any time for a period of one year.

Art. 42

Amendments to this contract may also be agreed by mutual consent without formal notice of termination.

Art. 43

Disputes relating to the interpretation of the present Treaty shall, if they cannot be settled by diplomatic means, be submitted to arbitration. If such a case arises, each of the contracting parties shall appoint an arbitrator. If the two arbitrators cannot agree on the matter in dispute, they shall themselves appoint an umpire.

Art. 44

The present Treaty shall be ratified and the exchange of instruments of ratification shall take place in Bern as soon as possible.

Art. 45

The present Treaty shall enter into force on January 1, 1924.

In witness whereof, the Plenipotentiaries have affixed their signatures and seals to the present Agreement.

Done at Bern, in duplicate, this twenty-ninth day of March, nineteen hundred and twenty-three (March 29, 1923).

For the

Swiss Confederation: gez. Motta

gez. E. Beck Final protocol

to the

Swiss-Liechtenstein Customs Union Treaty

1. Retrieved

2. The contracting parties are also agreed that the summering of Liechtenstein livestock in the Vorarlberg Alps shall in principle be permitted in application of Art. 75, para. 3 of the Enforcement Ordinance to the Federal Law on the Control of Epizootic Diseases of August 30, 1920, subject to the implementation of the provisions of federal legislation adopted by the Principality of Liechtenstein in accordance with the present treaty.

If, as a result of these regulations, Liechtenstein cattle housed in the Vorarlberg Alps have to undergo quarantine when being driven home, it is agreed that this quarantine will be carried out on Liechtenstein territory, provided that the necessary preconditions of the epidemic police are available.

3. It is agreed that the levying of stamp duties on the basis of the federal stamp legislation in the Principality of Liechtenstein will be waived in those cases where this levying is opposed by certain obligations of the Princely Government entered into before January 27, 1923.

4. The Princely Government shall furnish the Federal Directorate General of Customs within a reasonable time with the necessary proof that the obligations incumbent upon it under Articles 16, 38 and 40 of the above treaty will have been fulfilled by January 1, 1924. If, in the opinion of the Swiss Federal Council, the conditions set forth in the aforesaid three articles are not fulfilled by that date, it shall be entitled to postpone the entry into force of the treaty until they are fulfilled.

Bern, the twenty-ninth of March nineteen hundred and twenty-three (March 29, 1923).

For the

Swiss Confederation: gez. Motta

For the

Principality of Liechtenstein:

gez. E. Beck

Attachment I

For the

Principality of

to the Treaty on the Customs Union of the Principality of Liechtenstein with Switzerland List of federal decrees applicable in the Principality of Liechtenstein

Annex II

to the Treaty on the Customs Union of the Principality of Liechtenstein with Switzerland List of Swiss trade and customs treaties that apply in the Principality of Liechtenstein in the same way as in Switzerland

XXXIII. People's Rights Act (VRG)

from 17 July 1973

on the Exercise of the People's Political Rights in National Matters (People's Rights Act, VRG).

I hereby give my consent to the following resolution adopted by the Diet:

I. Title General provisions

I. Section Voting Rights

Art. 1 Principle

1) All citizens of the country who have reached the age of 18 and who have been ordinarily resident in the country for one month prior to the election or vote (Art. 32 et seq. PGR) are entitled to vote and stand for election in matters concerning the country.

2) Persons who are abroad for the purpose of attending an educational institution or for temporary work such as seasonal work, or who are temporarily accommodated in a foreign sanatorium, shall retain their right to vote if they meet the other requirements.

Art. 2 Exclusion from the right to vote

1) Excluded from the right to vote is anyone who:

a) is set by law in the voting right;

b) is incapacitated with regard to elections and votes, insofar as the exclusion from the right to vote has been ordered by a court (Art. 131a et seq. AussStrG);

c) is finally sentenced by a domestic court on the basis of the circumstances of the individual case:

1. to a non-conditional sentence of imprisonment of at least one year for a criminal offense:

aa) under the 14th, 15th, 16th, 17th, 18th, 24th or 25th sections of the Special Part of the Criminal Code;

bb) in accordance with Sections 278a to 278d of the Criminal Code;

cc) In connection with an election or vote under Section 22 of the Special Part of the Penal Code; or

2. to a non-conditional sentence of more than five years' imprisonment for any other criminal offense committed with intent.

2) Exclusion from the right to vote in accordance with paragraph 1(c) begins when the sentence becomes final and ends as soon as the sentence has been enforced and the preventive measures associated with deprivation of liberty have been implemented or have ceased to apply; if the sentence has only been served by crediting a period of prior detention, exclusion ends when the sentence becomes final. If the end of the exclusion from the right to vote falls after the qualifying date, inclusion in the electoral register may be requested up to the end of the period for publication of the electoral register (Art. 11).

3) The exclusion from the right to vote causes the loss of the right to vote and to elect (active right to vote) and the exclusion from the ability to vote (passive right to vote) in all national affairs.

Art. 2a

Designations

The personal and functional terms used in this Act shall mean members of the female and male genders.

II. Section

Voting

obligation

Art. 3

Principle

Participation in elections and voting is a civic duty.

Art. 4

Retrieved

III. Voting

section

Art. 5 Exercise

of voting rights

Persons entitled to vote shall exercise their right to vote in the municipality of their place of residence in person at the ballot box or by postal vote. Art. 8b remains reserved.

Art. 6

Votes and elections

Votes and elections are held on a Sunday.

Art. 7

Voting in person at the ballot box

1) The person entitled to vote shall cast his or her vote during the set voting time.

2) Retrieved

Postal voting Art. 8

a) Voting

1) A person entitled to vote may cast his or her vote by mail from any place in Switzerland or abroad.

2) The voting envelope and voting card must be sealed by the person entitled to vote in the officially pre-printed delivery envelope marked specifically for the election or vote. By signing a declaration pre-printed on the voting card, the person entitled to vote confirms that the vote corresponds to his/her will.

3) The delivery envelope can be handed over to the post office in Switzerland and in Switzerland without postage or at the municipality in person or by a deputy.

4) Voting by post is permitted from the time of delivery of the official voting material (Art. 29). The delivery envelopes must be received or handed in by the municipality no later than 5 p.m. on the Friday preceding the election or voting Sunday.

Art. 8a

b) Testing

1) Votes cast by mail shall be left in the delivery envelopes and kept under lock and key in a secure place until opened by the election or voting commission.

2) The election or voting commission shall open the delivery envelopes no earlier than 5 p.m. on the Friday preceding the election or voting Sunday and shall check whether the postal vote is valid.

3) It is valid when:

a) the officially pre-printed delivery envelope specially marked for the election or vote has been used for postal voting and that it is sealed;

b) the voter is entered in the electoral register, subject to Art. 30 Para. 3;

c) the voting card is enclosed and the declaration for postal voting pre-printed on the voting card is signed in person; and

d) the vote has been received no later than the date specified in Art. 8 par. 4.

4) The verification of postal votes shall be recorded separately in the minutes (Art. 34).

5) The election or voting commission shall place the voting envelopes of the postal votes recognized as valid unopened in the ballot box. The vote must be recorded in the electoral register.

6) Postal votes declared invalid shall be treated as invalid votes; however, the ballot papers may not be removed from the voting envelope.

7) Votes cast by mail that reach the municipality after the deadline specified in Art. 8 par. 4 shall be destroyed unopened.

Art. 8b Electronic

voting

1) The government may, in consultation with interested municipalities, approve trials of electronic voting that are limited in terms of location, time and subject matter.

2) The control of voting rights, the secrecy of votes and ballots, as well as the recording of all votes must be guaranteed and abuses must be excluded.

3) The Government shall regulate the requirements for electronic voting, in particular the requirements for valid voting and the grounds for invalidity, by ordinance.

Art. 8c to 8e

Retrieved

IV. Section

Voting

Register

Voting

Register

Art. 9

a) Leadership

Each municipality keeps a register of voters (electoral register).

Art. 10

b) Cleanup and tracking

Before an election or vote, the communal authorities must ensure that the electoral register has been cleared and updated.

Art. 11

c) Public circulation, objections

1) The electoral register shall be updated no later than four weeks before the election or vote.

2) Within the circulation period, objections may be raised in writing or orally with the municipal authorities regarding the non-inclusion of persons presumed to be entitled to vote or the inclusion of persons presumed not to be entitled to vote. The head of the municipality shall decide without delay.

3) The election or voting commission shall order the inclusion in the electoral register of persons entitled to vote whose entry has obviously been overlooked until voting commences.

Art. 12

d) Objections

Decisions of the municipal authorities to delete a person entered in the electoral register or to reject a request for entry in the electoral register may be appealed by the persons concerned to the government within three days of notification. The Government shall decide without delay.

Art. 13

Remedies

1) Decisions of the government to delete a person entered in the electoral register or to reject a request for entry in the electoral register may be challenged by the persons concerned within three days of notification by means of an administrative appeal.

2) The Administrative Court shall render its decision before voting begins. The decision shall be delivered to the election or voting commission of the relevant municipality without delay.

Art. 14 Voting rights of

the registered members

Subject to Art. 30 Para. 3, only persons who are legally entered in the electoral register are entitled to participate in elections and votes.

V. Voting

cards

section

Art. 15

Principle

1) Subject to Art. 30 para. 3, voting rights may only be exercised against presentation of the voting card.

2) The voting card is issued by the municipal authorities.

3) Retrieved

Art. 16

Retrieved

Art. 17 Voting

card

1) The voting card shall contain:

a) the designation "voting card";

b) the name, address and date of birth of the person entitled to vote;

c) the name of the municipality for which it is valid;

d) the number with which the voter is registered;

e) the name of the election or vote for which the voting card is valid;

f) the official stamp.

g) Explanation for postal voting.

2) Retrieved

3) The voting card is valid for one election or voting day.

Art. 18

Delivery

1) The municipality shall send the voting card and the official voting material to the persons entitled to vote no later than two weeks before the election or voting day.

2) The municipality may also send the voting card and the official voting material to voters abroad. This requires a written request to the municipality no later than three weeks before the election or voting day.

VI. Section

Election or voting commissions

Election or voting commissions of the municipalities Art.

19

a) Choice

1) After the election, the municipal council of each municipality shall elect an election or voting commission for the duration of its term of office. This shall consist of the head of the municipality as chairman, a maximum of six other members and a maximum of three substitute members in case of incapacity. The provisions of the Municipal Act on exclusion and official duty shall apply mutatis mutandis.

2) Each election or voting commission shall have an appropriate number of scrutineers.

3) Candidates may not be members of the election commission. If the head of the municipality is a candidate, the vice-chairman shall preside.

Art. 20

b) Parity staffing

In elections, the electoral groups participating in the election shall be entitled to equal representation in the electoral commissions of the municipalities. They shall be given the opportunity to nominate their representatives.

Art. 21

c) Convocation

The chairperson shall convene all members of the election or voting commission. If individual members are prevented from attending, substitute members must be invited.

Art. 22

d) Resolution

The election or voting commissions of the municipalities have a quorum if more than half of their members are present. They pass their resolutions by a majority of votes. In the event of a tie, the chairman shall have the casting vote.

Art. 23

Main election or main voting commissions

1) After the election to the Diet, the Government shall elect a main election commission or a main voting commission for the Upper Country (seat Vaduz) and the Lower Country (seat Mauren) respectively. Its term of office coincides with that of the Diet. It consists of a maximum of eleven members and six substitute members in case of absence. The government appoints the chair.

2) Art. 19 par. 3, Art. 20, 21 and 22 shall apply.

Art. 24

Instruction

The Government shall instruct the election or voting commissions, as necessary, on their duties.

VII. Section

Preparation of elections and votes Art. 25

Arrangement

1) The Government shall determine the day on which elections and votes are to be held and shall set the voting time.

2) The public announcement of the order under para. 1 shall be made at least four weeks before the election or vote concerned. The municipalities shall announce in a manner customary in the locality where and when the ballot boxes are to be set up for use by persons entitled to vote.

Art. 26

Printed matter

The Government shall procure for the municipalities, free of charge, all printed matter required for elections and votes ordered by it, in particular templates, envelopes, ballot papers, delivery envelopes for postal voting and minutes.

Art. 27

Voting and polling station; voting booths

1) Elections and votes must be held in a public place that can be entered without hindrance. The voter may only remain in the polling station for as long as is necessary to cast the vote.

2) Voting booths shall be set up in the polling station for elections and ballots. These shall be set up in such a way that those entitled to vote can prepare their votes free from any observation.

Art. 28

Urns

1) Ballot boxes shall be used for votes and elections ordered by the government. The municipality shall provide a sufficient number of such ballot boxes.

2) The urns must be lockable; the insertion slot and closure must also be sealable.

Art. 29

Delivery of the official voting material

Upon delivery of the voting cards (Art. 18), each person entitled to vote shall be provided with the official voting material.

II. Title

The procedure for voting and elections Art. 30

Election and voting action

1) The members of the election or voting commission shall cast their ballot first, the other eligible voters in the order of their appearance.

2) The vote must be recorded in the voting register.

3) Persons not listed in the electoral register may be admitted to vote by the election or voting commission if it turns out that the person concerned has obviously only been omitted from the register by mistake. No appeal is permitted against a negative decision of the commission.

Art. 31

Termination of the election and voting process

The polling and voting stations shall be closed at the appointed time; those still present may still exercise their voting rights.

Art. 32 Security measures

1) Municipalities are responsible for the safekeeping of election and voting documents. This applies in particular to:

a) the delivery envelopes for postal voting delivered by mail or delivered in person or by proxy to the municipality;

b) the postal votes verified by the election or voting commission and placed in the ballot box, if such verification has been carried out ahead of time;

c) the ballot boxes sealed by the election or voting commission following the early voting, together with the voting register and voting cards.

2) After consultation with the municipalities, the government may order additional safety measures by means of a directive.

Art. 33

Determination of the results

1) Immediately after the close of the election or vote and after the validity of the postal votes has been verified in accordance with Art. 8a, the election or voting commission shall open the ballot boxes and determine the result.

2) When counting votes, the use of technical aids that speed up the counting process is permitted.

Art. 34

Protocol

1) A record of the result of the counting shall be drawn up. It must contain:

a) Place and time of the election or voting and composition of the election or voting commission;

b) Number of voters in the municipality;

c) Number of voting cards cast by mail; of which valid and invalid votes and voting envelopes not enclosed;

d) Number of voting cards cast in person at the ballot box; of which voting envelopes not deposited;

e) Number of voting cards cast by mail and in person at the ballot box;

f) Number of voting envelopes deposited; of which valid and invalid votes and empty voting envelopes (votes);

g) in the case of elections, the information required by Art. 50;

h) in the case of votes, the result of the vote;

i) the decisions taken in election or voting commissions as well as any statements requested to be recorded in the minutes.

2) The minutes must be signed by all members of the election or voting committee and by the scrutineers and attached to the election or voting files.

Art. 35

Transmission of the result

The result of the election or vote shall be promptly brought to the attention of the main election or vote commission of the landscape concerned by members of the election or vote commissions by transmitting all election and vote files.

III. Title

The state elections

I. Section

The procedure before the election and election process

election proposals

Art. 36

a) Call

1) At the same time as the election date is fixed, the Government shall issue a public notice calling for the submission of election proposals for the constituency in question.

2) In doing so, it shall provide excerpts of the relevant legal provisions.

Art. 37

b) Deadline, form and content

1) Nominations must be submitted in writing within 14 days.

2) Each election proposal may only contain candidates of one electoral district and must be signed by at least 30 voters of the same electoral district. The authenticity of the signatures must be officially certified by a head of the municipality or by a notary public (Art. 81 RSO).

3) The signature must be made in such a way that there can be no doubt about the person of the signatory. If necessary, more detailed information on the place of residence, house number, occupation, etc. must be included.

4) Nominations with fewer than 30 signatures shall be disregarded.

5) A voter may sign on only one ballot proposal, and a signer may not withdraw his or her signature after the ballot proposal has been submitted.

Art. 38

c) Authorized

1) Whoever is first in the order of the signatories shall, in the absence of any other express order, be deemed to be the authorized representative of the group of voters. In case of prevention or absence, these duties shall pass to the next following signatory, and so on.

2) The authorized representative shall be entitled to perform all acts and make all declarations provided for in this Act on behalf of the group of voters vis-à-vis the authorities.

Art. 39

d) Inspection, objection and adjustment

1) The election proposals shall be made available for inspection by the voters of the electoral district at the government offices.

2) Objections to the signatories' eligibility to vote, together with the required supporting documents, must be submitted in writing to the government no later than two days after the end of the circulation period.

3) If it appears with certainty from the supporting documents submitted with the objection, or if it is otherwise known to the Government that one or more signatories are not entitled to vote, or if it is proved that one or more signatures are not genuine, the Government shall delete the names of the signatories concerned.

4) Furthermore, the signature of a signatory who has signed more than one election proposal or who is also designated as a candidate in the same election proposal shall be deleted ex officio.

5) If, as a result of this cancellation, no more than 30 signatures remain, the Government shall invite the authorized representative of the group of voters to replace the missing signatures within two days.

6) Each new signatory shall have the authenticity of his signature confirmed in accordance with the provision on the confirmation of authenticity of the original nomination, otherwise the nomination shall be deemed to have lapsed for failure to comply with these requirements in due time.

7) If no objections have been received in time or if they have been rejected by the Government as unfounded, or if any defects that have arisen have been remedied, the election proposal shall be treated as validly submitted, irrespective of any defects that have arisen only after examination. Decisions of the Government in this regard shall be final.

Art. 40

e) Designation of the election proposals

1) Each election proposal must bear the name of the electoral group as a heading.

2) If several nominations with the same designation or nominations without designation are submitted, the Government shall immediately invite the authorized representative (Art. 38) of the signatories for each nomination to ensure that the designations of the nominations are easily distinguishable within two days, failing which the nomination shall be invalid; party designations of already existing parties may not be used for new groups of voters. In the event of a dispute, the Government shall decide after hearing the party organs.

Art. 41

f) Substitute candidates

Retrieved

Art. 42

g) Designation

1) The candidates must be designated in the election proposal so precisely that there can be no doubt about the proposed persons. Therefore, the names must be accompanied, if necessary, by details of place of residence, house number and occupation, etc.

2) If an election proposal does not meet these requirements, the Government shall immediately invite the authorized representative of the electoral group to supplement the election proposal within two days, otherwise the names of those candidates about whose person there is doubt shall be deleted from the election proposal.

h) Cleaning up of the election proposals

Art. 43

aa) in general

1) When submitting the nomination to the Government, the candidates shall also submit a written declaration of acceptance in which they declare that they accept the nomination. A declaration of acceptance may no longer be withdrawn unless justified by extraordinary circumstances to be examined by the Government.

2) If no declaration of acceptance is submitted or not submitted within two days or if the declaration of acceptance is justifiably withdrawn, the name of the candidate concerned shall be deleted from the election proposal.

Art. 44

bb) Residence and multiple admission of the same person

A candidate may be nominated only in the constituency of his ordinary residence (Art. 32 et seq. PGR), otherwise the Government shall delete him and proceed in accordance with Art. 45. The name of a candidate may not appear in more than one nomination in the same constituency, otherwise the Government shall, after the deadline for submission, send copies of the nominations to the multiple nominee, inviting him to declare immediately to which nomination he wishes to be assigned. If no declaration is received within the time limit set, the candidate in question shall be removed from all nominations.

Art. 45

cc) Notification of deletion or rejection

1) The Government shall immediately notify the authorized representative of the group of voters of the election proposal of the disputes on the grounds of rejection or multiple election proposals, stating that substitute proposals may be made within two days of 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 another election proposal of the electoral district, the substitute proposal shall be rejected.

Art. 46

Time limits

The Government shall be authorized to extend the time limits specified in Articles 36 to 44 by way of resolution if this appears to be justified in the interest of the orderly conduct of the proceedings.

Art. 47

Electoral lists

1) The resulting election proposals are called election lists. No further changes may be made to them.

2) The Government shall immediately publish all electoral lists with their names of electoral groups, but without the names of the signatories, in the proposed order of the candidates in the official gazettes.

3) The publication of all electoral lists shall take place simultaneously, in the order in which the election proposals have been submitted to the Government.

Art. 48

Ballot paper

1) Only official ballot papers may be used for voting. These shall bear the designation "Official ballot paper" and the large state swap- pen or the municipal coat of arms if the election is at the municipal level. The ballots shall contain the candidates in the order submitted by each group of voters with sufficient address information. The name of the voter group concerned shall be placed at the head of the ballot. Ballot papers that are not officially pre-printed shall be invalid.

2) Sufficient official ballots for each electoral list shall be placed in the voting booths.

Art. 49 Election

process at the ballot box

1) After entering the polling station, the person entitled to vote shall hand in his/her voting card to the election commission for registration and then place the official ballot paper inserted in the voting envelope in the ballot box. Ballots not placed in an envelope shall be rejected.

2) Voting booths shall be set up in the polling station to enable the voter to fill in the ballot unattended. Persons entitled to vote who are physically handicapped may, with the approval of the election commission, take a trusted person with them into the voting booth to assist them.

3) Sufficient official ballot papers must be placed in the voting booths. Additional official voting envelopes can only be obtained from the election commission.

Art. 49a Filling

out the ballot paper

1) The voter is permitted to make deletions or alterations to the official ballot papers. Art. 51 to 53 remain reserved.

2) The vote can only be cast for those candidates who are on a valid election proposal (election list).

II. Section
Determination of the election result

Elections in the municipalities Art. 50

a) in general

After the close of the election, the election commission shall record the municipal results. The minutes shall contain, in addition to the information provided for in Art. 34:

a) the number of valid votes cast for each individual candidate - candidate votes - ;

b) the number of additional votes pursuant to Art. 51 par. 2.

Art. 51
Examination of the ballot papers

1) For the examination of the ballot papers, the principle shall be that the vote shall be considered valid if there is no reasonable doubt as to its content. Invalid ballot papers shall not be taken into account in the calculation of the result of the election. If, when an envelope is opened or when the ballot papers are unfolded, it is found that several ballot papers have been cast at the same time, all of them shall be invalid unless, in addition to an official ballot paper, a non-official ballot paper or an official ballot paper has been cast in several copies unchanged or in several copies with the same change.

2) If a ballot paper contains fewer valid votes for candidates than there are members of the Landtag to be elected in the corresponding constituency, the missing votes shall be considered additional votes for the electoral group whose designation is printed on the ballot paper.

3) If a ballot contains more names for candidates for election than there are elections to be made, the excess names shall be struck out, from bottom to top, without regard to whether they are written or printed.

4) If the same name appears more than once on a ballot paper, it shall be counted only once.

5) If a ballot contains candidates who do not appear on any of the submitted electoral lists, the same shall be deleted.

6) The deletion or change of the electoral group designation on the ballot paper shall not be considered.

Invalid ballots

Art. 52

a) in general

Invalid are:

a) Ballots not official in nature;

b) Ballots from which the name of any of the proposed candidates cannot be determined with certainty;

c) Ballots containing remarks of an offensive nature;

d) Ballots containing signs for the apparent purpose of control.

Art. 53

b) Invalid candidate votes As

candidate votes are invalid those,

a) falling on such a person who is not proposed as a candidate in any of the submitted electoral lists;

b) that designate a candidate so inaccurately that there may be reasonable doubt about the person.

Constituency result

Art. 54

a) in general

1) The main election commission of each countryside shall verify the municipal results. When reviewing the election results of each municipality, the respective chairman of the election commission shall be available and may be called in if necessary. The main election commission shall keep minutes of its proceedings. After the minutes have been taken, the ballots shall be destroyed.

2) Thereupon the Government shall meet in Vaduz and shall allocate the mandates in accordance with the provisions of Articles 55 to 60. Special minutes shall be kept of these negotiations.

Art. 55

b) Allocation of mandates to the electoral groups

1) From the total number of all validly cast votes for candidates and additional votes in an electoral district, those votes are first deducted which were cast for electoral groups which did not reach 8% of the valid votes cast in the whole country. The remaining number of votes shall then be divided by the number of deputies to be elected (excluding deputies) increased by one, and the result of the division shall in any case be increased to the nearest whole number.

2) The number determined in this way is called the election number.

3) Each electoral list that participates in the distribution of mandates pursuant to Art. 46 para. 3 of the Constitution shall be allocated a number of deputies equal to the number of candidate and additional votes cast for that electoral list (basic allocation of mandates).

Art. 56 Allocation

of remaining mandates

1) If the distribution pursuant to Art. 55 does not result in as many members of the Diet in one or both constituencies as are to be elected, the remaining mandates shall be distributed among the electoral groups which have obtained at least eight percent of the valid votes cast in the whole country in accordance with the provisions of the following paragraphs.

2) The remaining votes are written next to each other in order of size; under each remaining vote number, half of the remaining vote number is written, below it its third, its fourth and, if necessary, the following number.

3) In the case of only one remaining mandate to be allocated, the largest number of the numbers thus written shall be taken as the election number, in the case of two, the second largest number, and in the case of three remaining mandates to be allocated, the third largest number.

4) Each electoral group shall receive as many remaining mandates as the number of votes contained in its remaining number of votes. If, according to this calculation, two groups of voters have the same claim to a remaining mandate, the group of voters with the largest number of votes for the candidate eligible under Article 57 shall have the preference. In the event of an equal number of votes, the decision shall be made by drawing lots.

Art. 57

Determination of deputies

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 Articles 55 and 56 respectively, namely those candidates who 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.

3) Retrieved

Art. 58

Allocation of mandates

1) 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.

2) The remaining mandates shall be distributed among the other electoral lists in accordance with the procedure prescribed in Articles 55 and 57.

Art. 59

Drawing of lots

The drawing of the lot (Art. 56) shall take place at the meeting of the Government provided for in Art. 54, para. 2, by the oldest member of the Government present.

Art. 60

Determination of the deputies

1) If the electoral list contains sufficient candidates, each electoral group shall also be entitled to deputies. For every three deputies in a constituency, each electoral group shall be entitled to one deputy, but at least one if an electoral group obtains a mandate in a constituency (Art. 46 para. 2 of the Constitution).

2) The candidates who have received the highest number of votes among the non-elected candidates on the electoral list of the relevant electoral group shall be declared as deputy deputies within the meaning of Article 46 par. 2 of the Constitution.

3) In case of equal number of votes, the candidate named earlier on the list in the order shall be declared the deputy.

Art. 61

Election documents

The government delivers the election certificate to the elected.

Art. 62

Publication

The results of the elections shall be published by the Government in the official gazettes.

Art. 63

Resignation, loss of mandate, etc.

1) Members who subsequently lose the right to vote or transfer their normal place of residence (Art. 32 ff. PGR) to another electoral district during the term of office shall lose their mandate.

2) If a vacancy occurs during the term of office as a result of loss of mandate, resignation, death, retirement or other permanent impediment to the exercise of the mandate, the person who received the highest number of votes among the non-elected candidates on the same electoral list on which the candidate to be replaced stood shall be declared elected to the same office by Parliament.

3) In case of equal number of votes, the election candidate named earlier on the list in the order shall be declared elected.

4) If there are no more unelected candidates on the list in question, the Government shall order supplementary elections to which the provisions applicable to elections to the Diet shall apply (Art. 53 of the Constitution).

III. Section Contestation of Elections

Art. 64 Election complaint

1) An electoral complaint may be lodged with the Government, through its authorized representative (Article 38), against elections in a constituency or in the whole country, or against the election of one or more deputies or substitute deputies, on the grounds of nullity set forth below.

2) The election of a deputy or substitute deputy shall be null and void if the elected person lacks the legal characteristics.

3) The election shall be null and void if, in the process of preparing for the election, in the election process or in the determination of the election result

a) mandatory legal requirements have not been complied with or

b) unlawful interference or

c) criminal activities or

d) gross irregularities have taken place, provided that these facts have had or could have had a significant influence on the election result.

4) If one or more non-voting persons have participated as voters or if several voting persons have been unlawfully excluded from participating in the election, the election shall remain valid if the resulting difference in the number of votes has no influence on the election result; if this is the case, however, the election shall be null and void.

5) The election complaint must be filed with the government within three days of the election if the election is otherwise excluded. The day of the election shall not be counted in the calculation of the time limit. The notice of appeal shall be filed with the Government within a further five days in the case of other exclusion and shall contain specific requests and state the facts on which the appeal is based, as well as the means of proof which are to serve as evidence of the facts. The Government shall permit any electoral group which has filed an election complaint in due time to inspect the election files.

6) The Government shall immediately forward the notice of appeal to the Constitutional Court together with the election documents. The State Court shall thereupon initiate investigation proceedings in accordance with the Act on the State Court. The Constitutional Court shall make a final decision on the election of the members of the Diet or on the election as such within the framework of the applications for appeal (Article 59 of the Constitution).

Art. 65

Official examination

If the Government finds, on the basis of the election records or otherwise, that the elections are null and void, it shall, in turn, within eight days, not counting the day of the election, file a complaint with the State Court, which shall, in such case, decide ex officio on the validity of the election.

Art. 66

Decision

1) If an elected deputy or substitute deputy lacks the legal qualifications, the Constitutional Court shall declare his election null and void. At the same time, applying Article 63 mutatis mutandis, it shall declare the next candidate on the electoral list elected.

2) If the municipal results verified by the Main Election Commission have been incorrectly added up, or if the Main Election Commission has made any other accounting error, or if the provisions of Articles 55 to 60 of the Act have been incorrectly applied, and if these events have or may have a significant influence on the election results, the State Court shall correct the results and the allocation of mandates.

3) In all other cases of nullity, the State Court shall declare the election for the constituency concerned to be null and void, whereupon the Government shall immediately order a new election.

4) Only the remedy of explanation shall be admissible against the decision of the State Court on an election complaint.

5) The State Court shall in any case send a copy of its decision to the Government.

IV. Title

Referendum, initiative and convocation of the state parliament

I. Section Common provisions

Art. 67

Requests (proposals)

Petitions by which the constitutional right of referendum and initiative are exercised under this Act are:

a) Municipal petitions (Art. 48, 64, 66 and 66bis of the Constitution);

b) Collective petitions (Art. 48, 64, 66 and 66bis of the Constitution);

c) Landtag requests (Art. 64, 66 and 66bis of the Constitution).

Art. 68

Municipal petitions

1) If referendum and initiative petitions are to be exercised by municipalities, identical petitions in a minimum number of municipalities must be approved at municipal assemblies by an absolute majority of the citizens present.

2) Such municipal meetings shall be ordered and held in accordance with the provisions of the Municipal Act by the Municipal President or at the request of one-sixth of the voters.

3) A resolved community petition shall contain:

a) a precise formulation of the referendum or initiative proposal; in the case of initiatives containing a mere suggestion, the purpose of the requested resolution or law must be stated; in addition, it may contain:

b) in the case of initiative requests, a brief and factual justification of the proposals;

c) minutes of the meeting of the municipality, signed by the head of the municipality and a member of the municipal council, showing the date of the meeting of the municipality, the form in which the petition was put to the vote and accepted, the number of voters attending and the number of those accepting it.

4) If not attached to the request, this record shall be attached to the request.

5) Municipal votes which have not been preceded by correct or complete notification of the referendum or initiative to those entitled to vote, whether at the meeting itself or beforehand by notification at a pre-meeting or personal delivery, are invalid.

6) The minutes together with the requests shall be forwarded to the Government, which shall deal with them in accordance with the following provisions on collective requests.

Art. 69 Collective

request

1) Proposals for referendums or initiatives must be submitted to the government by the voters submitting the proposal, stating the name of the municipality and the date on which the signature was first affixed to each sheet.

2) The signatories' eligibility to vote and their signatures shall be certified by the municipal authorities of the municipality in which they exercise their political rights on the petition in question, adding the date at the end, based on the electoral register and the information provided by the person collecting the signatures or the signatory himself. No fees may be charged for this.

3) The petitions may be submitted individually or collectively; in the latter case, however, with the restriction that a collective petition may not contain signatures of voters residing in other municipalities.

4) Signatures of citizens residing in other municipalities are simply considered not written during the verification process.

5) It is inadmissible to include requests of a completely different nature in the same petition, i.e. in the same petition a request for a referendum may only be made on a constitutional, legislative or financial resolution, and likewise in the same petition only an initiative request concerning legislation (constitution) may be made. It is also inadmissible to submit a petition for a referendum and a petition for an initiative in the same petition.

6) Petitions which do not comply with the above provisions shall be returned by the Government to the first person to sign the petition, indicating the defect, for the attention of all petitioners, and shall be invalid if the defect is not remedied within a reasonable time (Art. 70).

7) Collective and municipal petitions must be identical on all individual signature sheets and on all municipal assembly minutes.

Art. 70

Time limits

1) Referendum and initiative petitions may be validly submitted if they involve

a) to vote on a legislative, financial or constitutional resolution of the Diet in whole or in part during 30 days after the official publication of the resolution of the Diet in the official publication organs,

The period shall be counted from the first publication in a journal and shall not include the day of the publication itself;

b) a petition for an initiative within the meaning of Articles 48 and 64 of the Constitution within six weeks; this period shall commence on the date on which the petition is officially announced by the Government on the basis of the notification of the petition to the Government and shall be calculated in accordance with subparagraph (a).

2) Registration of community initiatives with the government may be made by the municipal council, the heads of the municipality or a voting member of the municipality. Registrations of collective initiatives shall be made by the initiator concerned.

3) Initiative petitions (collective or municipal initiatives) for the enactment, amendment or repeal of a law or the Constitution may, if such a petition has been rejected in a referendum, be submitted on the same subject only after the expiry of two years from the date of the referendum, and a petition for repeal may be submitted only once within the period of one year.

4) Submissions that violate the above provisions may be rejected by the authorities and the convening of a municipal assembly may be refused. An appeal against such rejection or refusal shall be admissible.

Art. 70a

Deadlines for referendum petitions against state treaties

1) Referendum petitions for the approval of a state treaty by the Diet may be validly submitted during 30 days after the official publication of the resolution of the Diet in the official organs of publication, the period being calculated from the first publication in a gazette and not including the day of publication itself.

2) Submissions that violate the above provisions may be rejected by the authorities and the convening of a municipal assembly may be refused. An appeal against such rejection or refusal shall be admissible.

Art. 70b

Preliminary examination

1) If initiative petitions (collective or municipal initiatives) are submitted to the Government, it shall examine whether they are in conformity with the Constitution and the existing state treaties, and shall forward its report, together with submissions, to Parliament for further consideration.

2) The Diet shall consider the initiative petition at its next session. If it finds that the initiative is not in conformity with the Constitution and the existing treaties, it shall declare it null and void.

3) An appeal against a declaration of nullity by the Diet may be lodged with the State Court.

Art. 71

Examination of requests and publication

1) The Government shall immediately examine the submissions received from the petitioners or the municipalities to determine whether they are in accordance with the law (Arts. 69 and 70).

2) When determining the number of signatures of a petition, invalid and belatedly submitted signature sheets are not taken into account:

a) Signatures of non-voting persons;

b) Signatures that do not originate from the hand of the person entitled to vote;

c) Signatures on sheets that do not contain the information of the municipality of the signatories, unless the signatories themselves have attached the information of place of residence;

d) any signature of the same person entitled to vote more than once.

3) The Government shall arrange for the publication of the result of the examination of the submitted requests.

Art. 72

Government order

1) If a petition for a referendum (on the dismissal of the Diet or on a constitutional, legislative or financial resolution) has been submitted by a sufficient number of municipalities or voters, or if the Diet decides to hold a referendum (Art. 66 paras. 1 and 3 of the Constitution), the Government shall order a referendum within 14 days at the latest, which shall be held within three months.

2) If, on the other hand, a petition relating to legislation (enactment, amendment or repeal) comes about, the Government shall submit it to Parliament for further consideration, together with its report and all files.

3) If a request to convene the Diet has been validly made, the Government shall cause it to be convened immediately.

Art. 73

Checking the ballot papers

1) Void ballots are ballots whose contents cannot be identified as either a specific yes or

2) In all other respects, the provisions of Art. 52 shall apply mutatis mutandis (Art. 84).

Art. 74 Annulment of a vote

1) The annulment of a vote shall be at the discretion of the Government, subject to the release of an appeal by a voter to the Administrative Tribunal.

2) It may, depending on whether the acts or processes giving rise to nullity apply only to the vote in one polling place or to that of the whole country, declare the vote null and void in whole or in part, and in this case shall order a new vote for the polling place concerned or for the whole country.

3) In all other respects, Articles 64 to 66 of this Act shall apply mutatis mutandis to the lodging of appeals and declarations of nullity, insofar as the provisions thereof are not obviously to be regarded as inapplicable or no deviations are contained in the preceding paragraphs.

II. Referendum section

Art. 75 Prerequisites

1) Any legislative resolution adopted by Parliament which it does not declare to be urgent, as well as any financial resolution not declared to be urgent by Parliament, shall be subject to a popular vote (optional referendum) if it entails a one-off new expenditure of at least 500,000 francs or an annually recurring new expenditure of 250,000 francs if

a) the Landtag itself adopts such a resolution or

b) within thirty days of the official announcement of the relevant resolution of Parliament, at least 1,000 citizens entitled to vote or at least three municipalities submit a request for a referendum in the form of concurring municipal assembly resolutions.

2) In the case of a resolution on the Constitution as a whole or on a part thereof, the request of at least 1,500 voters or of at least four municipalities pursuant to subparagraph (b) of the preceding paragraph shall be required, unless Parliament adopts such a resolution on its own initiative.

3) The request for a referendum in the Diet must be made after the final vote, whereupon the Diet must decide on it.

4) The decision of Parliament that a legislative, financial or constitutional resolution is to be declared urgent shall be attached to the resolution in question. In this case, the Government shall immediately submit the resolution to the Prince Regnant for sanction and, upon receipt thereof, publish it in the State Law Gazette and put it into effect.

Art. 75a Requirements

for state contracts

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 for a referendum in the form of concurrent resolutions of municipal assemblies.

2) The request for a referendum in the Diet must be made following the approval of an interstate treaty, whereupon the Diet must decide thereon.

Art. 76

Failure or omission of a referendum petition

1) All other constitutional, legislative or financial resolutions not covered by the above exception shall, after their adoption in Parliament, be published by the Government in the official gazettes, stating their title and the date on which the referendum period expires.

2) If neither Parliament decides on a referendum, nor within 30 days of the official publication of a constitutional, legislative or financial resolution is a legally effective petition for a referendum submitted, or if such a petition is received by the Government within the said period, but it is found after official examination that it is not supported by the corresponding number of voters or municipal resolutions, the Government shall pass the relevant resolutions on laws or the Constitution, with the exception of those which are not in the form of a law and do not concern the assets of the Lan- deskassa (Article 70 of the Constitution). 70 of the Constitution), shall be submitted to the Governor for sanction and, after any sanction, shall be published in the official gazette and subsequently put into effect.

Art. 76a

Failure to hold a referendum or failure to hold a referendum on state treaties

1) After approval by Parliament, treaties shall be published by the Government in the official gazettes, quoting their titles and indicating the date on which the referendum period expires.

2) If neither Parliament decides to hold a referendum nor a legally effective petition for a referendum is submitted within 30 days of the official publication of the approval of an international treaty, or if such a petition is received by the Government within the aforementioned period but official examination shows that it is not supported by the corresponding number of voters or municipal assembly resolutions, the Government shall publish the international treaty in the National Law Gazette after ratification.

Art. 77 Referendum

petition that has come into effect

1) If, on the other hand, Parliament decides to hold a referendum or if the corresponding number of voters or municipalities demand a referendum within an open period, the Government shall order a referendum (Art. 72).

2) As a rule, the referendum is held on a law or other decision as a whole.

3) The Diet shall, however, have the right to resolve the vote in such a way that individual parts of a law or a resolution are voted on separately; in the latter case, the relevant questions shall be printed on the ballot paper.

4) The Government shall verify (preserve) the result of the referendum on the basis of the voting records received and shall publish it in the official gazettes.

Art. 78

Resolutions adopted or rejected

1) When a constitutional, legislative or financial resolution has been adopted by an absolute majority of the valid votes of the whole country, the Government shall, after obtaining the sanction of the Reigning Prince, publish the law in the National Gazette and execute it.

2) In the event that the vote on a bill has taken place on the basis of individual parts, the adopted part shall, in the event of only partial adoption, become a law (Constitution), unless it is merely a financial resolution that does not take the form of a law and does not concern the assets of the National Treasury (Art. 70 of the Constitution), after obtaining the sanction of the President of the Republic.

The government shall at the same time report to the Diet.

3) Each law or constitutional resolution adopted by referendum and to be published in the National Law Gazette shall have attached to it the Government's signature and countersignature at the end:

"The Government, having taken note of the report on the result of the referendum of ....., according to which:

Number of voters

.....

Number of votes cast

.....

Acceptors are

.....

Rejectors are

.....

Invalid votes

.....

Blank voices

.....

resolves:

the referendum bill on .....

Is declared to have been adopted by the people."

4) If a bill is rejected in the referendum, the Government shall declare it to have been dropped and report it to Parliament, and its sanction and execution shall be suspended.

Art. 78a

Resolutions adopted or rejected in the case of state treaties

1) If the consent of the Diet to an interstate treaty has been approved by an absolute majority of the valid votes cast in the whole country, then

the Government to publish the State Treaty in the State Law Gazette after ratification.

2) The manner of publication shall be in the manner specified in Art. 78, para. 3, mutatis mutandis.

3) If the resolution of the Diet is rejected in the referendum, the Government shall declare it to have lapsed and report it to the Diet.

Art. 79

Referendum

1) Parliament shall have the power to initiate a referendum on the inclusion of individual principles in a law to be enacted (Article 66(3) of the Constitution).

2) Such a vote shall be ordered and executed by the Government in accordance with the relevant provisions of this Act.

III. Initiative

section

a) Legislative

initiative Art.

80

Application

1) The right of initiative, insofar as it relates to legislation, includes the request to enact, amend or repeal a law.

2) Such requests may be made by voters or municipalities in the form of a simple proposal (simple initiative) or a draft proposal (formulated initiative) and may be justified in either case (Art. 64 par. 3 and Art. 66 par. 6 of the Constitution).

3) A popular initiative (municipal or collective initiative), the implementation of which would result in either a one-time new expenditure of 500,000 francs or a recurring annual new expenditure of 250,000 francs not provided for in the Finance Act, must be accompanied by a proposal for coverage if it is to be considered by Parliament, unless it is a law already provided for in the Constitution.

4) If the right of initiative is exercised, then

a) to register the collective or municipal petition with the government for examination and publication (Art. 70); previously collected signatures or municipal resolutions are not taken into account in the calculation;

b) within the period of six weeks specified in Art. 70(b), the Government receives, for the attention of Parliament, a petition signed by at least 1,000 persons entitled to vote, or by

The petition must be supported by at least three municipalities in the form of concurring municipal assembly resolutions (municipal initiative), in which the subject of the petition must be specified.

Art. 81 Opinion of the Diet

1) Parliament shall consider a motion for an initiative at its next session following its receipt and shall deal with it without delay.

2) If a request has been made only in the form of a simple suggestion, the Diet must declare whether or not it agrees with the request made.

3) In case of consent, Parliament shall settle the proposal by enacting, repealing or amending a law (the Constitution), subject to the referendum and the consent of the Reigning Prince.

4) If Parliament does not approve a simple proposal, it shall cease to exist unless it in turn decides to hold a referendum on the simple proposal; if in this case an absolute majority of those validly voting is in favor of the proposal or proposal of Parliament, Parliament shall elaborate the adopted proposal in the sense of the referendum. The decision in this regard shall, as a rule, be subject to an optional referendum.

Art. 82

Formulated initiatives

1) If the initiative petition has been submitted in the form of an elaborated draft, Parliament shall pass a resolution without delay as to whether or not it approves the draft initiative, which must be accompanied, if necessary, by a proposal for coverage, as it stands.

2) If Parliament does not approve the bill, it shall instruct the Government to order a referendum.

3) In this connection, Parliament shall have the right to submit its own motions for the rejection of the draft submitted by the initiators or municipalities or for an amended version of the same and, if necessary, to justify the same in a message addressed to the people.

Art. 82a

Simultaneous occurrence of several initiative petitions on the same subject matter

1) If several initiative petitions on the same subject come into being at the same time, the Diet shall consider them at the same session.

2) Several initiative petitions on the same subject shall be deemed to have been submitted simultaneously if, at the time of publication of the first petition, the others had already been registered with the government.

3) Articles 81 and 82 shall apply to the procedure.

Art. 82b

Withdrawal of initiatives

1) If initiatives contain a withdrawal clause, they may be withdrawn by unanimous decision of all members of the initiative committee.

2) An initiative may be withdrawn until the government has set the date for the vote. If an initiative takes the form of a simple proposal and is approved by Parliament, it may be withdrawn until Parliament has passed a resolution approving it.

Art. 83

Question

1) If only one proposal is on the ballot, the ballot shall include the question, "Do you wish to adopt the bill?"

2) If, in addition to the initiative proposal, a counter-proposal of the Diet is submitted to a referendum, the voters are asked two questions: "Do you want to accept the initiators' proposal? or Do you want to accept the Diet counter-proposal?"

3) If two or more initiative proposals on the same subject are submitted to the popular vote, the following questions shall be put to the voters on the same ballot paper: "Do you want to accept the draft '...'?" and "Do you want to accept the draft '...'?" etc. The order of the proposals shall be determined by the time they were submitted to the Government. If there is no clear difference between the proposals, the question must be supplemented in such a way that the content of the initiative is clear.

4) If, in addition to two or more initiative proposals on the same subject, a counter-proposal of the Diet is submitted to the popular vote, the following questions shall be put to the voters on the same ballot paper: "Do you want to accept the draft '...'?" and "Do you want to accept the draft '...'?" etc. and "Do you want to accept the counter-proposal of the Diet? "113

5) If two or more proposals (paras. 2 to 4) are put to the vote, those entitled to vote shall also be asked the additional question on the same ballot paper: "If you agree to more than one proposal, which of these proposals do you prefer? "114

6) In this case, the adoption of a draft initiative by those entitled to vote shall substitute for the resolution of the Diet otherwise required for the adoption of a law (Article 66(6) of the Constitution).

Art. 84

Determination of the voting result

1) Blank and invalid ballot papers are not taken into account when determining the absolute majority. In the case of votes on several proposals, this also applies to individual questions that have not been answered; the absolute majority is determined separately for each proposal.

2) If, in the case of votes on several proposals, more than one proposal obtains an absolute majority of votes, the ballots with a multiple yes vote shall be counted only for that proposal which they give preference to in the additional question. The proposal that receives the majority of votes on the basis of this second count shall be adopted.

3) Ballots with multiple yeses that do not answer the additional question or do not answer it clearly will not be taken into account in a possible second count.

4) In addition to the information prescribed in Art. 34 regarding the votes, the minutes shall also contain the number of votes cast in favor of the initiators' draft or the individual initiators' drafts and the number of votes cast in favor of the Diet's draft.

5) If a second count is required, taking into account the additional question, this result must also be recorded.

b) Constitutional revision initiative

Art. 85

Admissibility and procedure

1) At least 1,500 voters or at least four communes in the form of concurring communal assembly resolutions may submit a request for revision of the Constitution (enactment, amendment or repeal) in whole or in part (total or partial revision).

2) In all other respects, the provisions on legislative initiatives shall apply mutatis mutandis to the procedure for constitutional initiatives and their execution.

c) Dismissal of the Diet Art.

86

Admissibility and procedure

1) Upon the justified written request of at least 1,500 voters or upon the justified written request of four municipalities in the form of unanimous municipal assembly resolutions, a referendum shall be held by order of the Government if these initiatives demand the dissolution of the Diet and have otherwise been validly achieved.

2) The right of recall may only be asserted against the Landtag as such, but not against individual members.

3) The provisions of this section shall apply mutatis mutandis to this petition for a referendum (submission, collection of signatures, passing of resolutions by the municipal assembly, ordering of the referendum, etc.).

4) When the vote is taken, the question is put to the voters, "Do you want the Diet dissolved?"

5) If the absolute majority decides in favor of the dissolution of the Diet, the Government shall declare the Diet dissolved and shall immediately order new elections in accordance with the Constitution.

6) The Parliament to be dissolved shall still have the right to appoint the National Committee (Art. 72 para. 2 of the Constitution).

d) Proposals for election of candidates

for judges Art. 86a

Admissibility and procedure

1) In the case of a popular election of judges pursuant to Art. 96 para. 2 of the Constitution, candidates may be nominated for election by at least 1,000 citizens entitled to vote or by at least three municipalities on the basis of concurring resolutions of municipal assemblies.

2) Nominations shall be submitted in writing to the Government within 14 days of the date of the official announcement by the Government of the date on which a popular election is to be held. In any case, the popular election shall be held no later than four months after this official announcement.

3) In accordance with the criteria provided for by law, which shall be published in the official announcement, the Government shall review the nominations received with regard to the formal requirements that must be met in order to be a candidate for a judicial position that is to be filled.

4) The six-week period for submitting election proposals shall commence with the official announcement by the government of the results of the examination of the election proposals submitted.

5) If the election proposals for candidates for judges are submitted with the number of votes prescribed by law, the government shall

of the judges' selection body, the Diet and the citizens entitled to vote shall be published in the official gazettes together with the announcement of the vacancy and the criteria provided by law for the judges' positions to be filled.

6) Only official ballot papers may be used for the election. Separate ballot papers are to be used for the various election proposals.

IV. Section

Convening of the Diet

Art. 87

Admissibility and procedure

1) Parliament shall be convened immediately upon the justified written request of at least 1,000 persons entitled to vote or upon the concurring resolutions of municipal assemblies of at least three municipalities (Art. 48 par. 3 of the Constitution).

2) The provisions on initiative petitions shall apply in addition to the realization of this petition.

3) The Government shall submit the request to the President of the Diet for approval.

4) If Parliament is dissolved, a new election shall be called without delay in accordance with the Constitution, and Parliament shall then be convened.

5) If Parliament is adjourned or closed, it shall also be convened immediately by the President or the Government.

V. Title

Penalty provisions

Art. 88

Offenses

1) The provisions of this Article shall apply to elections and voting on public matters provided for in this Act.

2) The district court shall punish with imprisonment for a term not exceeding six months or with a fine not exceeding 360 daily rates for misdemeanor who intentionally:

a) Retrieved

b) Retrieved

c) Retrieved

d) Retrieved

e) Retrieved

f) Retrieved

g) places a signature other than his own under a referendum or initiative petition;

h) has placed a signature other than his or her own under an election proposal;

i) unauthorizedly commissions, produces or distributes official ballot papers or ballot papers identical or similar to the official ballot paper or causes this to happen;

(k) Alone or in conjunction with others, frustrates a meeting of voters called for the purpose of hearing canvassers, voting, discussing elections, voting, or other political rights to be exercised under this Act, by trespassing, preventing entry, displacing those present or those conducting the meeting, or by violently resisting the formal orders of the person conducting the meeting.

3) In cases a, b, d and e of the preceding paragraph, the attempt shall also be punishable.

4) Retrieved

5) Retrieved

6) If, as a result of a criminal act, the election or vote is null and void, the guilty party may also be ordered by the court to compensate the state for expenses incurred as a result of the null and void election or vote, insofar as they have become useless.

Art. 89 Infringement

Anyone who carries out election or voting agitation in the polling station or at its direct access points shall be punished by the regional court for an infringement with a fine of up to 5,000 francs, or in the event of non-collection with a custodial sentence of up to one month, unless the offence specified in Art. 88 applies.

Art. 90 Administrative offences

A head of a municipality who, on the basis of the Municipal Act, at the request of one sixth of the citizens entitled to vote, fails to convene a municipal assembly within 14 days for the purpose of exercising the right of referendum, initiative, appointment or dismissal, or who fails to have the official ballot papers delivered to those entitled to vote in due time before an election or vote, or who refuses to certify the signature sheets (Art. 69 para. 2) may, on complaint by a person entitled to vote or ex officio, be cautioned by the government and, if necessary, be fined up to 1,000 francs.

VI. Title Final Provisions

Art. 91 Implementation

1) The Government shall issue by ordinance the regulations necessary for the proper conduct of elections and votes.

2) It is authorized to introduce forms where it deems it expedient.

Art. 91a Delegation of business

The Government may, by decree, exercise the powers conferred upon it by Articles 24, 26, 32, 36, 39, 40, 42, 43,
44, 45, 46, 47, 69, 71, 76, 76a, 77 para. 4 and 78 to an official body for independent handling, subject to appeal to the collegial government. The appeal period shall be 14 days from the date of service of the respective order or decision.

Art. 92 Repeal of older regulations

With the entry into force of this Act are repealed:

a) the Act of August 31, 1922, concerning the exercise of the people's political rights in provincial matters, LGBl. 1922 No. 28; subject to the following article;

b) the announcement of May 1, 1931, LGBl. 1931 No. 5;

c) the law of 18 January 1939 on the introduction of proportional representation, LGBl. 1939 No. 4;

d) the Act of September 30, 1947, amending the provisions on the conduct of municipal elections and voting in municipal matters, LGBl. 1947 No. 54;

e) the law on the repeal of the law of 13 July 1930 on the amendment of the law on the exercise of the political rights of the people in land matters, LGBl. 1947 No. 56;

f) the Act of February 25, 1958, LGBl. 1958 No. 2;

g) the announcement of May 30, 1962, LGBl. 1962 No. 17;

h) Articles 1 to 4 of the Act of November 14, 1969, LGBl. 1969 No. 48.

Art. 93

Retrieved

Art. 94 Entry into force

This Act shall enter into force on the day of its promulgation.

Art. 95

Referendum

This legislative decree is issued on the basis of Art. 30 para. 1 subpara. a of the Act on the Exercise of the People's Political Rights in National Matters of the Republic of Austria.

August 31, 1922 subject to popular vote.

The Government, having taken note of the report on the result of the referendum of October 12-14, 1973, according to which:

Number of eligible voters 4528 Ballots

received 3330

Adopters are 1705

Rejecting are 1349

Invalid votes 125

Blank votes 151 resolves:

the referendum bill on the law concerning the exercise of the people's political rights in national affairs is declared accepted by the people.

XXXIV. Currency Treaty between the Principality of Liechtenstein

and the Swiss Confederation concluded in

Berne on June 19, 1980 Entry into force:

November 25, 1981

His Serene Highness the Reigning Prince von und zu Liechtenstein and

the Swiss Federal Council,

in appreciation of the fact that the Principality of Liechtenstein has legally adopted the Swiss franc as its currency, desiring to ensure uniform protection of the Swiss franc in both States and to establish closer monetary cooperation, have appointed as their Plenipotentiaries:

His Serene Highness the Governing Prince von und zu Liechtenstein Mr. Deputy Head of Government Dr. Walter Kieber,

The Swiss Federal Council

Ambassador Dr. Emanuel Diez,

Head of the Directorate of International Law of the Federal Department of Foreign Affairs,

Having mutually disclosed their powers of attorney found in good and due form, have agreed as follows:

Art. 1

Regulations applicable in Liechtenstein

1) All Swiss legal and administrative provisions in force at the time of the entry into force of this Agreement and in force during the term of this Agreement shall apply in the Principality of Liechtenstein if they concern monetary, credit and currency policy within the meaning of the National Bank Act or the protection of Swiss coins and banknotes, or if their application in the Principality of Liechtenstein is otherwise required by the performance of this Agreement.

2) If the application of the provisions applicable pursuant to paragraph 1 results in unacceptable hardship for the Principality of Liechtenstein due to the difference in circumstances, the Liechtenstein and Swiss authorities entrusted with the execution of this Agreement shall take them into account by means of special agreements.

3) The provisions in force in the Principality of Liechtenstein from the entry into force of this contract

Swiss legal provisions are listed in the Annex to this Treaty. Additions and amendments to the Annex shall be communicated by the Swiss Federal Council to the Government of the Principality of Liechtenstein, which in turn shall ensure their publication. If the Government of the Principality of Liechtenstein objects to the inclusion of a Swiss legal provision in the Annex, Articles 13 and 14 shall apply.

4) The National Bank reports amendments and additions to the administrative regulations to the Government of the Principality of Liechtenstein.

Art. 2 Liechtenstein

Monetary Sovereignty

1) Liechtenstein's currency sovereignty remains unaffected.

2) The Principality of Liechtenstein shall not issue its own banknotes for the duration of this Agreement. The Government of the Principality of Liechtenstein may, however, issue coins in Swiss franc currency in agreement with the Federal Department of Finance.

Art. 3

Powers of the National Bank

1) Subject to paragraphs 3 and 4, the National Bank shall exercise the same powers in relation to banks and other persons and companies in the Principality of Liechtenstein as it does in Switzerland on the basis of the provisions applicable pursuant to Art. 1.

2) The National Bank shall inform the Government of the Principality of Liechtenstein without delay of all investigative acts, recommendations and orders vis-à-vis banks as well as other persons and companies in the Principality of Liechtenstein.

3) In order to ascertain facts on the spot at persons and companies in the Principality of Liechtenstein which are subject to the provisions of Art. 1, the National Bank shall entrust the audit offices required by banking law or other Liechtenstein or Swiss audit companies with special audit assignments. If special circumstances of time or fact justify it, the National Bank may carry out the investigation itself, in which case it shall call in a representative appointed by the Government of the Principality of Liechtenstein. The National Bank shall in any case inform the Government of the Principality of Liechtenstein of the results of the on-site investigations.

4) If, in proceedings against persons and companies in the Principality of

Liechtenstein which are subject to the provisions of Article 1, the National Bank shall submit a request to the Government of the Principality of Liechtenstein for the taking of evidence at the premises of third persons or companies in the Principality of Liechtenstein, such as the questioning of persons providing information or the examination of witnesses. The Government shall conduct the taking of evidence in accordance with Liechtenstein law, to which end it shall invite a representative of the National Bank.

5) Banks and other persons and companies in the Principality of Liechtenstein may appeal to the Federal Supreme Court against rulings of the National Bank insofar as they are affected.

6) The costs of proceedings and investigations shall be borne by the National Bank insofar as they cannot be imposed on the banks or other persons and companies.

Art. 4

Secrecy

The National Bank shall maintain secrecy regarding reports, documents and information received from banks or other persons and companies in the Principality of Liechtenstein, as well as regarding findings made during on-site inspections.

Art. 5

Enforcement of administrative decisions and administrative assistance

1) The competent authorities of the Principality of Liechtenstein shall, at the request of the National Bank, enforce final orders of the National Bank and judgments of the Federal Supreme Court which have been issued on the basis of the provisions in force in the administrative procedure pursuant to Art. 1.

2) If, in the course of administrative proceedings by the National Bank against persons and companies in Switzerland which are subject to the provisions of Article 1, acts of investigation are to be carried out at the premises of third persons or companies in the Principality of Liechtenstein, the Government of the Principality of Liechtenstein shall provide administrative assistance. The provisions of Art. 3 para. 4 shall apply mutatis mutandis.

3) The representative appointed by the Government of the Principality of Liechtenstein, whom the National Bank is required to consult pursuant to Art. 3 para. 3, shall assist the National Bank in establishing the facts of the case by using the coercive means of Liechtenstein law if necessary.

Art. 6

Prosecution and assessment of criminal acts

1) Offences against the provisions applicable according to Art. 1 shall be prosecuted by the Liechtenstein Public Prosecutor's Office and judged in the first instance by the Princely District Court and in the second instance by the Princely Supreme Court. The jurisdiction of the Federal Criminal Court is reserved insofar as it is given according to the regulations applicable in the Principality of Liechtenstein pursuant to Art. 1.

2) At the request of the National Bank or upon transfer of jurisdiction, the Liechtenstein Office of the Public Prosecutor shall initiate the criminal proceedings.

3) Judgments and discontinuation orders shall be served on the National Bank and the Federal Prosecutor in full and free of charge. The Federal Prosecutor shall have the right of appeal permitted under Liechtenstein law.

4) The Federal Public Prosecutor shall lodge his appeal in writing with the authority competent to receive the judgment or discontinuation order under Liechtenstein law within 10 days of service of the judgment or discontinuation order. In oral proceedings, he may delegate representation to special agents.

5) An appeal for annulment against decisions of the Princely Supreme Court may be lodged with the Court of Cassation of the Federal Supreme Court. The Federal Public Prosecutor is also entitled to file an appeal for annulment.

Art. 7

Legal assistance in criminal matters

The Liechtenstein and Swiss authorities responsible for prosecuting and judging offences against the provisions applicable in accordance with Article 1 shall be mutually entitled and obliged to provide mutual assistance in accordance with the provisions applicable between the authorities within Switzerland; the legislation of the Contracting States on extradition shall remain reserved.

Art. 8

Execution of criminal sentences and pardons

1) The authorities of the other State shall also be competent to enforce final criminal judgments in respect of offences committed in one of the two Contracting States against the provisions in force under Article 1, if enforcement can actually be effected in that State.

2) The right of pardon shall be vested in the sentencing State.

Art. 9

Principle of equal treatment

1) Banks and other persons and companies domiciled or having their registered office in the Principality of Liechtenstein shall enjoy the same legal status with regard to the Swiss legislation referred to in Art. 1 as banks, persons and companies domiciled or having their registered office in Switzerland.

2) Legal entities and companies domiciled in the Principality of Liechtenstein which are controlled by persons or companies outside the Principality of Liechtenstein or Switzerland and which do not maintain a permanent establishment in either of the two states shall be treated in the same way as legal entities and companies domiciled in Switzerland to which the above conditions apply.

3) Bills of exchange, checks and debt securities on debtors in the Principality of Liechtenstein shall be treated by the National Bank as equivalent to bills of exchange, checks and debt securities on debtors in Switzerland. The same applies to the issuance of public bonds by Liechtenstein debtors.

4) Treasury bonds and debt securities of the Principality of Liechtenstein shall be treated in the same way as Treasury bonds and debt securities of the Swiss Confederation.

Art. 10

Reporting by banks to the National Bank

1) The banks in the Principality of Liechtenstein provide the National Bank with the information required for the conduct of monetary, credit and currency policy and for banking statistics in the same manner as Swiss banks.

2) In the published statistics, the data of Liechtenstein banks are not shown separately.

Art. 11

Traffic between authorities

Communication between the Liechtenstein and Swiss authorities entrusted with the implementation of this Treaty shall be direct and without recourse to diplomatic channels.

Art. 12

Information and consultation

The Government of the Principality of Liechtenstein and the Governing Board of the National Bank shall inform and consult each other as necessary.

Art. 13 Joint Commission

1) The two Contracting States shall appoint a Joint Commission to deal with questions relating to the interpretation or application of the Treaty.

2) The Commission shall consist of three Liechtenstein and three Swiss members who may be accompanied by experts. The Government of each of the two Contracting States shall appoint a member of its delegation to chair the Commission. Each chairman of the delegation may convene a meeting of the Commission by request to the chairman of the other delegation, which meeting must take place at his request at the latest within one month after receipt of this request.

Art. 14

Arbitration

1) If a difference of opinion concerning the interpretation or application of this Treaty cannot be settled in accordance with Article 13, it shall, at the request of one of the Contracting States, be submitted to arbitration.

2) The arbitral tribunal shall be constituted on a case-by-case basis by the appointment by each of the Contracting States of one member and the agreement by both members of the national of a third State to be appointed by the governments of the two Contracting States as chairman. The members shall be appointed within two months, and the umpire within three months, after one Contracting State has notified the other that it wishes to submit the dispute to arbitration.

3) If the time limits mentioned in paragraph 2 are not observed, any of the Contracting States may, in the absence of any other agreement, request the President of the European Court of Human Rights to make the necessary appointments. If the President has the Liechtenstein or the Swiss nationality or if he is from

is prevented for any other reason, the Vice-President shall make the appointment. If the Vice-President is also a citizen of Liechtenstein or Switzerland, or if he is also prevented from attending, the member of the Court next in rank who is not a citizen of Liechtenstein or Switzerland shall make the appointment.

4) The arbitral tribunal shall decide by majority vote on the basis of the treaties existing between the two contracting parties and of general international law.

Its decisions shall be binding. Each of the Contracting States shall bear the costs of the arbitral tribunal appointed by it and of its representation in the proceedings before the arbitral tribunal; the costs of the chairman and other costs shall be borne equally by the two Contracting States. In all other respects the arbitral tribunal shall regulate its own proceedings.

5) The courts of the two Contracting States shall, at the request of the arbitral tribunal, afford it legal assistance with regard to the summoning and examination of witnesses and experts.

Art. 15

Termination and resignation

1) Each Contracting State shall have the right to terminate this Agreement by giving six months' written notice to the end of a calendar year.

2) The Principality of Liechtenstein shall have the right to withdraw from this treaty within one month after the enactment of new Swiss regulations applicable according to Art. 1 by making a declaration through diplomatic channels. Such a declaration shall have no retroactive effect.

Art. 16

Ratification and entry into force

1) This treaty is to be ratified and the instruments of ratification are to be exchanged in Bern as soon as possible.

2) This Treaty shall enter into force on the thirtieth day after the exchange of the instruments of ratification.

3) Upon the entry into force of this Agreement, all conflicting agreements between the two Contracting States shall be repealed, in particular the following

In particular, the exchange of notes of May 15/July 19, 1973, concerning measures in the field of money and capital markets and credit.

In witness whereof, the plenipotentiaries of the two Contracting States have signed this Treaty.

Done at Bern, June 19, 1980, in two originals in the German language.